CHAPTER 20
National Strategy: Building Capability for the Long-Haul

Chris Hornbarger[1]

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

- The Constitution of the United States of America, Article IV, Section 4

The National Commission on Terrorist Attacks upon the United States released its final report on July 22, 2004. The report arrived at a pivotal time. One thousand and forty-five days after 9/11, America seemed to have settled into a wary acceptance of continuous threat, according to some, or a dangerous complacency, according to others. One hundred and thirty-three days after a terrorist bombing in Madrid turned a national election, and only one hundred and three days before our own presidential election, issues of national security divided the body politic more dramatically than at any other time since the Vietnam War. And just ten days after the report's release, the Department of Homeland Security, citing information "chilling in its scope, in its detail, in its breadth," raised the national threat level from yellow to orange.[2] According to

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[1] This article is Chapter 20 of Russ Howard, Joanne Moore, and James Forest, eds. *Homeland Security and Terrorism: Readings and Interpretations* (New York: McGraw-Hill, 2006). The views expressed herein are those of the author and do not purport to reflect the position of the United States Military Academy, the Department of the Army, or the Department of Defense.

[2] Background briefing by senior intelligence officials, Office of the Press Secretary, Department of Homeland Security, August 1, 2004, at http://www.dhs.gov/dhspublic. Since the President issued Homeland Security Presidential Directive-3 (HSPD-3) establishing the Homeland Security Advisory System on March 12, 2002, the United States has raised its national threat level from yellow to orange six times: (1) from September 10 to 24, 2002—around the first anniversary of the 9/11 attacks; (2) from February 7 to 27, 2003—to coincide with the end of the Hajj, an important Muslim religious period; (3) from March 17, 2003 to April 16, 2003—in conjunction with the U.S. invasion of Iraq; (4) from May 20 to 30, 2003—in the wake of terrorist bombings in Saudi Arabia and Morocco; (5) from December 21, 2003 to January 9, 2004—in conjunction with increased terrorist "chatter" over the holiday period; and (6) from

officials at the time, the terrorist threat against the United States was at its highest level since 9/11.[3]

Fear was the pervasive undercurrent of the last election. President Bush warned we have much to fear, yet offered an upbeat assessment of homeland security efforts to date.[4] Senator Kerry charged the president with exploiting fear, yet said we have done too little, too slowly, and need a new homeland security strategy that takes bolder steps.[5] Against this backdrop, a variety of experts, panels and critics have highlighted America's continued vulnerability to attack, with a few sounding dire warnings that disaster is imminent.[6]

After more than three years without a major attack on our soil, has national homeland security policy been effective? Or are we merely biding time? Have our national leaders charted a prudent and balanced course between security, liberty, and

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August 1, 2004 to present – for the financial services sector in New York and Washington (the first time an orange alert was confined to a specific region and economic sector), as a result of specific, credible intelligence.

[3] Johnston, David and Jehl, Douglas, "CIA Sends Terror Experts to Tell Small Towns of Risk," in *The New York Times*, July 18, 2004.

[4] In addition to President Bush's public statements, the administration has released several documents which aim to comprehensively articulate the White House's assessment of national homeland security efforts, including *Progress Report on the Global War on Terrorism*, September 2003; and *President George W. Bush: A Remarkable Record of Achievement*, August 2004; see www.whitehouse.gov.

[5] See www.johnkerry.com/issues/homeland_security.

[6] In addition to the *9/11 Commission Final Report*, recent assessments include Stephen Flynn, *America the Vulnerable: How our Government is Failing to Protect Us from Terrorism* (New York: Harper Collins Publishers), 2004; and, to some extent, Richard A. Clarke, *Against all Enemies: Inside America's War on Terror* (New York: Free Press), 2004. A series of both positive and negative assessments, prepared by the Republican and Democratic members, respectively, of the House Select Committee on Homeland Security, can be accessed through the House of Representatives website. Less recent assessments include Michael O'Hanlon, Peter Orszag, Ivo Daalder, I.M. Destler, David Gunter, James Lindsay, Robert Litan, and James Steinberg, *Protecting the American Homeland: One Year On* (Washington, D.C.: Brookings Institution Press), 2002; Gary Hart and Warren B. Rudman, *America: Still Unprepared, Still in Danger* (New York: Council on Foreign Relations Press, Inc.), 2002; and the two most recent reports of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (the Gilmore Commission), *Implementing the National Strategy* and *Forging America's New Normalcy: Securing Our Homeland, Preserving our Liberty* (Arlington, VA: The Rand Corporation), 2002 and 2003 respectively. Several other documents evaluate the performance of the Department of Homeland Security in particular, including The Century Foundation, *The Department of Homeland Security's First Year: A Report Card* (New York: The Century Foundation), 2004. These assessments of homeland security policy are outnumbered by the recent series of works offering critical assessments of the Bush administration's foreign and national security policies (including Clarke, *Against all Enemies* and Anonymous, *Imperial Hubris* (Washington, D.C.: Brassey's, Inc.), 2004, among many others. These latter works, while relevant, are outside the scope of this chapter.

other national priorities? Or has official Washington gradually reverted to business-as-usual, with policy bounded by the perceived realm of the politically feasible rather than the urgent demands of the threat?

The 9/11 Commission reviewed millions of pages of documents—many highly classified—and interviewed senior officials from the current and previous administrations, including both presidents.[7] Their report paints a remarkably complete and detailed picture, and is as close as the Nation will ever get to a definitive account of what went wrong prior to 9/11. But on the whole, the Commission's recommendations are unsurprising, if not anti-climactic. Almost all have precedent in existing policy. What is most remarkable about the report's forty-one recommendations, particularly the twenty-eight which concern the homeland security policy area, is the degree to which they build on—rather than depart from—the policies of the last three years.[8]

National homeland security policy since 9/11 has properly focused on "first things first." The *National Strategy for Homeland Security (NSHS),* in concert with other national policies and strategies, has provided meaningful direction and coherence to the broad range of federal, state, local and private sector activities essential to homeland security.[9] The *Strategy*, with the Department of Homeland Security (DHS) at its center,

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[7] National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report* (New York: W.W. Norton & Company), 2004, p. xv.

[8] See Appendix B for a summary of the 9/11 Commission recommendations. Views differ on which issues fall in the "homeland security" policy area and which in the "national security" policy area, or indeed whether such a distinction is artificial and problematic. I address that issue later in this chapter. My count of twenty-eight includes recommendations 13 to 41, and is based on the practical standard of which issues, as of today, the HSC (as established in the Homeland Security Act of 2002) coordinates, and which issues the NSC (as established in the National Security Act of 1947) coordinates. It is important to note, however, that many of these issues (for example, terrorism financing, terrorist travel, and intelligence) straddle the charters and membership of both councils, and both councils play a coordinating role.

[9] The *National Strategy for Homeland Security* was the first in a series of complementary strategies developed in tandem and released by the White House after 9/11. Members of the NSC and HSC staffs coordinated the basic architecture of how these strategies would fit together in the autumn and winter of 2001. The other strategies are, in order of release, the *National Security Strategy of the United States*, September 2002; the *National Strategy to Combat Weapons of Mass Destruction*, December 2002; the *National Strategy for Combating Terrorism*, February 2003; the *National Strategy for the Physical Protection of Critical Infrastructures and Key Assets*, February 2003; and the *National Strategy to Secure Cyberspace*, February 2003. Several additional strategies, developed by lead agencies and coordinated with the White House and other relevant agencies, establish or articulate national policy – for example the *National Money Laundering Strategy*, 2003; and the classified *National Military Strategic Plan for the War on Terrorism*, October 2002. For a general description of how these strategies fit together as a coherent whole, see the *National Strategy for Homeland Security*, p. 5. In addition, the President has issued twelve Homeland Security Presidential Directives (HSPDs) to implement or build upon various elements of these

has for the first time clarified the "lines of business" for homeland security, thus beginning the urgent and complex task of aligning authority, responsibility, and resources to accomplish critical missions. In so doing, the *NSHS* has accomplished what all successful strategies must: articulate ends (the *Strategy* identifies three); identify means (the *Strategy* provides an approach for allocating finite resources against an almost limitless array of vulnerabilities); and, most importantly, connect ends and means with ways (the *Strategy* provides a blueprint for creating the institutional capacity to protect the homeland over the long-term). The first national strategy for homeland security has served the Nation well, creating a foundation for the concerted, long-term effort to build a resilient homeland.

By the time this volume goes to print, Americans will have chosen a President to serve for the next four years, and the Nation will have its best opportunity since 9/11 to dispassionately assess what we have and have not accomplished in homeland security, to adjust course, and to chart a way forward. We have made significant progress, but tough work lies ahead. DHS remains a work in progress. Deep reform of the intelligence community will take years. And persistent areas of systemic vulnerability still demand improvement on an urgent basis. Having successfully tackled "first things first," the Nation needs an updated homeland security strategy to focus the national effort on the next steps.

This chapter draws five major conclusions. First, the magnitude of uncertainty in homeland security distinguishes it from other security and risk-management challenges. National strategy and policy must systematically reduce the uncertainty of three key variables—threat, vulnerability, and capability—and account for the relationships among them. Pursuing this is impossible without first building institutions, relationships and processes that did not exist on 9/11. Second, distinguishing between the concepts of homeland security and national security has been a practical necessity for "phase one" of the war on terrorism. The President and Nation will be best served in the future by a single strategy that integrates national security and homeland security policy, developed by separate but well-coordinated National Security Council (NSC) and Homeland Security Council (HSC) staffs. Third, the *NSHS* and related policies reflect the best concepts of good strategy. Fourth, this strategy provides a sound framework for the entire range of critical homeland security activities, not just those performed by DHS. And fifth, results of national homeland security policy so far have been generally positive, with certain exceptions that the nation and the next administration should address in an updated national strategy.

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strategies, and has, from time to time, used major speeches to make significant statements of policy or launch major initiatives. For a chronological listing of significant presidential homeland security policy documents since 9/11, see Appendix A.

The Strategic Challenge of Homeland Security

"Greater is our terror of the unknown." – Titus Livius, Roman Historian

There is considerable risk in publishing the view that the national homeland security policies of the last three years have focused on the right priorities. But doing so is no more or less risky than the practical decisions that policymakers have had to make every day since 9/11. Officials have had little to go on. Lacking scarce intelligence about where, when, or how our terrorist adversaries may seek to strike (or even who and how numerous our adversaries are); faced with a limitless array of targets to protect; armed with few serious quantitative models (and no comprehensive models) to assess the systemic vulnerabilities of our critical infrastructures; and absent precious little objective data to determine whether the marginal cost of any particular security investment exceeds the marginal benefit, national policymakers have relied primarily on judgment and common sense. Homeland security—like raising and maintaining a military, preparing for natural disasters, exploring space, or ensuring aviation safety—is about managing risk. But homeland security, unlike these otherwise comparable challenges, involves much greater uncertainty.

Patrick Lagadec and Erwan Michel-Kerjan, in their paper examining the impact of the 2001 anthrax attacks, highlight how the uncertainty of terrorist risk differs in an important way from other risks, such as natural hazards or technological failure: "Since attackers will adapt their strategy as a function of their resources and their knowledge of the vulnerability of the entity they are attacking, the risk is thus the equilibrium resulting from a complex mix of strategies and counterstrategies developed by a range of stakeholders. The nature of the risk changes over time and it is continuously evolving, which leads to dynamic uncertainty. This dynamic uncertainty also makes efforts to quantitatively model the risk more challenging."[10]

A closely related challenge is that of risk-shifting: "the implications of the displacement of terrorist attack risk to less-fortified targets when security is improved at a particular target . . . [setting] terrorism risk apart from other natural catastrophe

[10] Patrick Lagadec and Erwan Michel-Kerjan, *A Framework for Senior Executives to Meet the Challenge of Interdependent Critical Networks Under Threat: The Paris Initiative, "Anthrax and Beyond," (draft)* (Philadelphia, PA: Center for Risk Management and Decision Processes – The Wharton School of the University of Pennsylvania), 2004, p. 7, accessible at http://grace.wharton.upenn.edu/risk.

risks."[11] Theoretically, risk-shifting occurs in any interaction between opposing strategic actors. As a practical matter, the nature of catastrophic terrorism and the enormous breadth and depth of vulnerability inherent to a free society, means that risk-shifting is a significantly tougher problem today than it ever was during the great power competitions that have characterized the international security environment since the birth of the modern nation state in 1648.[12]

Dynamic uncertainty and risk-shifting in homeland security are intuitively obvious, but their significance is often overlooked.[13] Policy thinkers have been inclined to draw analogies between the challenge of homeland security and other familiar problems, rather than assess the challenge on its own terms. Stephen Flynn, one of the best known experts in the homeland security field, argues that we should model our homeland security efforts after the decades-old pursuit of perfect safety in civil aviation: accept some level of residual risk; fully integrate safety into all aspects of operations; and allow the government a role in providing incentives and disincentives for compliance.[14] James Steinberg, former Deputy National Security Advisor to President Clinton, has likened homeland security to fighting crime: the perpetrators are unknown, the targets frequently opportunistic, and the goal is zero crime even though eliminating crime is impossible.[15] The White House has also relied on analogy, likening the war on terrorism to the Cold War, and citing the National Security Act of 1947 to justify the need for the Homeland Security Act of 2002.[16]

These analogies are useful to a degree, but have important limitations when applied to homeland security. Aviation safety (vs. aviation security) is primarily a discipline of known risks: specific hazards, well-understood contributing factors, a distinct operational environment, and comprehensive statistical data that provides the actuarial risk of nearly every conceivable event as well as the marginal costs and

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[11] RAND Center for Terrorism Risk Management Policy, *Publication and Research: Terrorism Risk Management Theory and Policy (website)*, at http://www.rand.org/multi/ctrmp/pubs/theory.html, 2004.

[12] A growing body of scholarship is beginning to describe the theoretical contours of a fundamentally new international system. See Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (New York: Atlantic Monthly Press), 2003.

[13] The *National Strategy for Homeland Security* incorporates the notion of dynamic uncertainty on page 2 (in the paragraph entitled "Reduce America's Vulnerability") and in the chapter entitled "Threat and Vulnerability," pp. 7-10.

[14] Stephen Flynn, *America the Vulnerable: How our Government is Failing to Protect us from Terrorism* (New York: Harper Collins Publishers), 2004, pp. 60-64.

[15] James B. Steinberg, "Necessary Priorities for Homeland Security: Framing a Comprehensive Strategy" in *Planning to Win: A Report on Homeland Security* (Aspen, CO: Aspen Strategy Group), 2002, pp. 24-25.

[16] George W. Bush, *The Department of Homeland Security* (Washington, D.C.: The White House), 2004, pp. 6-7.

benefits of specific safety measures.[17] Criminals and terrorists are motivated and deterred by very different factors, and crime (in all its varieties) occurs often enough to allow meaningful statistical analysis of trends and countermeasures.[18] Finally, while the threats of the Cold War and catastrophic terrorism have posed similar imperatives for reorganization of our security institutions, the threats are as different as they are alike. We had no doubt about the Soviet Union's identity, and we could measure its capabilities, confront and communicate with it directly, deter its actions with the credible threat of nuclear annihilation, and develop sophisticated warning systems to detect unambiguous signs of impending attack. Analogies disguise the significance of uncertainty in homeland security policy.

Homeland security's fundamental strategic question is: how does the Nation make rational, reasonably objective choices about where, how thoroughly, and how fast to build specific capabilities and mitigate specific vulnerabilities, given that we cannot possibly build all needed capabilities and mitigate all vulnerabilities, everywhere, to one hundred percent, at the same time? Simply stated, homeland security policy amounts to setting priorities. On this point, nearly every study, review and task force report agree. The point on which they do not agree, and which few address, is how to accomplish this.

To set homeland security priorities systematically, we must reduce to a practical minimum the uncertainty of three key variables—threat, vulnerability, and capability—and understand and account for the relationship among them:

- Understanding the threat requires, at a minimum, "institutionalizing imagination" (in the words of the 9/11 Commission), which includes activities such as net assessment, modeling, and red-teaming—a technique in which the U.S. government would create a team that plays the role of the terrorists in terms of identifying vulnerabilities and planning attacks; rapid sharing and analysis of

[17] See the websites of the National Transportation Safety Board, which tracks aviation incidents for the Department of Transportation, and the National Response Center, which tracks hazardous material incidents for the U.S. Coast Guard. See http://www.ntsb.gov/aviation/Stats.htm, and http://www.nrc.uscg.mil/stats.html respectively.

[18] Since the mid-1990s, the New York City Police Department's primary strategic management tool to predict and prevent crime, Compstat, has relied on extensive crime statistics, updated weekly, from across the city's precincts. The Compstat model has been adopted by many police departments nationwide. For a glimpse at the richness of crime data, see the Bureau of Justice Statistics website at http://www.ojp.gov/bjs/welcome.html.

massive volumes of information ("connecting the dots"); and collecting, producing, and disseminating high-quality tactical intelligence.[19]

- Prioritizing vulnerabilities requires, at a minimum, comprehensive and scientific assessment of the Nation's critical infrastructure and assets in a holistic way that cuts across sectors and agency boundaries.

- Building and maintaining capabilities (such as border security, emergency preparedness, or biodefense) requires, at a minimum, a disciplined requirements process, a uniform account structure, a programming and budgeting system that shows exactly where homeland security dollars are going, and objective criteria for measuring outcomes.

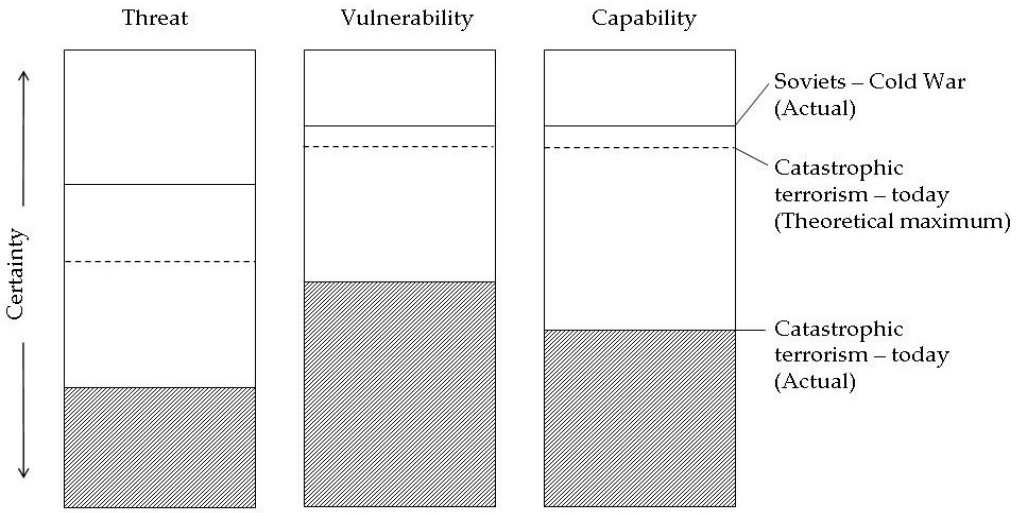
- Accounting for the dynamic relationship of threat, vulnerability, and capability requires a coherent and comprehensive strategic framework and process that synthesizes the above.[20]

A crude illustration may be useful. The following diagram depicts the three key variables of threat, vulnerability, and capability. The y-axis represents the degree of certainty with regards to each variable (in other words, the extent of our knowledge about and understanding of each variable), and the chart depicts notional levels of certainty (for the Soviet threat during the Cold War, and for the threat or catastrophic terrorism today) in each of the three variables.

[19] See 9/11 Commission, pp. 344-348, for discussion of the "institutionalization of imagination."

[20] For a cogent description of this requirement, see Center for Strategic and International Studies, *Meeting the Challenges of Establishing a New Department of Homeland Security: A CSIS White Paper* (Washington, DC: CSIS), 2002, pp. 6-7.

Figure 1. Degree of Certainty – Soviet Threat vs. Terrorist Threat



By its nature, the terrorist threat today entails greater uncertainty (in terms of our ability to know and understand) than the Soviet threat during the Cold War. To assess the Soviet threat, the United States built formidable intelligence capabilities – human intelligence (HUMINT), image intelligence (IMINT), signals intelligence (SIGINT), and so forth – well-suited to the threat they were built to understand and analyze. We had reasonable success pinpointing Soviet divisions and missile silos, assessing weapons capabilities and unit morale, obtaining plans and sometimes discerning intentions. We also developed institutions such as the RAND Corporation, and sophisticated analytic models and branches of thought such as game-theory, to predict what the Soviets would do in all variety of circumstances and scenarios. We have no comparable institutional or academic effort underway with regards to terrorism. To be sure, we were taken by surprise many times during the Cold War – the Cuban missile crisis is a prominent example. But that crisis speaks as much about the *effectiveness* of our capabilities to detect the Soviet-era threat – locate it, understand it, and take action to defuse it – as it does about the *limitations* of those capabilities. By comparison, our current capabilities to discern the terrorist threat are not nearly as effective, relevant, or useful.

Our ability to assess our own vulnerability to terrorism fares better, but once again involves greater uncertainty than the Soviet threat. During the Cold War, the United States was able to triage our own vulnerabilities in much the same way we triaged the Soviets'. We knew which cities, industrial sites and missile silos they would prioritize as targets. We could reasonably estimate how our armored divisions would stack up against their armored divisions. The Cold War (force on force; red vs. blue) lent itself to complex but nonetheless straightforward methods of assessing our own vulnerabilities.

On the basis of such assessments, we were able to make well-informed decisions about what capabilities to build: Army divisions that capitalized on mobility vs. mass, B2 bombers that could evade radar, command and control systems (such as a GPS satellite network) to support a battle doctrine of continuous, synchronized air, land, and sea operations. In short, we knew what our vulnerabilities were, but more importantly, we could reasonably predict which vulnerabilities our enemy would seek to exploit, and plan accordingly. Today, we can make no such reasonable prediction. We can assess the vulnerability of a chemical plant, or a port, or an aircraft, and figure out how to make each of them less vulnerable. But we have little to no capacity for assessing the vulnerabilities of all our chemical plans, ports, aircraft, and countless other targets, and figure out how to make this national target set, as a whole, less vulnerable, rather than simply diverting terrorist plans, and shifting the risk, from target to target, sector to sector.

Lastly, we developed during the Cold War a reasonable proficiency at assessing our own capabilities to deal with both threat and vulnerability. To use my own profession as an example, the U.S. Army developed objective standards to determine whether an armor battalion was proficient and trained to conduct a deliberate attack, or whether it was not. We had a fair base of institutional experience on which to build these standards. We developed means (the National Training Center, lasers to simulate bullets in our weapons systems) to assess whether a battalion had met these standards. And with each new war, each new training event, each new weapon fielded, we adjusted and updated our standards. Most other national security institutions of the day developed similar methods to gauge their readiness to perform. But today, many if not most of the key institutions critical to homeland security have no comparable ability to determine whether they are meeting appropriate objective standards of proficiency or success (commonly referred to as "performance measures"). Some institutions (the Transportation Security Agency) are simply too new. Some institutions (the Customs Service, the FBI) have been measuring their success for decades against different metrics (number of shipments inspected, tons of drugs seized, number of successful prosecutions). And some institutions (FEMA; the Los Angeles Police Department; the National Disaster Medical System) are fortunately hampered by the problem that certain events (such as a mass-casualty bioterrorism attacks) don't occur often enough to provide sufficient real-world experience from which to develop and refine benchmarks.

Finally, the dynamic relationship between each of these three variables, as discussed previously, is significantly more fluid than it was in the Cold War. Terrorists have far more flexibility than the Soviets to adjust their plans in response to their assessment of our vulnerabilities and capabilities.

The model above is simplistic. But it also usefully highlights another key point: we should attempt to define the theoretical maximum of certainty achievable in each of these three variables; and we should focus our efforts on raising our level of certainty – block by block, program by program – to this theoretical maximum. This is a decidedly unglamorous and workmanlike foundation for a national homeland security strategy, but it is useful. It is a relevant, indeed essential, question to ask how the Nation can systematically increase the level of certainty in assessing the threat, our vulnerability to the threat, and our capabilities for assessing both threat and vulnerability.

Raising the bar in each of these areas is a tough task. It is also impossible to achieve without institutions and processes designed for the job. Such institutions and processes did not exist, or were woefully inadequate, on 9/11.[21] Nonetheless, many continue to assert that the historic reorganization endeavored since has been a distraction from "real" improvement in homeland security.[22] That argument only holds water in the short-term. Real improvement over the long-haul cannot be pursued meaningfully without the right structures. That is not to say that organization and process are sufficient for building capability—it is only to say that they are essential. Richard Clarke, Counterterrorism Coordinator for both President Clinton and (until October 8, 2001) for President Bush—along with many others—are right to warn that past attempts to reorganize or create government agencies include unfulfilled promises and failure.[23] But past efforts also include important success stories, including the Department of Defense (DoD) and the other entities created by the National Security Act of 1947 (such as the Joint Chiefs of Staff, the Air Force, the Central Intelligence Agency, and the National Security Agency), NASA, the Centers for Disease Control (CDC), the Federal Emergency Management Agency (FEMA), the National Science Foundation, and the Defense Advanced Research Projects Agency (DARPA)—all of which are relevant to homeland security.[24]

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[21] A variety of sources provide good overviews of the gaps and shortcomings in government homeland security capabilities prior to 9/11. Of note: chapters three, six and eleven of the *9/11 Commission Report*; Bush, *The Department of Homeland Security*; Ashton B. Carter and John P. White, ed., *Keeping the Edge: Managing Defense for the Future* (Cambridge, MA: The MIT Press), 2000, particularly chapter one; United States Commission on National Security/21st Century (the Hart-Rudman Commission), *Road Map for National Security: Imperative for Change* (Alexandria, VA: U.S. Commission on National Security/21st Century, 2001), as well as the study addendum; and Richard A. Falkenrath, Robert D. Newman, and Bradley A. Thayer, *America's Achilles' Heel: Nuclear, Biological, and Chemical Terrorism and Covert Attack* (Cambridge, MA: The MIT Press, 1998).

[22] For the starkest version of this argument, see Clarke, *Against All Enemies*, p. 249.

[23] *Ibid.*

[24] With the exception of the agencies created by the National Security Act and FEMA, these examples are drawn primarily from Paul Light, *Government's Greatest Achievements: From Civil Rights to Homeland Security* (Washington, DC: The Brookings Institution), 2002, pp. 62-164. To be fair, in other writings

National Security vs. Homeland Security

"Understanding your business and acting within the disciplines of consent [are] the first imperatives for democratic leadership."[25] *– Arthur Schlesinger, Jr.*

So far, this chapter has implicitly incorporated the idea that national security and homeland security are distinct, albeit closely related policy areas. The prevalent view is that this distinction is artificial and problematic for two primary reasons. First, the distinction is conceptually (or to use military parlance, doctrinally) unsound. Second, the distinction fundamentally hinders effective integration of our combined national efforts to defeat terrorism and protect the homeland. On their face, these arguments have some intrinsic merit. So why did the President divide duties between two separate coordinating councils, and publish separate national strategies for homeland security and national security?

As many have noted, our adversaries don't respect international boundaries, let alone how those boundaries affect the manner with which U.S. law may apply to their actions. Some, such as former Director for Central Intelligence John Deutch, as well as 9/11 Commission Executive Director Phil Zelikow, have argued that distinguishing between homeland security and national security is an artificial luxury that only the United States can contemplate, and that doing so complicates the already difficult task of interagency coordination.[26] The 9/11 Commission has cited the existence of a separate policy coordination council within the White House as one factor complicating unity of effort across the foreign-domestic divide.[27] Critics such as Stephen Flynn argue that treating homeland security as a separate policy area has reinforced the already

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Light has drawn careful distinctions between these examples and DHS, but the history of government organization provides examples of both success and failure that are relevant to homeland security and the creation of DHS.

[25] Arthur Schlesinger, Jr., "Democracy and Leadership," from *The Cycles of American History* (Boston: Houghton Mifflin Company), p. 430.

[26] See John Deutch, Arnold Kanter, Brent Scowcroft, with Chris Hornbarger, "Strengthening the National Security Interagency Process," in Carter, White, *Keeping the Edge*, p.268-9, and Philip Zelikow in Brookings Institution. "Homeland Security: The White House Plan Explained and Examined" (A Brookings Institution forum with Richard A. Falkenrath, James B. Steinberg, Ruth A. David, Michael E. O'Hanlon, Peter R. Orszag, and Philip Zelikow), September 4, 2002, http://www.brookings.edu/comm/events/20020904homeland.htm.

[27] National Commission on Terrorist Attacks, pp. 400-403.

problematic foreign-domestic breach in security affairs.[28] And Antulio Echeverria and Bert Tussing, in a monograph published by the Army War College, go so far as to assert that the establishment of DHS has in fact *created* a division of responsibility in which the Department of Defense (DoD) focuses primarily beyond the nation's borders, (although most security scholars accept that DoD's outward focus was firmly entrenched long before DHS with roots dating back to Southern Reconstruction and *posse comitatus*).[29] Each of these arguments asserts that our defenses, like our enemies, should be united, and not bifurcated. The boldest formulation of this argument, and the point at which it begins to bear real utility, contends that distinguishing between homeland security and national security hinders priority-setting—which is more important to the Nation: $3.1 billion for port and container security, or $3.1 billion for a squadron of twenty-four F-22 fighters? With two separate coordinating councils, how does one even pose, let along answer, such a fundamental question?

Most of these arguments assert that the NSC staff should subsume the HSC staff, and that our concepts of national security should broaden to include the domestic efforts which have proven so important in the aftermath of 9/11. A revised NSC would be responsible for the full breadth of policy demanded by the terrorist threat, and would run a more streamlined interagency coordination mechanism ensuring a better lash-up of homeland and national security policy. Such a streamlined council would conceivably be capable of generating a single, coherent national security strategy that encompasses our overseas and domestic actions in an integrated plan that "attack[s] terrorists and their organizations; prevent[s] the continued growth of Islamic terrorism; and protect[s] against and prepare[s] for terrorist attacks."[30] Reinforcing this view is the complaint that in the months following 9/11, department and agency officials at many levels spent too much valuable time in hastily convened, haphazardly organized interagency meetings of the newly-formed Office of Homeland Security (OHS).[31]

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[28] Flynn, p.51.

[29] Antulio J. Echevarria II and Bert B. Tussing, "From 'Defending Forward' to a 'Global Defense-in-Depth:' Globalization and Homeland Security" (Carlisle, PA: Strategic Studies Institute), 2003, p. 10.

[30] 9/11 Commission, p. 363.

[31] There is some confusion between the terms Office of Homeland Security (OHS) and Homeland Security Council (HSC). President Bush, using his maximum legal authority, established OHS and HSC by *Executive Order 13228 of October 8, 2001 — Establishing the Office of Homeland Security and the Homeland Security Council*. The order created an office (OHS) within the Executive Office of the President, headed by an Assistant to the President for Homeland Security (commonly referred to as the Homeland Security Advisor) to coordinate homeland security policy in much the same manner that NSC coordinates national security policy. The President appointed Tom Ridge as the first Homeland Security Advisor. Because the government lacked real capability for key homeland security tasks, Executive Order 13228 arguably gave OHS numerous responsibilities normally the province of agencies subject to direct congressional oversight. While White House Counsel drew a careful legal line (and successfully

In the months following 9/11, distinguishing between national security and homeland security was a practical necessity. The executive branch's policy coordinating structure had to immediately tackle two urgent priorities: first, successfully prosecute an offensive war on Al Qaeda; and second, begin the monumental work necessary to secure the homeland. Each of these priorities was of singular importance, and each represented an extraordinarily difficult undertaking. Just as importantly, each involved very different policy challenges and tools.

National security primarily involves a single constitutional jurisdiction (outside the sovereign territory of the United States); homeland security intersects directly with more than 87,000 federal, state, local, and tribal jurisdictions. The President's Constitutionally enumerated powers in the national security arena are his most formidable (even considering Congress' rarely exercised but exclusive power to declare war); the President's powers in the domestic arena are among the most circumscribed of chief executives of democratic governments.[32] National security policy aims to

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defended its interpretation in federal court) to ensure that the Office of Homeland Security would restrict its activities to advising the President and coordinating policy (hence retaining the prerogative of executive privilege), the Office's level of coordination in some areas, by necessity, extended down to very detailed, specific levels. *Executive Order 13228* also created a council (the HSC) consisting of the President; the Vice President; the Attorney General; the Secretaries of the Treasury, Defense, Health and Human Services, Transportation; the Directors of FEMA, FBI, and CIA; and the Homeland Security Advisor. The order also provided that certain high-level members of the President's and Vice President's staffs (such as the White House Chief of Staff and the National Security Advisor) could attend HSC meetings, and other officials would be invited to attend as appropriate: the Secretaries of State, Agriculture, Interior, Energy, Labor, Commerce, and Veterans Affairs; the Administrator of the EPA; certain high-level Presidential advisors; and other officials as necessary. Prior to the President's June 6, 2002, proposal to create DHS, there were a growing number in Congress who advocated ensconcing OHS in statute, both to give OHS real authority (particularly budget authority), and to strengthen Congressional oversight. The President's proposal for DHS shifted the vast majority of OHS' "operational" responsibilities to a department, led by a Senate-confirmed Secretary, and subject to Congressional oversight, leaving OHS with the White House staff's appropriate role to advise the President and coordinate policy across agencies. Nonetheless, the effort to codify OHS in statute, and make it a quasi-independent entity similar to the Office of Management and Budget, persisted. Thus, during the legislative process, the President's staff worked with the Congress to incorporate a provision in the Homeland Security Act (Title IX) that would ensconce the HSC in statute, but, using language analogous to that used in the National Security Act of 1947, would give the President and future Presidents broad latitude in structuring the staff that would support the HSC. After the President signed the Homeland Security Act into law on November 25, 2002, the OHS, mirroring the long-standing practice of the NSC staff, began referring to itself as the HSC staff. As with the NSC, the term HSC is now frequently used to refer to both the council itself, and the staff that supports it. While the Homeland Security Advisor, the HSC staff, and most others no longer refer to the "Office of Homeland Security," the President has issued no order or directive abolishing the term.

[32] The fact that the President's powers are weaker than those enjoyed by the chief executives of most other democratic countries is by Constitutional design, and reflects the founding fathers' concern that a

proactively create and seize opportunities; the goal of homeland security policy is primarily to deny opportunities to our adversaries. And even in the infrequent circumstance that national security policy *directly* impacts the daily lives of Americans' (for example, base realignment and closure), it does so to a far less tangible degree than nearly all homeland security policies, which touch almost every aspect of American life: from obtaining a driver's license to electronically transferring funds; from boarding an airplane to attending a baseball game.

In the views of many, these distinctions only tend to deepen the foreign-domestic seam that complicates national security policy. But the foreign-domestic seam is not primarily a geographic divide, but a legal one. The Constitutional and statutory authorities that enable the executive to act so decisively outside our borders are very different than the authorities that tend to constrain the executive within our borders. The legal protections afforded to citizens and non-citizens alike within the United States change dramatically outside the United States. This is not an artificial, doctrinal distinction, but an inherent characteristic of sovereignty, and an essential feature of a system of government devoted to guaranteeing the liberty of its citizens.

Finally, national security policy is the responsibility of a "huddle" of key agencies. The National Security Act of 1947 established the President's war "huddle:" the Vice President, the Secretary of State, and the Secretary of Defense, advised by the Director of Central Intelligence and the Chairman of the Joint Chiefs of Staff.[33] Each of these officials and the agencies they lead has a primary (or only) mission of security and clear lines of statutory authority and responsibility: in particular, the Secretary of State for foreign affairs, and the Secretary of Defense for waging war. This tight organization and crisp delineation of authority and responsibility is a key ingredient to the President's ability to execute foreign and national security policy with the "unity … decision, activity, secrecy, and dispatch" which our founding fathers deemed essential.[34]

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unitary executive would replicate the tyranny of the British monarchy – a concern that remains strong in American political culture. American's apprehension about combining foreign and domestic intelligence is remarkable when compared to our closest allies, both politically and culturally (Great Britain, Canada, and Australia), which all have organizations which either combine foreign or domestic intelligence into a single ministry (Canada and Australia), or which are devoted to domestic intelligence (Great Britain's MI-5).

[33] United States Congress, *Public Law 235-61 Stat. 496; U.S.C. 402: the National Security Act of 1947,* as amended in 1949, 1953, 1958, and 1986 (Washington, D.C.: U.S. Congress, 1947).

[34] Alexander Hamilton, "Federalist Paper No. 70: Concerning the Constitution of the President: The Same Subject Continued in Relation to the Unity of the Executive, with an Examination of the Project of an Executive Council," in David Wootton, editor, *The Essential Federalist and Anti-Federalist Papers* (Indianapolis, IN: Hackett Publishing Company, Inc.), 2003, p. 277.

Homeland security involves a far more diverse collection of agencies, with overlapping authorities, and with primary or important missions other than security. Prior to 9/11, eleven of fourteen cabinet departments (State, Treasury, Defense, Justice, Interior, Agriculture, Commerce, Health and Human Services, Transportation, Energy, and Veterans Affairs), plus a host of independent and subordinate agencies (for example, CIA, the Environmental Protection Agency, and the Federal Emergency Management Agency) bore substantial responsibility for key aspects of homeland security.[35] Eleven responsible cabinet departments is *not* a recipe for unity, decision, activity or dispatch.[36]

Encumbering the NSC and its staff with corralling, coordinating, and reforming this array, while simultaneously waging the offensive effort overseas would have been ineffective at best, and foolhardy at worst. By appointing Tom Ridge as the first Homeland Security Advisor, the President created an official directly accountable to him on the important homeland security issues, allowing his National Security Advisor to focus the policy machinery of the NSC on toppling the Taliban and decimating al Qaeda while continuing to deal with top-priority national security issues like counterproliferation, Russia, China, and North Korea. It would not have made sense for the President to dilute the focus of his National Security Advisor and NSC staff by forcing them to assume responsibility for the enormous homeland security "to do list." It would not have made sense for the President to ask the National Security Advisor to simultaneously oversee the near-doubling of her staff; expand and restructure the counterterrorism coordinator's office and create subordinate offices devoted to border security, biosecurity, and emergency preparedness; and become embroiled in the domestic politics that are inseparable from the homeland security challenge.[37]

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[35] Bush, *The Department of Homeland Security* (Washington, DC: The White House), June 6, 2004, p. 9

[36] For students of military strategy, consider Clausewitz's famous dictum that the maximum number of maneuver elements a commander can effectively control in combat is five. No military commander could imagine commanding eleven subordinate maneuver elements, notwithstanding the fact that a commander's relative power over his units far exceeds the President's power over his Cabinet and bureaucracy. For proof of this point, turn to Richard Neustadt's classic treatise, *Presidential Power and the Modern Presidents*.

[37] It is interesting to consider that Tom Ridge is perhaps the first Assistant to the President who was a nationally-recognized politician (indeed, considered a likely pick for Vice President) when he joined the White House staff. Many factors likely affected the President's selection of Ridge, but among them was probably the notion that a former Congressman and Governor was appropriate given the extraordinary degree to which homeland security policy intersects with domestic policy. Ridge, a national political figure, could also serve the role of reassuring the American public, which had never before been the job of Presidential advisors, but which was consistent with the substantial "operational" responsibilities the President assigned to Ridge in Executive Order 13228. Moreover, Ridge could theoretically use his stature to act with implicit authority, given that Presidential staff rarely have any formal authority, to

This is not to say the NSC staff was not already in the business of homeland security. The 9/11 Commission report aptly outlines the steps the Clinton Administration took to address the issue—establishing a Coordinator for Counterterrorism (Clarke) with staff in the NSC, increasing funding for homeland security priorities, and creating an interagency Counterterrorism Security Group (CSG) of the top counterterrorism officials across the agencies to continuously evaluate day-to-day threats and actively manage the government's response.[38] The Clinton NSC also promulgated and actively coordinated implementation of a series of well-regarded and reasonably comprehensive Presidential Decision Directives (PDDs) that greatly clarified U.S. counterterrorism policy (PDD-39), established procedures for dealing with unconventional threats (PDD-62), created a framework and organizations (including novel partnerships with the private sector) to coordinate protection of the Nation's critical infrastructure (PDD-63), and established procedures to ensure the continuity of government in the wake of a catastrophic attack (PDD-67).[39]

But in spite of these steps, the homeland security effort before and after 9/11 remained balkanized and largely incoherent. The task was simply too big, the diffusion of responsibility too broad, and the bureaucratic inertia too great for a small office within the White House to coordinate its entirety. Clarke disagrees: "I believed that adept White House coordination and leadership could get the many agencies all working on components of a consistent overall program."[40] But as the 9/11 Commission notes, years of aggressive and forceful coordination by the NSC staff were not sufficient to overcome agency resistance, nor convince the NSC principals to take steps more dramatic than those taken.[41]

Consider the following, which highlights the difference in the President's powers in the national security and homeland security arenas. The President was able to lead America into war with Iraq largely on the basis of his own powers, yet he had no

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coordinate the activities of the executive branch on an equal footing with the President's Cabinet. It is useful to evaluate the President's selection of Ridge through the lens of Neustadt's thesis in *Presidential Power*.

[38] President Bush maintained the Counterterrorism Security Group (CSG) in *National Security Presidential Directive-1 (NSPD-1),* though he adjusted its responsibilities and added a supervisory layer between himself and the CSG. The CSG convenes via video-teleconference at least once a day, and meets at least once a week.

[39] William Jefferson Clinton, *Presidential Decision Directive-39 (PDD-39): U.S. Policy on Counterterrorism*. (Washington, DC: The White House, June 21, 1995); *PDD-62: Protection Against Unconventional Threats to the Homeland and Americans Overseas (unclassified extract)* (May 22, 1998); *PDD-63: Critical Infrastructure Protection* (May 22, 1998); *PDD-67: Enduring Constitutional Government and Continuity of Government*. (October 21, 1998).

[40] Clarke, p. 249.

[41] National Commission on Terrorist Attacks upon the United States, p. 213.

inherent authority as Chief Executive to reorganize the unitary executive branch he leads in the wake of 9/11. Should the National Security Advisor been embroiled in the debate about civil service reform and collective bargaining rights for federal workers, not to mention Alaskan fisheries and FEMA's ability to deliver aid after floods—issues over which the President and the Congress clashed and negotiated during the legislative process to create DHS? Should the NSC staff have extended their habitual working relationships with the armed services and intelligence committees of the Congress to include the twenty-six committees and sixty-two subcommittees which claimed some jurisdiction over the DHS proposal?[42]

Aaron Wildavsky, in his 1966 article entitled "The Two Presidencies," incisively highlights the significance of the President's relatively diminished importance in domestic affairs: "The President's normal problem with domestic policy is to get congressional support for the programs he prefers. In foreign affairs, in contrast, he can almost always get support for policies that he believes will protect the nation – but his problem is to find a viable policy."[43] Wildavsky goes on to note that "it takes great crises … for Presidents to succeed in controlling domestic policy."[44] While 9-11 certainly qualifies as a great crisis, the challenge in the homeland security policy area is to effect policy to *prevent* crisis, not respond to it. Wildavsky's analysis (dated but still valid) demonstrates that the President's domestic policy proposals are more than twice as likely to fail in Congress as his defense policy proposals. This is the political reality of the homeland security policy area.

Contrast the President's domestic powers with those of his neighbor, the Canadian Prime Minister. The day he assumed office, Prime Minister Paul Martin used his authority as head of government, without Parliament's consideration or approval, to create a powerful new Ministry of Public Safety and Emergency Preparedness, modeled in part on DHS, that subsumed under a single roof Canada's justice ministry, intelligence agency, the Royal Canadian Mountain Police, a new consolidated border security agency, and Canada's agency for infrastructure protection and emergency preparedness.[45] The President's power to set domestic policy is far more constrained than his ability to set foreign policy, and far less substantial than the power wielded by leaders of other democratic nations. Encumbering the NSC with the homeland security

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[42] Bush, *The Department of Homeland Security*, p. 9.

[43] Aaron Wildavsky, "The Two Presidencies," *Trans-Action*, Vol. 4, No. 2 (December 1966), in Aaron Wildavsky, ed., *Perspectives on the Presidency* (Boston, MA: Little, Brown and Co.), 1975, p.448.

[44] *Ibid*., pp. 448-9.

[45] Paul Martin, *Press Release—Changing Government: Prime Minister Announces Appointment of Cabinet* (Ottawa, Ontario, Canada: Canada Privy Council Office, December 12, 2003), http://www1.pm.gc.ca/eng/news.asp?id=2

challenge in the wake of 9/11 would have failed to recognize the relative dominance of the Congress and the relative weakness of the presidency in domestic affairs, and would have necessarily caused the NSC to become substantially involved in an enormous range of tangentially related domestic policy issues. Passing the Homeland Security Act took a Republican gain in a bitterly contested mid-term Congressional election, and all of the institutional and rhetorical muscle of the presidency; invading Afghanistan or Iraq did not.[46]

Another line of argument asserts that by merging national security and homeland security policy into a single discipline, agencies with long-standing core competencies in national security would then assume key responsibilities currently carried out by "civilian" agencies. Several have proposed shifting responsibility for border security to DoD—which, after all, has primary responsibility for defending our sovereign territory and is proficient in using an economy of force to defend vast stretches of terrain. This argument misses key issues that distinguish a homeland security mission (border management) from a national security mission (defense of territory). Should DoD be responsible for working with the auto industry to develop a public-private partnership to expedite and increase supply-chain predictability of high-volume, low-risk shipments of auto parts across the Ambassador Bridge from Ontario to Michigan?[47] Should DoD embroil itself in the government's process to allocate federal highway funds to ensure that cross-border transportation infrastructure projects address the dual imperatives of security and facilitating an ever-increasing volume of travel and trade? Should DoD train soldiers to man inspection booths, pop trunks, and make arrests in Laredo? Should DoD be responsible for developing immigration policy in coordination with the Departments of State, Justice, and Homeland Security? DoD

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[46] The second volume of Henry Kissinger's biography provides a vivid illustration of the substantial difference between the President's domestic and foreign policy powers. On page 1,124, Kissinger asserts that President Nixon, distracted by the Watergate scandal and sapped of credibility and potency in domestic affairs, increasingly turned to foreign policy, both in the Middle East and with China, to bolster his presidency. Nixon was able to effectively exercise the presidency's foreign policy powers, even though he was crippled domestically.

[47] Examples include programs which DHS' Bureau of Customs and Border Protection administers, including the Customs-Trade Partnership on Terrorism (C-TPAT), which provides incentives to companies to improve their supply-chain security from point of origin to destination, and the Free and Secure Trade (FAST) program, an initiative developed by the United States and Canada as part of the U.S.-Canada Smart Border Declaration and Action Plan, and subsequently expanded to the U.S-Mexican border. FAST requires participating corporations to adopt supply-chain security measures, subject their truck drivers to background checks by DHS and the Canadian Border Security Agency (CBSA), and electronically transmit their shipping manifests to the Bureau of Customs and Border Protection (or the CBSA if transiting into Canada). In exchange, FAST shipments are pre-cleared by Customs officials, are subject to a lower rate of random inspection, and the trucks (equipped with transponders) are able to pass across the border without stopping.

has no broad competency in these areas, which would dilute its core competency of conducting military operations. Border management is as much about trade facilitation as it is about security, and is a good example of the difference between homeland security policy issues and national security policy issues. An effective long-term border approach is not to layer security on top an existing structure to facilitate trade, but rather to evolve the structure over time to treat security and facilitation of legitimate flows as two sides of the same coin.[48] That should not be the DoD's job.

On a final note, giving DoD the primacy in homeland security affairs that it enjoys in national security affairs creates the significant risk that DoD (the largest executive agency, with over fifty percent of the government's discretionary budget, powerful protectors in the armed services committees, and a policy apparatus of unparalleled depth and bureaucratic savvy) will use its heft to outmuscle and outmaneuver "domestic" agencies on issues over which those agencies should appropriately be in the lead.

It is ironic that many of the same observers who criticize DHS as a "wire diagram" fix that overemphasizes the value of centralization assume that centralizing security policy coordination under the NSC will improve policy coordination and coherence. Neither the NSC or HSC staffs are "deep"—both include one or two staff members who are expert in their particular area and responsible for the policy issues in their particular portfolio, with peers who are expert in other areas and responsible for other issues. Whether the President has one council or two, he still needs one or two experts on immigration policy, one or two on transportation security, one or two doctors to work biodefense, a handful of "old hands" on incident management, and so forth. Whether the President is served by one council or two, he must organize these experts into offices aligned with key agencies and missions, and these offices must coordinate with counterpart offices throughout the Executive Office of the President. A border directorate in HSC, or a border directorate in NSC, must still coordinate with NSC's regional office for western hemisphere affairs. Finally, the notion that a separate HSC burdens the agencies with unnecessary meetings is not compelling. While the nascent OHS certainly had its growing pains, felt most acutely by those OHS was charged with coordinating, it is inconceivable to imagine a post-9/11 Washington that was *not* host to a flurry of chaotic meetings. Three years after the attacks, NSC and HSC have managed to delineate relatively clear, albeit overlapping lines of policy responsibility, and have established a policy "rhythm" which is predictable, manageable, and effective.

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[48] In this respect, the argument Steve Flynn makes in *America the Vulnerable* (that we should integrate security into the global trading and transportation system like we integrate safety into aviation) is relevant and useful.

Should NSC and HSC merge now? One can make a reasonable case. The burden of interacting with Congress on homeland security issues has shifted from the White House to DHS, and Congress is likely to follow the 9/11 Commission's recommendation to establish a more sensible oversight structure.[49] The argument that two staffs basically require the same number of experts as a single staff also means a single staff would, at worst, face similar coordination challenges and at best have an integrated executive secretary and administrative system to support their work.

These bureaucratic arguments are secondary, however, to the notion that an integrated staff would generate an integrated strategy that sets clear guidance on key strategic tradeoffs. Does preemption mitigate the threat beyond our shores, so there is less imperative to bolster security and possibly erode civil liberties at home; or does preemption create and inflame new adversaries and ultimately exacerbate the threat to the homeland? Does an overly assertive foreign and security policy irritate key allies and partners in a way that makes cooperation on less-visible homeland security issues (such as sharing watchlist data, coordinating visa policy, or aligning laws on wiretapping) more difficult? Should the defense budget allocate fewer resources for protecting military bases so that greater resources can be devoted to protecting the Nation's commercial infrastructure? These are critical questions that national strategy should deal with directly and unambiguously.[50]

Two integrated, well-coordinated strategies can do the job. Indeed criticisms that the current *National Security Strategy* does not adequately address homeland security issues fail to recognize that this is by design. The *National Strategy for Homeland Security* directly addresses these issues, and a small team of NSC and OHS staff worked together in the autumn and winter of 2001 to establish the basic architecture of the two documents, determine their relationship to subordinate strategies like the *National Strategy to Combat Terrorism*, and develop the documents in tandem.[51] That said, two strategies are more likely to get bureaucratically sidetracked onto divergent paths

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[49] National Commission on Terrorist Attacks, p. 421. Since the writing of this chapter, both the House of Representatives and the Senate have passed resolutions restructuring the homeland security and intelligence oversight committees, effective with the convening of the 109th Congress. Senate Resolution 445 changed the Senate Committee on Governmental Affairs to the Senate Committee on Homeland Security and Government Affairs, currently chaired by Senator Susan Collins (R-ME). House Resolution 5 changed the House Select Committee on Homeland Security to the House Committee on Homeland Security, currently chaired by Representative Chris Cox (R-CT).

[50] This point is akin to the argument in Anonymous, *Imperial Hubris: Why the West is Losing the War on Terror* (Washington, D.C.: Brassey's, Inc., 2004). Anonymous also ties homeland security to our policy on Israel and Palestine and our failure to achieve energy self-sufficiency.

[51] Again, see Bush, *National Strategy for Homeland Security*, p. 5 for a description of how the *NSS*, *NSHS*, and subordinate strategies relate to one another.

(which is apt to happen given the preceding discussion of how homeland security and national security differ), and a single strategy is more likely to articulate the critical policy choices and set a clear direction through them.

Thus, the President and Nation are best served by a single, integrated strategy, developed by separate but well-coordinated NSC and HSC staffs which are expert in their respective areas of policy responsibility, and staffed with veterans skilled at wielding the distinct policy tools available to the President for foreign policy, on the one hand, and domestic policy, on the other. Stated differently, a single national strategy will better provide clear policy direction. Separate NSC and HSC staffs will better ensure effective interagency coordination of policy, while ensuring an NSC with an organizational culture consistent with the President's formidable foreign policy powers, and an HSC that is fluent in navigating the complex intersection of homeland security and domestic policy.

What Makes Good Strategy?

"We reject, on the other hand, the artificial definitions [of strategy] of certain writers, since they find no reflection in general usage." *– Carl von Clausewitz*[52]

Strategy is about getting important things done. Good strategy is that which accomplishes well-chosen ends, nothing more. Ultimately, *how* things get done is subordinate to whether they get done or not. That is not to say that the *how* (strategy) doesn't matter—to the contrary, strategy is essential to tackle all complex challenges, and to coordinate the activities of all complex organizations. It is only to say that our concepts of what strategy *is* or *is not* should recognize that the measure of strategy should be its effectiveness at accomplishing the task at hand, not whether it fits a particular definition or another.

Military strategists have criticized the *NSHS* for lacking a unifying strategic concept, such as "containment" for the Cold War, "engagement" for the 1990s, or "shape, respond, prepare" in the 1997 *National Military Strategy*. In this vein, Echevarria and Tussing's Army War College monograph proposes a "global defense-in-depth."[53] Grand strategic concepts like "defense-in-depth" are descriptive, but in fact have provided limited practical guidance to homeland security policymakers who, since 9/11,

[52] Carl von Clausewiz, *On War* (Princeton, NJ: Princeton University Press, 1976), p. 128.
[53] Echevarria and Tussing, p. 3.

have had to make hundreds of individual decisions about which specific capabilities and vulnerabilities should warrant priority attention. The primary factors shaping these concrete decisions have been the criticality of the specific capabilities or vulnerabilities in question; to what extent focusing on them would bear a reasonable prospect of improving our safety; and to what extent focusing on them might divert effort from more important priorities. These decisions have helped set funding priorities, but just as importantly have determined which issues deserve the time-consuming, hands-on interagency coordination of the HSC and HSC staff. Such coordination has been essential to driving progress on critical policy issues such as establishing the Terrorist Threat Integration Center (TTIC, which President Bush proposed in his 2003 State of the Union address and which he recently renamed the National Counterterrorism Center in Executive Order 13354), creating the Terrorist Screening Center (TSC) to integrate terrorist watchlists, developing a comprehensive national biodefense policy including initiatives such as BioShield and BioWatch, creating a new National Response Plan (NRP), and advancing cooperation with Canada and Mexico.

Ironically, under Governor Ridge's leadership (following substantial department and agency opposition to his proposal to consolidate border agencies), the HSC coordinated an interagency effort in the first two months of 2002 to develop a strategy for the "Border of the Future." This effort was entirely consistent with, if not as comprehensive as Echevarria's and Tussing's "defense-in-depth" concept, and supplied much of the substance for the "smart borders" and international initiatives in the *NSHS*.[54] The Administration has made significant progress in advancing these initiatives, and has managed to sustain productive, pragmatic cooperation with allies and partners on a broad range of homeland security issues, in spite of the more visible and better-publicized disagreements over Iraq and the preemption strategy.[55] The United States has implemented "smart border" action plans with Canada and Mexico, reached agreements with more than twenty-five countries to put DHS inspectors in foreign ports, won adoption of transportation security initiatives at three successive G-8 Summits and the Asian Pacific Economic Conference (APEC), and convinced a skeptical European Union to share passenger data on international air travelers. The last three years has demonstrated that while the United States and its allies may differ on key

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[54] *National Strategy for Homeland Security*, pp. 21-23 and 59-61. At the time, Executive Order 13228, establishing the Office of Homeland Security, and Homeland Security Presidential Directive-1 (HSPD-1), entitled "Organization and Operation of the Homeland Security Council," defined the operation of the HSC Deputies Committee.

[55] To some extent, the division of responsibility between the HSC and NSC on international issues has helped maintain this pragmatic undercurrent of homeland security cooperation, though it requires constant and sometimes complicated coordination with the regional bureaus in the NSC and State Department.

issues of international security, including how best to fight terrorism, they recognize and are committed to sustained cooperation on policy issues in the homeland security domain. The Administration has been implementing, in practice if not in name, the "defense in depth" concept.

It is telling to compare the literature on grand strategy, military strategy, domestic policy strategy, and business strategy, and to look at examples of each. The variety and differences are striking. The lesson that emerges from such a comparison is that successful strategies take many forms. Good strategy fits the nature of the problem at hand, provides a vision, states clear objectives, organizes the effort of key actors, effectively harnesses the available resources, and creates synergy, producing a result greater than the sum of these parts. The form strategy takes is entirely subordinate to these qualities, and many forms have been successful. Furthermore, no consensus exists on which work best. Ernest May edited an entire volume of such widely divergent opinions with respect to National Security Council Resolution 68 (NSC-68), which many regard as a classic distillation of grand strategy, and others regard as a "deeply flawed document."[56] Not surprisingly, neither NSC-68, nor George Kennan's famous "Long Telegram," nor Sun Tzu's classic on the art of war, nor the corporate strategies taught at the Harvard Business School bear much resemblance to one another, yet each are famous and widely emulated as effective models.[57] The flexible mind embraces this variety, not rejects it. Bernard Brodie, in a speech at the Naval War College in 1958, captured this point vividly: "I think the so-often-repeated axiom that I quoted a moment ago—'methods change, but principles are unchanging'—has had on the whole an unfortunate influence on strategic thinking, encouraging, as it does, the lazy man's approach to novel problems."[58] In the same speech Brodie notes that history's preeminent military strategist, Carl von Clausewitz, deserves great credit rather than

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[56] May, Ernest, *American Cold War Strategy*: *Interpreting NSC-68* (Boston, MA: Bedford/St. Martin's, 1993), pp. 16-17.

[57] For example, see Robert S. Kaplan and David P. Norton, *The Strategy-Focused Organization: How Balanced Scorecard Companies Thrive in the New Business Environment* (Boston, MA: Harvard Business School Press, 2001). The website of Yale University's Grand Strategy Project captures this range: "Traditionally believed to belong to and best-developed in the politico-military and governmental realms, the concept of grand strategy applies—and [the International Security Studies program] believes is essential—to a broad spectrum of human activities, not least those of international institutions, non-governmental organizations, and private businesses and corporations;" (http://www.yale.edu/iss/grandstrategyproject.html).

[58] Bernard Brodie, "Strategy as an Art and Science" (Newport, RI: Naval War College), September 18, 1958, accessible at http://www.au.af.mil/au/awc/awcgate/theorists/brodie1.htm

criticism for "leaving no 'system' of strategy, no method which can be indoctrinated by teachers and learned by students."[59]

This chapter has argued that the magnitude of uncertainty in homeland security distinguishes it from other security and risk-management challenges, and that homeland security is a distinct policy area. Given the unique nature of the challenge and the unique features of the policy area, and absent a fail-safe model, how should one shape a national homeland security strategy? Perhaps the best approach is that which Richard Neustadt and May suggest succinctly and directly: " . . . for any decision, the first step in analysis should be to take apart and thus define the situation that seems to call for action. . . . Put another way, [our advice] is nothing but an injunction to get the facts straight before acting."[60]

What were the essential facts about homeland security facing the President and his staff in the months following 9/11? This chapter has already touched on most:

- a clear understanding of the importance of the threat, but significant uncertainty and little specific knowledge about its exact nature;

- a clear understanding of the enormous breadth and depth of our vulnerability as an open society, but no way to take a risk-management approach to the whole of our vulnerability;

- a lack of real capacity to address both threat and vulnerability, and just as importantly, the inability to even assess our capacity;

- a recognition that the homeland security policy area is distinct from the national security policy area, and that the policy choices and tools available to the President differ in important ways than those available for foreign policy and national security;

- a recognition that state and local governments, as well as private sector institutions, bear important responsibilities for key activities;

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[59] *Ibid.*

[60] May, Ernest R. and Richard E. Neustadt, *Thinking in Time: The Uses of History for Decision Makers* (New York: The Free Press, 1986), p. 37. The historical method May and Neustadt outline has enormous utility to a solid analysis of the homeland security problem. For example, comparing the "likenesses" and "differences" between homeland security and the analogies discussed in the first section of this chapter is an extremely instructive exercise that underscores the point that analogies disguise the degree of uncertainty in homeland security. Outlining the "known," "uncertain," and "presumed" as May and Neustadt suggest (first as we understood the facts on 9/11, and as we understand them now in the wake of the 9/11 Commission Report), is equally instructive.

- eleven cabinet departments and a score of independent and subordinate agencies with important homeland security responsibilities, none with the primary mission of homeland security, with semi-overlapping statutory authorities, a spotty record of cooperation, and no rational mechanism for distributing resources among them;

- no clear alignment of authority, responsibility, and resources;

- proof, both before and after 9/11, that aggressive coordination from the White House is necessary but not sufficient to coordinate policy and activities across such a broad and diverse variety of agencies; and

- an unmistakable lesson (department and agency opposition to Governor Ridge's January 2002 proposal to consolidate border agencies) that, notwithstanding the President's Constitutional role as head of the unitary executive branch, the President and his staff would not be able to effect bold institutional reform with a transparent, consensus-based, committee approach.[61]

From the perspective of the President and his advisors, these were the straight facts. From them, one other lesson is clear: abstract strategic concepts (containment, détente, engagement, preemption, layered defense) and vivid bumper-sticker phrases ("Germany first, Japan second;" "shape, respond, prepare;" "the best defense is a good offense") might be usefully descriptive but would not be sufficient. The President and the Nation would require a strategy to deal with the preceding facts head-on. Dramatic institutional change would be critical. Regardless of the form the strategy might take, it would need to set a path to accomplish this reform and establish a practical and straight-forward framework within which to organize the national effort.[62]

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[61] Critics who assert that the President proposed DHS purely for political purposes should consider that Governor Ridge and the OHS staff, and perhaps more importantly, the White House Chief of Staff and the Office of the Vice President (who were appropriately and closely monitoring the efforts and growing pains of the nascent OHS), heeded the criticism of the departments and agencies: that the OHS staff was "shooting from the hip" and not thinking *comprehensively enough* about how to organize for homeland security.

[62] That said, several evaluations of the *NSHS* have lauded its conceptual clarity and substantive content. The ANSER Institute for Homeland Security: "the Strategy should be judged against its declared intent, and not against an academic concept of how a strategy should be designed. Does [the *NSHS*] provide a useful framework to understand what must be done, who must do it, and what actions are required to get started? Our judgment is 'Yes.' (Dave McIntyre, *The National Strategy for Homeland Security: Finding the Path among the Trees*, Arlington, VA: ANSER Institute for Homeland Security, July 25, 2002); the Government Accountability Office (GAO): " (GAO, *Combating Terrorism: Evaluation of Selected Characteristics of National Strategies Related to Terrorism*, GAO-04-408T, Washington, D.C.: U.S.

The *National Strategy for Homeland Security* and the Case for DHS

> *It must be considered that there is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things. For the reformer has enemies in all those who profit by the old order, and only lukewarm defenders in all those who would profit by the new.* *~ Niccolo Machiavelli, The Prince*

The *National Strategy for Homeland Security* establishes a practical, straight-forward framework of six critical mission areas:

- Intelligence and Warning (which involves an integrated, government-wide approach to requirements, collection, analysis, production and dissemination of classified and open-source information);

- Border and Transportation Security (which seeks to prevent terrorists and terrorist materiel from entering the country, and seeks to ensure that our border systems and the interconnected transportation network that straddles them can securely and efficiently support the legitimate flow of people and goods);

- Domestic Counterterrorism (which focuses on intelligence and law enforcement efforts to identify terrorists and their supporters, prevent them from carrying out attacks within the United States, and apprehend and prosecute them).

- Protecting Critical Infrastructure and Key Assets (which involves identifying and prioritizing the nation's infrastructure; assessing criticality, consequence, and the connections among infrastructures; evaluating the marginal costs and benefits of

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Government Accountability Office, February 3, 2004); Peter Orszag, former economist in the Clinton Administration: "…as an economist I'm particularly heartened by the general approach in the strategy of weighing costs and benefits. In particular, language like 'it is not practical or possible to eliminate all of the risks.' There will always be some level of risk that cannot be mitigated without the use of unacceptably large expenditures I think is exactly right" (Brookings Institution, "Homeland Security: The White House Plan Explained and Examined," September 4, 2002); Steve Flynn: "The logic underpinning the strategy is laudable," (*Creating the Department of Homeland Security: Rethinking the Ends and Means*, New York: The Century Foundation, 2002); the GAO: "On the whole, the *National Strategy for Homeland Security* and the *National Strategy for the Physical Protection of Critical Infrastructures and Key Assets* address the greatest number of the desirable characteristics [of any effective national strategy]." (GAO-04-408T, February 3, 2004, p.3); Frank Hoffman, in this volume: "The strategy . . . is remarkable compare to typical Beltway policy pronouncements. Unlike most strategic documents, the homeland security strategy goes well beyond platitudes and generalities. It does not shy away from identifying ends, and articulates many steps towards those goals. Even more startling, it talks about priorities."

protection measures; and synthesizing threat and vulnerability to prevent risk-shifting);

- Defending Against Catastrophic Threats (which emphasizes the detection, deterrence, prevention, and management of the consequences of terrorist use of weapons of mass destruction); and

- Emergency Preparedness and Response (which focuses on efforts to minimize the damage and rapidly recover from terrorist attacks which may occur).[63]

Each of these six critical mission areas is a main "line of business" that, like each of the operating divisions in a corporation, generates a distinct "output" critical to homeland security. Corporations attempt to align the cultures, responsibilities (or markets), resources, and outputs of their distinct operating divisions, subsidiaries, or brands to fulfill the corporation's fundamental responsibility of generating profits for its shareholders. Why should the government *not* have to do the same to fulfill its fundamental Constitutional responsibility of providing for the security of its citizens? To use a different term, each of the critical mission areas reflects a homeland security "core competency:" if the country performs all of these missions well, is it doing a good job of providing homeland security? The answer is "yes." If the country performs one of these missions poorly, is it doing a good job? The answer is "no." Defining how government thinks about and organizes for homeland security is not a semantic exercise, but a practical requirement.

Finally, the critical mission areas encompass the full range of homeland security activities, and provide a framework within which every federal homeland security dollar maps into one, and only one, line of business. Accordingly, the Office of Management and Budget (OMB) has organized the account structure of the entire federal budget to fit this framework, establishing for the first time a coherent means of managing homeland security resources. Critics have almost universally failed to appreciate the significance of this seemingly bureaucratic exercise. But anyone who has ever led a complex enterprise will agree that it is essential to know how much money the organization is spending, on what, when, at the expense of what other priorities. On a smaller (though still massive) scale, this is what Secretary McNamara accomplished for the DoD in the 1960's with the Planning, Programming, and Budgeting System (PPBS) that, while often criticized, remains intact and has proven an essential tool for balancing near-term operational requirements with long-term, capital-intensive

[63] Bush, *NSHS*, pp. viii-xii.

research and development. PPBS was essential to DoD's effort during the 1970's and 80's to "offset" Soviet military mass with American technological edge; it remains essential today for waging the war on terrorism while simultaneously transforming the military. OMB's effort to organize the federal budget according to the coherent *NSHS* framework, as a foundation for a disciplined and comprehensive programming and budgeting process in DHS, and as a means to rationalize resources across agency lines, will prove equally significant over time.[64] Table 1 shows recent budgeting activity for each of the six critical mission areas.

Table 1: Federal Homeland Security Funding by National Strategy Mission Area
(Budget authority, in millions of dollars)

Critical Mission Area	2002 Enacted	2002 Supple-mental	2003 Enacted	2003 Supple-mental	2004 Enacted	2005 Request
Intelligence and Warning[1] ……..			125.1	86.0	268.7	474.1
Border and Transportation Security ……			15,170.8	1,859.0	15,322.5	17,074.6
Domestic Counterterrorism ……...			2,509.2	522.6	2,994.1	3,419.8
Protecting Critical Infrastructure & Key Assets ….			12,893.1	388.3	12,571.0	14,060.0
Defending against Catastrophic Threats …….			2,428.4	201.1	2,827.2	3,358.2
Emergency Preparedness and Response ……			3,873.2	2,272.0	7,132.5	8,8802.4
Other ……			118.3	---------	191.1	196.5
Total, Homeland Security Budget Authority …….	20,620[2]	12,264[2]	37,118.2	5,329.0	41,307.1	47,385.7

[1] Figures in the Intelligence and Warning (I&W) critical mission area include only unclassified data. Specific data for many I&W programs and activities remain classified.
[2] Sources: *Fiscal Year 2004 President's Budget Summary Tables*, Table S-5; all other data from *Analytic Perspectives, Budget of the United States Government, Fiscal Year 2005*, pp. 25-39. (The *National Strategy for Homeland Security* established the framework of homeland security critical mission areas in 2002, therefore OMB did not organize homeland security budget data by critical mission area prior to Fiscal Year 2003).

The *NSHS* also includes four "foundations" that cut across the mission areas: law; science and technology; information sharing and systems; and international cooperation. Each of the foundations provides policy options and tools for each mission area, imposes constraints on the policy options in each mission area, and is useful for integrating policy and balancing resources across mission areas. For example, how much is the government spending on homeland security research and development,

[64] Titles VII and VIII of the Homeland Security Act reinforce this resource structure, and mandate a Future Years Homeland Security Program analogous to DoD's Future Years Defense Program.

and which programs across all agencies deserve priority for funding? In the months succeeding 9/11, there was no way to answer that question.

From this straightforward framework a key question emerges: within each mission area, prior to the Homeland Security Act, were culture, authority, responsibility, and resources aligned?[65] The answer is "no" for five out the six critical mission areas: intelligence and warning (as the 9/11 Commission report highlights), border and transportation security, critical infrastructure protection, defending against catastrophic threats, and emergency preparedness and response. One can make the case that the sixth—domestic counterterrorism—suffered from the distinction between foreign and domestic intelligence. As this chapter has argued, the distinction between the two is a Constitutional necessity, and the manner in which we address it is not primarily structural, but a question of carefully tailoring legal authorities to balance the imperatives of security and liberty. The principal *organizational* challenge in the domestic counterterrorism mission area is not how responsibility is divided among federal agencies, but how responsibility is shared between federal, state, and local agencies.

Consider the example of one mission area—border and transportation security. At the time of the 9/11 attacks, five cabinet agencies shared responsibility:

- the Department of State's Bureau of Consular Affairs was responsible for issuing visas (which grant permission to foreign nationals to approach our borders), and was responsible for coordinating immigration policy with the Department of Justice (DOJ);

- the DOJ's Immigration and Naturalization Service (INS) was responsible for granting foreign nationals admission through our borders and for enforcing immigration law (including apprehension and deportation); INS' Border Patrol was responsible for patrolling between ports-of-entry to prevent illegal entry of

[65] A variety of critics and scholars have noted that the President issued the *NSHS after* he proposed DHS, and cite this fact as evidence that the *NSHS* was merely a sales document for the DHS proposal. In fact, a small team in the President's HSC staff, led by Richard Falkenrath (then Special Assistant to the President and Senior Director for Policy and Plans in the HSC; later the Deputy Homeland Security Advisor), developed the framework of the *NSHS* and many of its initiatives prior to beginning work on the DHS proposal, then shifted gears to work on DHS and the Homeland Security Act, and then returned its focus to the *NSHS*. Incidentally, this same team prepared the earlier border consolidation proposal upon which much of the design of BTS was based. That the *NSHS* so thoroughly incorporates the DHS proposal is not an artifact of after-the-fact packaging, but a reflection of the conceptual clarity that ties the strategy and DHS together.

people; and DOJ's Executive Office of Immigration Review was responsible for adjudicating deportations;

- the Department of the Treasury's Customs Service was responsible for controlling the flow of goods across our border, and for patrolling between ports-of-entry to prevent the illegal entry of goods;

- if those goods happened to be food, plants, or animals, the Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) was responsible for preventing illegal entry and safeguarding against disease; and

- the Department of Transportation (DOT) was responsible for the transportation system which straddles our ports-of-entry and connects 54 international airports in the United States' interior with the rest of the world, while DOT's Coast Guard guarded the waters within twelve nautical miles of our borders.

Border and transportation security is perhaps the most dramatic example, but each of the other mission areas suffered, to one degree or another, from a similar diffusion. For example, there was no credible national effort to advance homeland security research and development to protect against catastrophic terrorism (for example, detectors sophisticated enough to detect illicit radiological material but not so sensitive as to "trip" a port-of-entry shutdown every time a truck passes through an inspection lane carrying one of the thousands of industrial or medical devices that legitimately use low-grade radiological material). Such research was not the primary focus of any agency, and a secondary or tertiary focus of multiple agencies.

Ensuring each "line of business" could generate the right "outputs" would require institutional change, and the President's proposal for DHS was the principal vehicle for effecting it. The Department's four major operational directorates (Border and Transportation Security; Information Analysis and Infrastructure Protection; Science and Technology; and Emergency Preparedness and Response) align directly with four of the six critical mission areas cited above.[66] An Undersecretary, appointed by the President, confirmed by the Senate, and equipped with clear statutory authority, heads each directorate. And the President now has a homeland security "huddle"—a manageable number of directly accountable Cabinet officials (enumerated in Title IX of the Homeland Security Act) with responsibility for the critical homeland security functions. Figure 1 provides an overview of this organizational structure.

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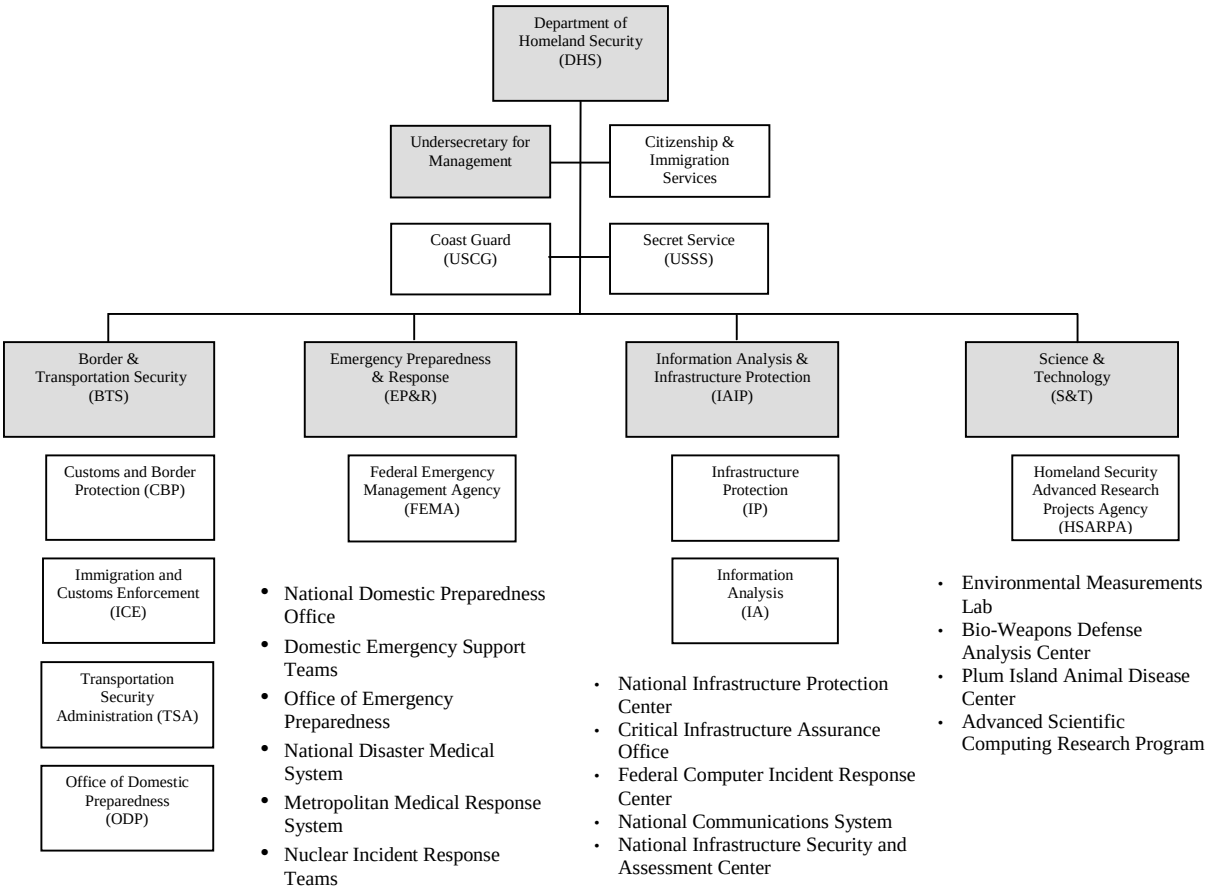
[66] The President's proposal named the Science and Technology bureau "Chemical, Biological, Radiological and Nuclear Terrorism," consistent with the "catastrophic threat" mission area articulated in the *NSHS*. See Bush, *The Department of Homeland Security*, p. 2.

Figure 2: Major Operational Elements of the Department of Homeland Security



Notes:

(1) The broad variety of DHS' subordinate entities means that no single methodology defines the "major operational elements" depicted in this chart. The chart attempts to depict DHS' major subordinate entities, measured loosely in terms of their place within the organizational hierarchy (such as the four major directorates), their size (such as CBP), their status as distinct entities (such as FEMA and the Secret Service), or the unique importance they bear on a particularly important mission (such as the Domestic Emergency Support Teams and entities or programs specifically transferred by name in the Homeland Security Act).

(2) The chart largely depicts the organization of entities as of the effective date of their transfer to DHS – March 1, 2003. Since then, the Secretary of Homeland Security has used his statutory authority to reorganize the Department (a hard-fought provision which almost prevented Senate passage of the Homeland Security Act) and restructure, rename, and transfer these entities between directorates. That said, it is not an easy task to discern the current structure of DHS simply by browsing its website or scanning public documents. This in itself may say something about the speed and effectiveness (or lack thereof) with which DHS has integrated its constituent agencies.

(3) The Nuclear Incident Response Teams (listed under the Emergency Preparedness and Response directorate) remain part of the Department of Energy, but act under the operational control of DHS when deployed.

(4) The Homeland Security Act transferred the Strategic National Stockpile from the Department of Health and Human Services (HHS) to DHS' EP&R directorate, but subsequent legislation has since transferred the Stockpile back to HHS.

(5) Refer to the *Homeland Security Act of 2002* or Bush, *The Department of Homeland Security*, for the departments and agencies from which the entities depicted were transferred.

(6) References: *Homeland Security Act of 2002; DHS Strategic Plan; DHS FY2005 Budget in Brief.*

Thus, DHS does not represent a wire-diagram panacea or a "lesser-but-included" problem of national homeland security strategy. The rationalization and organization of the national homeland security effort into critical mission areas, and the corresponding alignment of resources, responsibility, and authority, establish a foundation for real institutional capacity that would be unachievable otherwise.[67]

The *NSHS* does more than simply provide a rationale for DHS: it includes more than eighty specific initiatives across all of the critical mission areas and foundations. Scholars such as Paul Light have commented on the "laundry list" nature of these initiatives, but again, the measure of strategy is whether it provides meaningful direction for action. The *Strategy's* straightforward framework, its success in providing a case for a Department that would align with that framework, and the substance of its initiatives, have created clear direction for immediate action. Only five-and-a-half months after proposing DHS (about fourteen months after 9/11), the President signed into law a Homeland Security Act that incorporated 90% of that for which he asked.

Compare this to the National Security Act of 1947. President Truman, General Marshall, and others began actively discussing the need for military unification as early as 1943. World War II ended in 1945. The National Security Act, an ungainly compromise among interests bitterly at odds with one another, became law in 1947, and almost immediately needed amendment in 1949 to give the Secretary of Defense real

[67] The former Deputy National Security Advisor to President Clinton, James Steinberg, agrees: "Establishing the necessary priorities for homeland security must flow from a strategic framework that sets out an overall concept and a plan for implementation. . . . The challenge we face is to maintain a balance between meeting the urgent short-term threat while preparing ourselves for a long-term challenge of meeting a constantly changing and dynamic threat," (Aspen Institute, *Planning to Win: A Report on Homeland Security from the Aspen Strategy Group.* June 2002, pp. 32-33) at http://www.aspeninstitute.org/bookdetails.asp?i=55&d=112

authority.[68] Even then, it failed to effectively unify the services, requiring amendment in 1953, 1958, and finally in 1986 with the Goldwater-Nichols Act. In comparison, passage of the Homeland Security Act was lightning-fast, and the degree to which the Act conforms to the President's proposal remarkable.

Undoubtedly, time will show that the President and the Congress got some things wrong, and, as with the National Security Act of 1947, the Homeland Security Act will inevitably require amendment and adjustment. The creation of DHS is significantly more complex than the creation of the DoD a half-century ago. The National Security Act essentially installed a Cabinet secretary and a staff above separate military departments that, to this day, retain their distinct missions, identities, and relative autonomy. By contrast, the creation of DHS involves a far more difficult functional integration.[69] For example, while DHS consolidates border agencies, it separates immigration services (in the Bureau of Citizenship and Immigration Services, in the DHS secretariat), from immigration enforcement (in the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement, both of which report to the Undersecretary for Border and Transportation Security).

Is DHS an unmanageable behemoth, as Clarke and others assert?[70] Perhaps, but assessing the managerial challenge by totaling the DHS budget and counting its employees is grossly misleading.

Just two DHS entities (the Directorate of Border and Transportation Security and the U.S. Coast Guard) account for approximately 58 percent of DHS' total budget authority and 87 percent of its employees.[71] The Directorate of Border and Transportation Security (BTS) controls approximately $15.9 billion of DHS' proposed Fiscal Year 2005 budget of $40.2 billion, and employs approximately 110,000 of DHS' 180,000 employees. But as discussed previously, the case for consolidating border security into a single organization is probably more compelling than the case for any

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[68] See Amy Zegart, Flawed by Design.

[69] Bush, *The Department of Homeland Security*, pp 1-3. See also United States Congress, *Public Law 107-296 – Homeland Security Act of 2002* (Washington, D.C.: U.S. Congress), November 25, 2002. For overviews on the complexity of creating DHS, see Michael E. O'Hanlon, Peter R. Orszag, Ivo H. Daalder, I. M. Destler, David L. Gunter, James M. Lindsay, Robert E. Litan, James B. Steinberg, *Protecting the American Homeland: One Year On*. (Washington, D.C.: Brookings Institution Press), 2002, pp. ix-xxxvii; Ivo H. Daalder, I. M. Destler; Paul C. Light; James M. Lindsay; Robert E. Litan; Michael E. O'Hanlon; Peter R. Orszag, James B. Steinberg, *Assessing the Department of Homeland Security* (Washington, D.C.: Brookings Institution Press) 2002; and Center for Strategic and International Studies, *Meeting the Challenges of Establishing a New Department of Homeland Security: A CSIS White Paper* (Washington, DC: CSIS), 2002.

[70] Clarke, p. 251.

[71] United States Department of Homeland Security. *Budget in Brief: Fiscal Year 2005*. (Washington, D.C.: Department of Homeland Security, 2004), pp. 18-69..

other DHS element. Efforts to consolidate Customs and INS date back to the Hoover Administration.[72] While there are many criticisms of various elements of DHS, critics of border agency consolidation have fallen silent, and the 9/11 Commission Report and other studies embrace BTS' basic organization.[73] The Coast Guard accounts for approximately nineteen percent of DHS' budget and approximately 46,000 employees, but has retained its distinct operational identity, and operates just as effectively under DHS as it did under DOT (just as the U.S. Secret Service operates as effectively under DHS as it did under the Department of the Treasury). If anything, size is to DHS' long-term advantage, because down the road it will allow the Department to reap the benefits of economies of scale (as DoD does) that provide strategic flexibility and adaptability. Critiques of DHS' size are not relevant; critiques of its complexity are.

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[72] President Hoover proposed border consolidation in his 1929 State of the Union Address, and proposed nearly identical plans to Congress in 1930 and 1932. The Customs Service commissioned the McKinsey Company in 1948 to develop a border consolidation proposal. In 1972, President Nixon proposed Government Reorganization Plan #2, which sought to consolidate border responsibility under the Department of the Treasury. In 1973, 1977, 1985 and 1993, the Government Accountability Office issued reports calling on consolidation. In 1974, OMB proposed that Customs exercise single-agency management of the U.S.-Mexico border. In 1977, President Carter's Reorganization Project proposed a single border management agency. In 1981, former Attorney General Griffin Bell proposed transferring the Border Patrol to Customs. In 1983, the presidentially-chartered Grace Commission recommended a single border agency. In 1988, Senate Bill 2205 and House Bill 4230 would have consolidated Customs, INS, and the Coast Guard under the Department of the Treasury. In 1993, President Clinton's National Performance Report issued a report titled "Improved Border Management" called for creation of a single, independent border agency if existing agencies did not effect substantial improvements within two years. Finally, the Hart/Rudman Commission's 2001 report called for creation of a National Homeland Security Agency with sole responsibility for border management.

[73] The degree to which the policy community has accepted the intrinsic merit of border consolidation is remarkable given the near unanimous agency opposition to OHS' January 2002 proposal for a federal border agency. This is similar to the Goldwater-Nichols Act of 1986, which all of the military services vehemently opposed at the time, but which they now tout as a critical step towards achieving jointness. The conventional wisdom is that this is an endemic Washington phenomena which reflects the "parochialism" of self-interested agencies seeking to protect agency equities and turf. However, I judged that there was more than mere parochialism motivating agency opposition to OHS' original border proposal. Rather, departments and agencies rightfully fight for the ability to carry-out their statutory authority. This is what we expect them to do – aggressively ensure they can do their job. Until the Congress changes an agency's statutory role, the agency will understandably fight to protect the authorities and subordinate entities (many of which agencies took the initiative to create) that enable it to fulfill that role. This is why broad institutional change is so difficult to initiate within the executive branch. Not because officials are primarily narrow-minded and turf-conscious, but because good people are doing everything they can to carry out their unique responsibilities, and usually don't have the luxury of time to step back and thoroughly consider the benefits of adjusting or shifting those responsibilities.

Why didn't the President seek reform in the fifth critical mission area—intelligence and warning—mentioned above? The President's proposal and the Homeland Security Act included the Bureau of Information Analysis and Infrastructure Protection (IAIP), intended to integrate threat and vulnerability analysis as discussed in the first section of this chapter. Subsequently, the President established the Terrorist Threat Integration Center (TTIC) to integrate terrorist threat analysis by the CIA, FBI, DoD, and DHS' IAIP. Arguably, seeking more substantial intelligence reform in the Homeland Security Act would have encumbered the proposal, complicated the legislative debate, and put passage of the Act at risk. Perhaps more importantly, pursuing bold intelligence reform while fighting an offensive war on terrorism, and prior to the report of the 9/11 Commission would have been extraordinarily difficult, possibly dangerous. In this case, the short-term requirements to maintain the mission effectiveness of the existing intelligence apparatus rightfully outweighed the long-term need to reform the Intelligence Community. The reform effort is underway now.[74]

Did the President propose DHS to forestall Congressional action (such as S. 1534, the Department of National Homeland Security Act of 2001, submitted by Senator Lieberman on October 11, 2001?)[75] The record seems to say yes, but the question of whether the proposal itself and its timing were motivated solely or primarily by politics seems unfair. Governor Ridge has publicly stated that the President's initial guidance to him gave him free rein to look hard at all areas of government, determine if reorganization or change was necessary, and make recommendations. Ridge wasted no time doing so, proposing the creation of a consolidated border administration while OHS was still building its staff and struggling to develop the four budget priorities outlined in the President's first post-9/11 State of the Union Address.[76] Moreover, the President's proposal was significantly more comprehensive than any previously proposed, including the Hart/Rudman Commission's recommendation to create a National Homeland Security Agency, as well as Senator Lieberman's proposed bill.[77] Lastly, the President's proposal differed from previous proposals by fully shifting

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[74] Since completion of this article, the Congress passed S. 2845, the Intelligence Reform and Terrorism Prevention Act of 2004. The President signed the Act, which became Public Law 108-458, on December 17, 2004.

[75] See Clarke, p. 250. The text of Senator Lieberman's proposed bill, S.1534, the Department of National Homeland Security Act of 2001, is accessible at http://thomas.loc.gov/cgi-bin/query/z?c107:S.1534:

[76] Cite 2002 SOTU, 2003 President's Budget, and *Strengthening the Nation, Security the Homeland,* January 2002.

[77] United States Commission on National Security/21st Century (the Hart-Rudman Commission), Road *Map for National Security: Imperative for Change*. (Alexandria, VA: U.S. Commission on National Security/21st Century), 2001, p. 14-23. In response to the Hart/Rudman final report, Representative Mac Thornberry (R-TX) introduced H.R. 1158, the National Homeland Security Agency Act of 2001, on March 21, 2001, in an attempt to act on the Commission's recommendations.

"operational" responsibilities out of the White House and into a Cabinet department, *strengthening* Congressional oversight. These facts seem to indicate that, while political considerations were likely crucial (for which presidential actions are they not?), policy considerations were equally important.

Has DHS fulfilled its promise? No; and while no active politician is likely to say so, it will still take years before it begins to produce results greater than the sum of the twenty-two disparate agencies it subsumed and the handful of agencies to which it gave birth. DoD has experienced significant growing pains over the years, but the fact that the Nation acted upon the lessons of World War II proved essential to the generation-long Cold War that ensued. While we may never know for sure, the fact that the Nation acted quickly in the wake of 9/11 to create DHS may well prove crucial to facing the challenges ahead. DHS today is only a foundation, but establishing a foundation is necessary to build real capability. It may take five, six, even ten years before DHS is capable of ensuring that our systems for international trade don't grind to a halt in the wake of an attack using weapons of mass destruction. But it may take six, seven, or eleven years before terrorists have the capability to develop and deliver such weapons. That the job will take years is no argument for not starting now. That the job will be difficult and complex is no argument for seeking a softer road.

Results—Is America Safe Enough?

"Do not confuse sécurité, the feeling of having nothing to fear and sûrete—the state of having nothing to fear." –Marguerite-Marie Dubois[78]

The degree to which the 9/11 Commissions recommendations are consistent with, rather than depart from, the framework and policies articulated in the *NSHS* is remarkable (particularly given that the President released the *NSHS* more than two years prior to the 9/11 Report, without the benefit of the exhaustive investigation the Commission conducted). The 9/11 Report implicitly embraces DHS. A recent GAO report concludes that, taken together, the *NSHS* and the *National Strategy for Combating Terrorism (NSCT)* are generally aligned with the 9/11 Commission recommendations, only eight of which are not addressed by either strategy.[79] Two of those eight regard Congress' oversight

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[78] Marguerite-Marie Dubois, *Larousse Modern Dictionary* (Paris: Librarie Larousse, 1960, p. 657, as cited in David Jablonsky, "The State of the National Security State," in *Parameters, Winter 2002-2003* (Carlisle, PA: U.S. Army War College, 2003), p. 17.

[79] United States Government Accountability Office (GAO), *Homeland Security: Observations on the National Strategies Related to Terrorism*, GAO-04-1075T (Washington, D.C.: U.S. Government Accountability Office, September 22, 2004).

structure, a problem the President cited in his DHS proposal but which he identified as the responsibility of the legislative, not the executive branch.[80] Two others concern intelligence restructuring, which, as discussed earlier, the President deliberately opted to postpone—that said, the Commission's report recommends building the National Counterterrorism Center on the foundation of TTIC, the creation of which the President directed in January 2003.

This GAO report only outlines a superficial analysis of which 9/11 Commission recommendations map onto which *NSHS* and *NSCT* recommendations. A more difficult and useful analysis would not only assess the alignment of initiatives published two years apart, but would evaluate the whole of presidential policy and executive branch activity in relationship to each 9/11 recommendation. Such an analysis would reveal that much of what the 9/11 Commission recommends is already underway, and builds on policy developed and promulgated over the last three years.

For example, the 9/11 Commission's fifteenth recommendation calls for an integrated system of screening points, including our transportation system and critical infrastructure.[81] On September 16, 2003, the President issued *Homeland Security Presidential Directive-6 (HSPD-6)*, which established the Terrorist Screening Center (TSC) and directed the Secretary of Homeland Security to develop guidelines to govern the use of terrorist screening information to support State, local, territorial, and tribal screening processes, and private sector screening processes that have a substantial bearing on homeland security. HSPD-6 also directed executive departments and agencies to conduct terrorist screening at "all appropriate opportunities."[82] The President's HSC staff coordinated a companion memorandum of understanding between the Secretary of State, the Attorney General, the Secretary of Homeland Security, and the Director of Central Intelligence, signed the same day, that provided further guidance on accomplishing the directives in *HSPD-6*.[83] Both the policy, and the effort to implement it, were well underway at the time the Commission released its report. Shortly after the 9-11 Commission Report, on August 27, 2004, the President supplemented *HSPD-6* with *HSPD-11 – Comprehensive Terrorist-Related Screening*

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[80] Bush, *The Department of Homeland Security*, p. 9.

[81] National Commission on Terrorist Attacks, p. 387.

[82] Bush, *Homeland Security Presidential Directive-6* (Washington, DC: The White House, September 16, 2003).

[83] The Secretary of State, the Attorney General, the Secretary of Homeland Security, and the Director of Central Intelligence, *Memorandum of Understanding on the Integration and Use of Screening Information to Protect against Terrorism* (unclassified extract) (Washington, DC: The Department of Justice, September 16, 2003).

Procedures, which had been under development prior to the 9-11 Commission report.[84] A second example is the strong tie between the Commission's nineteenth recommendation (prioritizing critical infrastructure protection) and the *National Strategy to Physical Protection of Critical Infrastructure and Key Assets*, released in February 2003, as well as *HSPD-7—Critical Infrastructure Identification, Prioritization, and Protection*, released in December 2003.[85]

Moreover, the GAO analysis only looked at the initiatives in the critical mission area chapters; it did not assess the nearly forty initiatives in the foundation chapters. Had it done so, it would have noted the strong overlap of many more areas of the *NSHS* and the 9/11 Report. For example, the Commission's seventeenth recommendation (international cooperation) relates strongly to the initiatives in the "International Cooperation" chapter of the *NSHS*, as well as the broad range of substantial initiatives achieved through the pragmatic (though not highly visible) international collaboration already outlined in this chapter.[86] Says President Clinton's former Deputy Secretary of Defense, John Hamre, " . . . it is my sense that international collaboration on domestic security issues is a quiet success story."[87]

So is America safe? The Nation has expended enormous effort since 9/11. The United States has a new Cabinet department (DHS), a new military command (U.S. Northern Command), and a host of new institutions (the Transportation Security Administration, the National Counterterrorism Center, the Terrorist Screening Center, and the Homeland Security Advanced Research Projects Agency, to name only a few). Airlines have hardened their cockpit doors and the Transportation Security Administration has put air marshals on every flight. The FBI has changed its mission and hired over a thousand new agents dedicated to counterterrorism. In three successive G-8 summits, the United States has secured agreement on initiatives to ensure international transportation security, counter the proliferation of weapons of mass destruction, and prevent the smuggling and terrorist use of Man Portable Air Defense Systems (MANPADS). The Department of State has substantially tightened the

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[84] Additionally, the Intelligence Reform and Terrorism Prevention Act of 2004 (S.2845, P.L. 108-458), which became law on December 17, 2004, includes Sections 7211 to 7214, giving the federal government the authority to establish minimum national standards for the integrity, security, and data on social security cards, birth certificates, and drivers' licenses. While little attention has been paid to these sections, the Section 7211-7214 provisions will greatly facilitate implementation of both HSPD-6 and HSPD-11 and enable the Terrorist Screening Center to perform its mission.

[85] National Commission on Terrorist Attacks, p. 391, and Bush, *Homeland Security Presidential Directive-7 (HSPD-7) – Critical Infrastructure Identification, Prioritization, and Protection (*Washington, DC: The White House, December 17, 2003).

[86] National Commission on Terrorist Attacks, p. 390.

[87] Hamre, p. 22.

process for obtaining visas. DHS has developed a National Incident Management System to standardize emergency response nationwide, and created a Homeland Security Operations Center linked to the White House, the rest of the executive branch, and all fifty states. The Department of Health and Human Services has bolstered the Strategic National Stockpile, which now contains enough smallpox vaccine for every American. State and local governments have developed new incident management procedures, conducted thousands of training exercises, and spent billions improving their emergency response capabilities. There are countless other concrete examples.[88] America is safer.

But is America safe enough? According to the 9/11 Commission, "it is [not] possible to defeat all terrorist attacks against Americans, every time and everywhere."[89] So, how do we determine how safe is safe enough? According to Steve Flynn, the answer is "something less than ironclad security. What is required is enough security to create a deterrent."[90] This does not seem a practical measure. While it is possible to deter terrorists from executing specific attacks against specific targets, ultimately deterrence is of limited utility against terrorists willing to die in the commission of their acts.[91] Later in the same volume, Flynn argues that "We have done enough when the American people can conclude that a future attack on U.S. soil will be an exceptional event that does not require wholesale changes to how we go about our lives. This means they should be confident that the measures in place are sufficient to confront the danger."[92] In practice, this approach requires that we simply continue to invest in homeland security until it crowds out investment in other priorities the public feels are more important. This likewise seems insufficient, since individual Americans have no real way of objectively assessing our vulnerability, and since Flynn argues throughout the book that Americans are victim to a false sense of confidence. This chapter has offered a more tempered view—the only way to objectively approach the question of "how safe is safe enough" is to develop and execute a strategy that reduces the uncertainty of the threat and improves our ability to assess threats, vulnerabilities, and capabilities, and then effect appropriate action. Rhetorically, perhaps, Flynn is right—but it would be hard to craft policy calibrated on Americans' perceptions of their own safety. That said, a thorough analysis reveals that there is substantial room for improvement.

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[88] Cite Ridge recent testimony; Bush, Presidential Record of Achievement; and most recent CQ Reader.

[89] National Commission on Terrorist Attacks, p. 365.

[90] Flynn, p. 15.

[91] See Russell D. Howard, *Preemptive Military Doctrine: No Other Choice against Transnational, Non-State Actors*, in Daniel J. Kaufman, Jay M. Parker, Patrick V. Howell, and Kimberly C. Field, eds., *Through Alternative Lenses: Current Debates in International Relations* (Boston, MA: McGraw-Hill), 2004.

[92] Flynn, p. 164.

Not a single one of twenty-seven visa-waiver countries met the United States' October 2004 deadline to embed biometric data into machine-readable passports. The United States requires visas of travelers from nineteen countries of which Canada requires no visa, even though U.S. policy allows tens of thousands of people to cross the U.S.-Canada border every day without a passport. DHS has yet to field an improved computer pre-screening system for air passengers. Recently, an internal DOJ report revealed that, as of April 2004, the FBI had not reviewed or translated more than 123,000 hours of audio recordings in languages associated with terrorists. While it has made progress, the TSC has yet to fully integrate terrorist watchlists maintained by several federal agencies. There is no international system to track lost and stolen passports. States continue to issue driver's licenses and other "breeder" documents which meet no independent scientific standards of security and integrity.[93] Last year, a power outage across the northeastern United States revealed that localized attacks can cascade across fragile, interdependent infrastructures, at enormous economic cost. The failure to find weapons of mass destruction in Iraq has raised questions about the CIA, while long-standing cultural differences continue to inhibit information sharing and cooperation between the CIA and the FBI. And the Congress is only just beginning the task of restructuring the intelligence community, which will take years to complete and is fraught with difficulty. There are other shortcomings. A sober assessment of our homeland security must acknowledge these realities. An updated national strategy must address them.

The Next National Strategy for Homeland Security

What should the next national strategy look like? This chapter has already recommended that the President should produce a single strategy that integrates the national security and homeland security imperatives. The homeland security substance of that document should chart a transition from "phase one" of the homeland security effort ("first things first," or building an essential framework and foundation for real

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[93] Since completion of this chapter, and as noted earlier, the Intelligence Reform and Terrorism Prevention Act of 2004 (S.2845, P.L. 108-458) became law on December 17, 2004, and includes Sections 7211 to 7214, giving the federal government the authority to establish minimum national standards for the integrity, security, and data on social security cards, birth certificates, and drivers' licenses. While little attention has been paid to these sections, the Section 7211-7214 provisions will greatly facilitate implementation of both HSPD-6 and HSPD-11, enable the Terrorist Screening Center to perform its mission, and over time will directly address the wide disparity of standards in state-issued "breeder" identification documents. See also the Congressional Research Service. *Report RL32722 – Intelligence Reform and Terrorism Prevention Act of 2004: National Standards for Drivers' Licenses, Social Security Cards, and Birth Certificates* (Washington, DC: Library of Congress), January 6, 2005.

institutional capacity) to "phase two:" shoring-up that framework across the board with solid programs, clearly-defined program objectives, and performance metrics that together work to reduce the uncertainty of threat, vulnerability, and capability.[94] This is not to imply that the process of building capability is just beginning (to the contrary, nearly every agency of government, at the federal, state, and local levels, has dramatically strengthened their capacity to carry out their homeland security responsibilities). But the challenge ahead requires new capabilities that did not exist prior to 9/11 (for example, the threat and vulnerability integration mission of DHS' IAIP), and realistically, we are only now reaching the point where our efforts to build wholly new capabilities are beginning to bear fruit.

Beyond this macro-level recommendation on the form of the next strategy, and the policy scope it should embrace (both national security and homeland security), what substantive issues should the strategy address? The following are nine recommendations, which are far from a comprehensive treatment, but are important to (and representative of) the types of activities on which the strategy should provide guidance and effect action.

1. Strengthen the Relationship Between the Department of Defense and the Department of Homeland Security. Perhaps the most important practical step for integrating national security and homeland security policy effectively is to strengthen the DoD-DHS relationship. While the Nation faces a single set of strategic risks, and a single array of adversaries, it lacks an integrated national contingency planning capability. DHS is still building a "joint staff" to conduct planning for its statutory mission (responding to terrorist attacks at home), while DoD conducts joint strategic planning for its statutory mission to fight wars abroad. But, while DoD's planning incorporates potential "support" to DHS and other federal agencies in the event of a domestic attack, and while DoD has important statutory roles for domestic response under the Stafford

[94] There have been a broad range of studies, articles, and reports criticizing the *National Strategy for Homeland Security* and DHS for a lack of performance metrics (and this chapter adds to that chorus), but it's important to note that developing and applying performance metrics requires that you first have the organizations right, and that those organizations have some track-record of objective performance data (as noted earlier in the second section of this chapter). The *NSHS* discusses the need for performance measures, but rightfully states that the development of specific performance measures is not the province of presidential strategy, but of agencies with operational responsibilities, expertise, and experience. OMB, HSC, DHS and the other agencies with substantial homeland security responsibilities have made the development and application of such measures a priority in implementing the *NSHS*, but absent some foundation, they are in many cases starting from scratch or close to it. That said, this chapter argues that the development and implementation of objective performance measures is critical to the next phase of the homeland security effort, and are particularly essential to ensuring that DHS evolves along the right path.

Act, there is no national contingency planning process that integrates the highest level DoD and DHS plans.

There is no single plan for integrating DoD and DHS activities in the event of simultaneous catastrophic attacks on the homeland, and major theater war overseas. The idea that DoD's plans would prioritize its overseas missions, within the sovereign territory of other nations, and subordinate its contribution to the domestic response, on our own sovereign territory, would not and should not make any sense to the American people. Yet this is exactly the dynamic that the current set of planning processes encourages. DoD treats assets (such as strategic airlift to move materiel, mobile hospitals to augment the HHS and VA contingency medical system, or military police for civil order) as tied to its overseas requirements, and will only consider the diversion of such assets for domestic purposes on a case-by-case basis in response to a specific agency request; DoD will not commit to the allocation of such assets under DHS or other agency plans. This is a recipe for chaos under the scenario painted above. The orientation of assets in contingency plans is the critical strategic question for guiding the long-term process of training, manning, and equipping government elements for specific missions.

It is also the critical strategic question driving the allocation of resources among response capabilities, and for balancing resources between near-term and long-term requirements. Accordingly, OMB, working with DHS and DoD, should supplement an interagency DHS-DoD strategic planning effort with a mechanism for integrating the Future Years Homeland Security Program (FYHSP) and the Future Years Defense Program (FYDP), and, if necessary, should develop a legislative proposal to cement this mechanism. The President should not continue the current practice of nesting separate budget and program review offices within HSC and NSC, but should allow OMB, which possesses real budget expertise and wherewithal, to effect such an integration.

The Defense Advanced Research Projects Agency (DARPA) and the Homeland Security Advanced Research Projects Agency (HSARPA) should establish a collaborative relationship on science and technology research that is relevant to both DoD and DHS. Given that the Nation faces one set of strategic risks, DoD and DHS should establish a joint net assessment office, or at a minimum establish a collaborative relationship between the DoD Net Assessment Office (which under the leadership of Andy Marshall has proven extremely useful over the years) and a new DHS Net Assessment Office nested within IAIP or within the DHS Secretariat. Finally, DHS should adopt the recommendation of James Carafano, Richard Weitz, and Alane

Kochems to establish an Undersecretary for Policy to ensure the coherence of these efforts in partnership with DoD's Undersecretary for Policy.[95]

2. Address the Cultural Aspect of Institutional Reform—Create "Jointness" in the Interagency. We learned the lesson with DoD that integrating the military services ultimately required the Goldwater-Nichols reforms to create a culture and personnel system of "jointness." To effect the integration described above requires a similar effort. The President should propose, and the Congress should enact, a process to ensure that senior civilians (GS-15s and members of the Senior Executive Service) and senior military officers (Colonels and higher), within specific specialties, serve tours within the interagency planning apparatus described above, and in interagency entities such as the National Counterterrorism Center. The proposal should include a provision for a National Homeland Security University, which should share the campus at Fort McNair with the long-standing National Defense University. Finally, DHS should continue its efforts to integrate the disparate personnel systems of DHS as rapidly as possible, and should ensure that its joint strategic planning capability includes the most talented experts from across its subordinate entities.

3. "Institutionalize Imagination." As the 9/11 Commission asserted in one of its major conclusions, dealing with the threat requires more than planning for our response, but requires imagining the scenarios to which we might be forced to respond.[96] As former Deputy Secretary of Defense John Hamre has noted, "The missing ingredient in homeland defense today is thoughtful hypothesis formulation. We really don't know for which needles we are looking in the vast haystacks of information. We have a tendency to let the past provide the hypotheses for the future. We are busily connecting the dots that would find the nineteen terrorists who perpetrated the tragedies of September 11, and instead we should be anticipating the concepts and plans of the next terrorist cells."[97] But how should we accomplish this? First, we should devote the resources necessary to effect the intelligence reforms similar to those the 9/11 Commission recommended, and which the Congress is currently debating. But secondly, the next strategy should clear-up the confusion surrounding DHS' IAIP element. With a National Counterterrorism Center, IAIP is not the government's center of excellence for integrating terrorist intelligence. Instead, IAIP should capitalize on its unique mission to synthesize threat and vulnerability analysis by developing a "core competency" in creative assessment and sophisticated modeling of the threat-vulnerability nexus. IAIP should also build on its unique and holistic understanding of

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[95] Cite Carafono Heritage Foundation Paper on Undersecretary for Policy.

[96] National Commission on Terrorist Attacks, pp. 339-348.

[97] John J. Hamre, "Homeland Defense: A Net Assessment," in *Planning to Win: A Report on Homeland Security* (Aspen, CO: Aspen Strategy Group), 2002, p. 20.

national vulnerability to develop the executive branch's premier independent "red teaming" capability. Many have noted that IAIP has struggled to establish itself within the well-defined domain of terrorism intelligence players. It should cease struggling, and instead establish itself as an intelligence entity that uses its statutory access to terrorism intelligence to operate and think *outside of* the standard counterterrorism community. As Hamre observed, "Data mining is more about hypotheses than it is about technology."[98]

4. Articulate an Overarching Information Architecture for Homeland Security. While technology and data analysis is not sufficient for imagining the threat, it is essential for identifying specific threats and for building a net assessment grounded in empirical data. The need to "connect the dots" has been cited repeatedly since 9/11, but today, departments and agencies continue to overhaul their existing data systems with a stove-piped approach that avoids effective integration with the systems of other agencies until the latter stages of development. Even the complex "system-of-systems" applications DHS is fielding, such as US-VISIT, are not being built according to an overarching architecture which spans agency boundaries. The roadblock that the DHS' proposed system for screening airline passengers (the Computer Assisted Passenger Prescreening System—II, or CAPPS-II) encountered, after two-and-a-half years of development, is in part a reflection of this. While the CAPPS-II development team was extraordinarily proactive in effecting coordination with other agencies, the system they developed was ultimately a casualty of the fact that HSC had never coordinated a document which outlined, as a matter of Administration policy: (1) the key parameters for how various systems should address legal and policy questions such as privacy, nor (2) a vision, philosophy or blueprint to guide how various systems should connect with one another.

The HSC, in collaboration with the NSC and OMB, need to coordinate a macro-level vision for an interagency information architecture to drive the parallel development of complex systems. For example, the U.S. Government needs a single "risk-assessment" engine such as that which the National Targeting Center administers (and CAPPS-II would have administered); a single "name-checking" engine such as that which the Terrorist Screening Center administers; a single "biometric-checking" engine such as those DHS is developing and which relate to legacy systems like the FBI and INS fingerprint databases; a single "terrorist identity" engine such as those administered by the TTIC, the Defense Intelligence Agency, and the Joint Interagency Task Force-Counterterrorism (JITF-CT); and a single "metadata" (data about data) standard to ensure disparate systems can talk with one another. The architecture needs

[98] Hamre, p. 19.

to establish the relationship of these components to individual department and agency systems, and provide an integrated interagency mechanism for navigating the complex maze of the differing statutory authorities agencies posses for gathering, processing, sharing, and maintaining information.

Finally, the proposal must tie this architecture to a cross-cutting program management mechanism in OMB. Under the current approach, the U.S. Government will be no further along ten years from now in its ability to determine if a piece of terrorist information it legally possesses relates to any other piece of terrorist information the government legally possesses.

5. Renew the PATRIOT Act "Sunset" Provisions. Technology aside, connecting the dots will be impossible without the PATRIOT Act provisions that enable the sharing of information between intelligence and law enforcement agencies. As reflected in the chapters of this volume, there is a great deal of opinion (much of it ill-informed and distorted) circulating about the PATRIOT Act. Important provisions of the Act are set to expire in December 2005, unless the Congress renews them. The Act has been a critical factor in lowering the long-standing "wall" between the intelligence and law enforcement communities, and is one of the most significant elements of the government's ability to prevent another 9/11. The Act updates wiretap laws written in the telephone age, gives the government authorities to fight terrorism which it already possessed to fight organized crime and drugs, and includes substantial provisions for judicial oversight.

Critics argue that the Act grants the government alarming new powers to invade the privacy of citizens, such as secretly obtaining financial information or accessing library records. Fear that the government will abuse these powers has combined with other concerns (Guantanomo detainees, military tribunals, the designation of American citizens captured on U.S. soil as enemy combatants, and the Abu Ghraib prison scandal) to fuel a perception that our government has pursued security at the expense of liberty, and ceded its international moral authority on human rights. Whether this is true or not, what is happening in the public debate over the PATRIOT Act is instructive: when it comes to civil liberties, credibility and perception matter as much as policy—as they should. "Trust us" does not cut it for too long, nor should we expect it to. It would be unfortunate, perhaps tragic, if the Administration's sluggish awakening to that lesson endangers PATRIOT Act provisions that are essential to preventing the next 9/11. The next National Strategy should seek to set the debate about the PATRIOT Act in an objective context, and should include strong measures (such as that which the President

recently took under Executive Order 13353) to reestablish public confidence in the government's commitment to protect civil liberties.

6. Develop the Components Necessary to Perform National Risk-Management Across the Full Breadth of Threat and Vulnerability. The preceding discussion has already touched on key elements of this initiative (net assessment, "red-teaming," threat-vulnerability integration, information sharing), but a less obvious element is the need for concrete, objective performance measures to assess homeland security "outputs" and evaluate agency capabilities: e.g. how much security is enough at chemical plant X vs. nuclear power plant Y vs. port infrastructure Z? Many have written on the need for such metrics, and the *NSHS* also calls for them. The alignment of activities, core competencies and resources to support mission-related outcomes must be complemented by real performance measurement systems. Homeland security involves an array of linkages between multiple agencies at the federal, state and local levels. Measuring the robustness of these linkages is crucial for identifying areas of fragility that could lead to particularly catastrophic cascading events, such as widespread power outages or domino effect impacts on food supply, emergency preparedness or information distribution systems.[99] Also, there is not yet a comprehensive set of preparedness standards for measuring first responder capacities, identifying gaps in those capacities, and measure progress toward achieving performance goals.[100] In order to assist key agencies in assessing progress towards implementing homeland security efforts, the HSC in collaboration with the OMB, should pursue on a priority-basis the development and coordination of performance measures, and link them with agency budgets and strategic planning documents and systems such as the National Response Plan and National Incident Management System.

7. Lead International Cooperation to Establish a Multilateral Watchlist Mechanism. The security and integrity of the international transportation system is a global public good. The security of the United States is compromised not only when terrorists travel from Charles DeGaulle Airport to LaGuardia, but when they travel from Myanmar to Hamburg. Currently, the United States and many allies and partners possess identifying information on tens of thousands of terrorists and terrorist supporters, but have no mechanism for ensuring that a terrorist traveling through a port-of-entry in one country is not the same person on the terrorist watchlist of another, all while safeguarding the integrity of each country's data (some of which, because it is tied to intelligence sources and methods, is among the most sensitive data that countries

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[99] Rabkin, Normal J. "Testimony before the Subcommittee on National Security, Emerging Threats, and International Relations, Committee on Government Reform, House of Representatives" (September 22, 2004), p.14-16. GAO-04-1075T. Available online at: http://www.gao.gov

[100] Rabkin, p. 16.

possess). The United States should lead an international effort to establish a multilateral watchlist mechanism, which will act as a repository for encrypted versions (according to a randomly generated encryption key produced by an automated engine under multilateral administration and control) of each participating country's data. Participating countries would bounce encrypted versions of air manifests (filtered through the same automated encryption key) off this repository, and a "hit" would alert the country that owns the terrorist identifying data and allow that country to initiate coordination and appropriate action with the querying country, according to arrangements negotiated in advance between the two. Nations would have an incentive to join because participation would increase their individual national security: for example, Germany's security would be increased when Singapore intercepts a terrorist on America's watchlist.

The system should also provide for "silent hits," in which the country which owns the terrorist identifying information can specify that the querying country would receive a "no response" even if the manifest record matches. In other words, the country which owns the terrorist identifying information is solely and always responsible for initiating coordination with other countries in the event of a "hit." This provision would encourage cautious participants worried that individuals or terrorist insiders with access to the system from other countries would "game" the system by intentionally submitting false queries, thereby gleaning highly-sensitive information about what other countries know and don't know. Participants would still have an incentive to join, since the "silent hit" provision would protect their information as it protects others' information, and since it would theoretically also increase their security: for example, Poland's security would be increased when Great Britain secretly begins to monitor a terrorist suspect who "hits" on Great Britain's watchlist when a terrorist travels through Warsaw. In practice, countries would likely use this provision very sparingly, since the diplomatic consequences of a terrorist carrying-out an attack after a participating country remained silent on a "hit" would be considerable. While the "silent hit" provision would provide a strong incentive for countries to join at the outset, over time participants will likely shift to the alternative strategy of withholding a small subset of identities from the multilateral mechanism. As the multilateral system leads to the apprehension of terrorists, and as faith in its integrity increases over time, participants will withhold names less frequently.

8. <u>Lead an International Effort to Build a Global Trading System Resilient to Catastrophic Terrorism.</u> The United States has made impressive strides advancing pragmatic cooperation within the international community to improve the security of international transportation and trading systems. That said, there is one area in which the dire warnings of Steve Flynn and others is on target—that the global trading system

is dangerously vulnerable to catastrophic terrorism, that the United States and the world would suffer irreparable harm from such an attack, and that the United States has placed insufficient emphasis on the problem. In part, this is a product of the difficulty of the challenge. Solving the problem is not as simple as unilaterally requiring corporations to embed GPS transmitters and chemical detectors in shipping containers, nor attaching radiological detectors on the cranes used to unload cargo ships in ports-of-entry. Solving the problem requires *every significant country* in the international trading system to do the same. The difficulty of such an endeavor is enormous, but it is essential. It is also achievable if the United States focuses on the goal and brings its wherewithal as the world's largest economy and as a technology leader to bear. In the meantime, Flynn and others are right to declare that spending in border and transportation security has been insufficient—the agencies which BTS includes have a decent track record of providing a security return on the dollar invested, and could meaningfully improve security with additional resources. The federal investment is worth it. Finally, Flynn is right in asserting that the federal government must be willing to intervene in the marketplace more aggressively than the first Bush Administration has been willing to do. U.S. corporations, let alone foreign corporations that do substantial business with the United States, will not make the type of dramatic supply chain security improvements Flynn rightfully calls for without a government impetus, and a U.S.-led international effort will lack credibility unless our government is willing to set the bar for global standards of transportation security. The next national strategy should articulate a long-term vision for achieving this goal, and propose specific initiatives that provide stronger incentives for corporations to make the substantial investments required, strengthen the market penalties for failing to make those improvements, and supplement private investment with government investment.

9. Extend North American Security Cooperation. Finally, the next strategy should seek to accelerate and extend the cooperation established between the United States, Canada and Mexico, to enhance North American security while improving the efficiency of legitimate flows. Ultimately, American security depends on a coordinated North American effort, and we should view our relationship with Canada and Mexico primarily through this lens. The United States has tended to place its diplomatic focus (and its diplomatic talent) on everywhere else but North America. It can no longer afford to do so. The threat of global terrorism makes Canada and Mexico as strategically important as any country in Europe and Asia.

A "Maginot line" border strategy that focuses border enforcement efforts at our land borders is a recipe for failure and will not protect the country from terrorists. We have failed to control the 1,700 mile-long U.S.-Mexican border against drug smuggling and waves of illegal immigrants, let alone a terrorist cell consisting of a handful of

sophisticated, motivated persons, or the handful of shipments required to move terrorist materiel. We will never be able to satisfactorily control the 3,000 mile-long U.S.-Canada border, the longest undefended border in the world, regardless of the accuracy of our entry-exit tracking system (US-VISIT) and regardless of the sophistication of our surveillance systems. A team of terrorists is many times smaller than the daily marginal rate of error in a complex "system-of-systems" such as US-VISIT and the other border management systems to which it links. At a minimum, the United States and Canada should establish complementary systems to track the entry and exit of foreign nationals to the *continent*, rather than attempt to track them crossing the permeable U.S.-Canada border.

Canada should develop the equivalent of the U.S. Terrorist Screening Center, and both the U.S. and Canadian centers should serve as complementary components of a foundation for a continental network of screening points similar to that which the President directed in *HSPD-6*, supplemented with HSPD-11, and which the 9-11 Commission recommends. While it may take some time for Mexico to develop the institutional capacity to field an equivalent system, and while such an endeavor poses political challenges to both Canada and Mexico, we should use the breadth of our diplomatic relationship with both countries to provide incentives for pursuing solutions such as these that would provide real improvement in security, and disincentives for not pursuing them.

A more robust agenda for North American cooperation should also contain "next logical steps" for building on the substantial border cooperation steps already taken, and extend collaboration into such important areas as aviation security, incident management and emergency preparedness, and biodefense. For example, such coordination would aim to establish integrated procedures for detecting and responding to animal or human disease outbreaks (e.g. SARS, Mad Cow) that could be indicators of biological attack. To use another example, such coordination would seek to coordinate complementary independent scientific standards for ensuring the security and integrity of identification and "breeder" documents issued by the respective countries.[101]

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[101] Thus, the Secretary of Homeland Security and Canada's Minister of Public Safety and Emergency Preparedness would seek to align the authorities of the U.S. federal government to set minimum national standards for birth certificates, social security cards, and drivers' licenses (authorities granted to the federal government in Sections 7211-7214 of P.L. 108-458, the Intelligence Reform and Terrorism Prevention Act of 2004) with similar authorities and standards in Canada. Such an effort would be typical of the type of laborious, detailed, unglamorous (yet extremely meaningful) U.S.-Canadian coordination that has been underway since 9-11, and which is absolutely essential to both countries' security.

Conclusion

When considered together, these elements provide useful areas of guidance for an integrated homeland security strategy for the future. As Paul Light—a noted historian of government successes and failures (2002)—has observed, "achievement appears to be firmly rooted in a coherent policy strategy. The government's top ten achievements [over the last 50 years] center on a mostly unified regulatory or spending strategy that is anchored in a relatively clear description of the problem to be solved and is supported by enough resources, budgetary or administrative, to succeed."[102] Light goes on to note that throughout its history, the federal government has "largely succeeded by tackling problems and setting audacious goals that were seen as nearly insurmountable . . . There are times when government must embark on endeavors without absolute knowledge of its ultimate success. Those endeavors involve both great risk and great reward, and may be the truest measure of a society's greatness."[103] Clearly, the challenges facing the nation today involve both great risks and rewards. A comprehensive, long-term strategic approach will ultimately determine our ability to respond to these challenges with increasing sophistication and success.

It has been only three years since America awoke to the strategic reality of this age—that a handful of individuals, armed with little more than cunning and resolve, can carry out catastrophic attacks on our own soil. Regardless of our eventual success against al Qaeda and the broader war on terror, this strategic reality will not go away anytime soon. Homeland security is thus a permanent requirement. The difficulties are staggering, but the costs are perhaps more so. More than 200 years ago, Alexander Hamilton penned a famous Federalist Paper to argue that the Constitution would protect against conflict at home, so that geography could protect the Nation from conflict abroad. Times have clearly changed. But Hamilton's warning remains prophetic:

> *Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates. The violent destruction of life and property incident to war—the continual effort and alarm attendant on a state of continual danger, will compel nations the most attached to liberty, to resort for repose and security, to institutions, which have a tendency to destroy their civil and political rights. To be more safe they, at length, become willing to run the risk of being less free.*
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> *- Alexander Hamilton, Federalist Paper No. 8*

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[102] Paul Light, *Government's Greatest Achievements: From Civil Rights to Homeland Security* (Washington, DC: The Brookings Institution), 2002, p. 63.

[103] Paul Light, p. 65.

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Appendix A

National Strategies, Presidential Directives, Significant Presidential Initiatives, and Selected Executive Orders Related to Homeland Security (Since 9/11)

October 8, 2001	Executive Order 13228 – Establishing the Office of Homeland Security and the Homeland Security Council
October 16, 2001	Executive Order 13231 – Critical Infrastructure Protection in the Information Age
October 29, 2001	Homeland Security Presidential Directive-1 (HSPD-1) – Organization and Operation of the Homeland Security Council
October 29, 2002	HSPD-2 – Combating Terrorism Through Immigration Policies
March 12, 2002	HSPD-3 – Homeland Security Advisory System
June 6, 2002	Presidential speech proposing the Department of Homeland Security, accompanied by *The Department of Homeland Security*, outlining the proposal
July 16, 2002	*National Strategy for Homeland Security*
September 20, 2002	*National Security Strategy of the United States*
December 11, 2002	*National Strategy for Combating Weapons of Mass Destruction* (unclassified companion to a classified HSPD/National Security Presidential Directive (NSPD) on this subject)
January 28, 2003	State of the Union Address, including President Bush's announcement to create the Terrorist Threat Integration Center, and his proposal for Project BioShield
January 23, 2003	Executive Order 13284 – Amendment of Executive Orders, and Other Actions, in Connection With the Establishment of the Department of Homeland Security
February 14, 2003	*National Strategy for Combating Terrorism*
February 14, 2003	*National Strategy for the Physical Protection of Critical Infrastructures and Key Assets*

February 14, 2003	*National Strategy to Secure Cyberspace*
February 28, 2003	Executive Order 13286 – Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security
February 28, 2003	HSPD-5 – Management of Domestic Incidents
July 29, 2003	Executive Order 13311 – Homeland Security Information Sharing
September 16, 2003	HSPD-6 – Integration and Use of Screening Information to Protect against Terrorism
December 17, 2003	HSPD-7 – Critical Infrastructure Identification, Prioritization, and Protection
December 17, 2003	HSPD-8 – National Preparedness
December 30, 2003	Executive Order 13323 – Assignment of Functions Relating to Arrivals in and Departures From the United States
February 3, 2004	HSPD-9 – Defense of United States Agriculture and Food
April 28, 2004	*Biodefense for the 21st Century* (unclassified companion to a classified HSPD on this subject)
August 27, 2004	Executive Order 13353 – Establishing the President's Board on Safeguarding Americans' Civil Liberties
August 27, 2004	Executive Order 13354 – National Counterterrorism Center
August 27, 2004	Executive Order 13355 – Strengthened Management of the Intelligence Community
August 27, 2004	Executive Order 13356 – Strengthening the Sharing of Terrorism Information to Protect Americans
August 27, 2004	HSPD-11 – Comprehensive Terrorist-Related Screening Procedures
August 27, 2004	HSPD-12 – Policy for a Common Identification Standard for Federal Employees and Contractors

Appendix B

Recommendations of the 9/11 Commission

1. The U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power. We should reach out, listen to, and work with other countries that can help. (367)

2. If Musharraf stands for enlightened moderation in a fight for his life and for the life of his country, the United States should be willing to make hard choices too, and make the difficult long-term commitment to the future of Pakistan. Sustaining the current scale of aid to Pakistan, the United States should support Pakistan's government in its struggle against extremists with a comprehensive effort that extends from military aid to support for better education, so long as Pakistan's leaders remain willing to make difficult choices of their own. (369)

3. The President and the Congress deserve praise for their efforts in Afghanistan so far. Now the United States and the international community should make a long-term commitment to a secure and stable Afghanistan, in order to give the government a reasonable opportunity to improve the life of the Afghan people. Afghanistan must not again become a sanctuary for international crime and terrorism. The United States and the international community should help the Afghan government extend its authority over the country, with a strategy and nation-by-nation commitments to achieve their objectives. (370)

4. The problems in the U.S.-Saudi relationship must be confronted, openly. The United States and Saudi Arabia must determine if they can build a relationship that political leaders on both sides are prepared to publicly defend -- a relationship about more than oil. It should include a shared commitment to political and economic reform, as Saudis make common cause with the outside world. It should include a shared interest in greater tolerance and cultural respect, translating into a commitment to fight the violent extremists who foment hatred. (374)

5. The U.S.government must define what the message is, what it stands for. We should offer an example of moral leadership in the world, committed to treat people humanely, abide by the rule of law, and be generous and caring to our neighbors. America and Muslim friends can agree on respect for human dignity and opportunity. To Muslim parents, terrorists like Bin Ladin have nothing to offer their children but visions of violence and death. America and its friends have a crucial advantage -- we can offer these parents a vision that might give their children a better future. If we heed the views of thoughtful leaders in the Arab and Muslim world, a moderate consensus can be found. (376)

6. Where Muslim governments, even those who are friends, do not respect these principles, the United States must stand for a better future. One of the lessons of the long Cold War was that short-term gains in cooperating with the most repressive and brutal governments were too

often outweighed by long-term setbacks for America's stature and interests. (376)

7. Just as we did in the Cold War, we need to defend our ideals abroad vigorously. America does stand up for its values. The United States defended, and still defends, Muslims against tyrants and criminals in Somalia, Bosnia, Kosovo, Afghanistan, and Iraq. If the United States does not act aggressively to define itself in the Islamic world, the extremists will gladly do the job for us. Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them. The United States should rebuild the scholarship, exchange, and library programs that reach out to young people and offer them knowledge and hope. Where such assistance is provided, it should be identified as coming from the citizens of the United States. (377)

8. The U.S. government should offer to join with other nations in generously supporting a new International Youth Opportunity Fund. Funds will be spent directly for building and operating primary and secondary schools in those Muslim states that commit to sensibly investing their own money in public education. (378)

9. A comprehensive U.S.strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future. (379)

10. The United States should engage other nations in developing a comprehensive coalition strategy against Islamist terrorism. There are several multilateral institutions in which such issues should be addressed. But the most important policies should be discussed and coordinated in a flexible contact group of leading coalition governments. This is a good place, for example, to develop joint strategies for targeting terrorist travel, or for hammering out a common strategy for the places where terrorists may be finding sanctuary. (379)

11. The United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. New principles might draw upon Article 3 of the Geneva Conventions on the law of armed conflict. That article was specifically designed for those cases in which the usual laws of war did not apply. Its minimum standards are generally accepted throughout the world as customary international law. (380)

12. Our report shows that al Qaeda has tried to acquire or make weapons of mass destruction for at least ten years. There is no doubt the United States would be a prime target. Preventing the proliferation of these weapons warrants a maximum effort -- by strengthening counterproliferation efforts, expanding the Proliferation Security Initiative, and supporting the Cooperative Threat Reduction program. (381)

13. Vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts. The government has recognized that information about terrorist

money helps us to understand their networks, search them out, and disrupt their operations. Intelligence and law enforcement have targeted the relatively small number of financial facilitators -- individuals al Qaeda relied on for their ability to raise and deliver money -- at the core of al Qaeda's revenue stream. These efforts have worked. The death or capture of several important facilitators has decreased the amount of money available to al Qaeda and has increased its costs and difficulty in raising and moving that money. Captures have additionally provided a windfall of intelligence that can be used to continue the cycle of disruption. (382)

14. Targeting travel is at least as powerful a weapon against terrorists as targeting their money. The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility. (385)

15. The U.S. border security system should be integrated into a larger network of screening points that includes our transportation system and access to vital facilities, such as nuclear reactors. The President should direct the Department of Homeland Security to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind. Extending those standards among other governments could dramatically strengthen America and the world's collective ability to intercept individuals who pose catastrophic threats. (387)

16. The Department of Homeland Security, properly supported by the Congress, should complete, as quickly as possible, a biometric entry-exit screening system, including a single system for speeding qualified travelers. It should be integrated with the system that provides benefits to foreigners seeking to stay in the United States. Linking biometric passports to good data systems and decision-making is a fundamental goal. No one can hide his or her debt by acquiring a credit card with a slightly different name. Yet today, a terrorist can defeat the link to electronic records by tossing away an old passport and slightly altering the name in the new one. (389)

17. The U.S. government cannot meet its own obligations to the American people to prevent the entry of terrorists without a major effort to collaborate with other governments. We should do more to exchange terrorist information with trusted allies, and raise U.S. and global border security standards for travel and border crossing over the medium and long term through extensive international cooperation. (390)

18. Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as drivers licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists. (390)

19. Hard choices must be made in allocating limited resources. The U.S. government should

identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort. The plan should assign roles and missions to the relevant authorities (federal, state, regional, and local) and to private stakeholders. In measuring effectiveness, perfection is unattainable. But terrorists should perceive that potential targets are defended. They may be deterred by a significant chance of failure. (391)

20. Improved use of "no-fly" and "automatic selectee" lists should not be delayed while the argument about a successor to CAPPS continues. This screening function should be performed by the TSA, and it should utilize the larger set of watchlists maintained by the federal government. Air carriers should be required to supply the information needed to test and implement this new system. (393)

21. The TSA and the Congress must give priority attention to improving the ability of screening checkpoints to detect explosives on passengers. As a start, each individual selected for special screening should be screened for explosives. Further, the TSA should conduct a human factors study, a method often used in the private sector, to understand problems in screener performance and set attainable objectives for individual screeners and for the checkpoints where screening takes place. (393)

22. As the President determines the guidelines for information sharing among government agencies and by those agencies with the private sector, he should safeguard the privacy of individuals about whom information is shared. (394)

23. The burden of proof for retaining a particular governmental power should be on the executive, to explain (a) that the power actually materially enhances security and (b) that there is adequate supervision of the executive's use of the powers to ensure protection of civil liberties. If the power is granted, there must be adequate guidelines and oversight to properly confine its use. (394)

24. At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties. (395)

25. Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Now, in 2004, Washington, D.C., and New York City are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel. (396)

26. Emergency response agencies nationwide should adopt the Incident Command System (ICS). When multiple agencies or multiple jurisdictions are involved, they should adopt a

unified command. Both are proven frameworks for emergency response. We strongly support the decision that federal homeland security funding will be contingent, as of October 1, 2004, upon the adoption and regular use of ICS and unified command procedures. In the future, the Department of Homeland Security should consider making funding contingent on aggressive and realistic training in accordance with ICS and unified command procedures. (397)

27. Congress should support pending legislation which provides for the expedited and increased assignment of radio spectrum for public safety purposes. Furthermore, high-risk urban areas such as New York City and Washington, D.C., should establish signal corps units to ensure communications connectivity between and among civilian authorities, local first responders, and the National Guard. Federal funding of such units should be given high priority by Congress. (397)

28. We endorse the American National Standards Institute's recommended standard for private preparedness. We were encouraged by Secretary Tom Ridge's praise of the standard, and urge the Department of Homeland Security to promote its adoption. We also encourage the insurance and credit-rating industries to look closely at a company's compliance with the ANSI standard in assessing its insurability and creditworthiness. We believe that compliance with the standard should define the standard of care owed by a company to its employees and the public for legal purposes. Private-sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world. It is ignored at a tremendous potential cost in lives, money, and national security. (398)

29. We recommend the establishment of a National Counterterrorism Center (NCTC), built on the foundation of the existing Terrorist Threat Integration Center (TTIC). Breaking the older mold of national government organization, this NCTC should be a center for joint operational planning and joint intelligence, staffed by personnel from the various agencies. The head of the NCTC should have authority to evaluate the performance of the people assigned to the Center. (403)

30. The current position of Director of Central Intelligence should be replaced by a National Intelligence Director with two main areas of responsibility: (1) to oversee national intelligence centers on specific subjects of interest across the U.S. government and (2) to manage the national intelligence program and oversee the agencies that contribute to it. (411)

31. The CIA Director should emphasize (a) rebuilding the CIA's analytic capabilities; (b) transforming the clandestine service by building its human intelligence capabilities; (c) developing a stronger language program, with high standards and sufficient financial incentives; (d) renewing emphasis on recruiting diversity among operations officers so they can blend more easily in foreign cities; (e)ensuring a seamless relationship between human source collection and signals collection at the operational level; and (f) stressing a better balance between unilateral and liaison operations. (415)

32. Lead responsibility for directing and executing paramilitary operations, whether

clandestine or covert, should shift to the Defense Department. There it should be consolidated with the capabilities for training, direction, and execution of such operations already being developed in the Special Operations Command. (415)

33. Finally, to combat the secrecy and complexity we have described, the overall amounts of money being appropriated for national intelligence and to its component agencies should no longer be kept secret. Congress should pass a separate appropriations act for intelligence, defending the broad allocation of how these tens of billions of dollars have been assigned among the varieties of intelligence work. (416)

34. Information procedures should provide incentives for sharing, to restore a better balance between security and shared knowledge. (417)

35. The president should lead the government-wide effort to bring the major national security institutions into the information revolution. He should coordinate the resolution of the legal, policy, and technical issues across agencies to create a "trusted information network." (418)

36. Congressional oversight for intelligence -- and counterterrorism -- is now dysfunctional. Congress should address this problem. We have considered various alternatives: A joint committee on the old model of the Joint Committee on Atomic Energy is one. A single committee in each house of Congress, combining authorizing and appropriating authorities, is another. (420)

37. Congress should create a single, principal point of oversight and review for homeland security. Congressional leaders are best able to judge what committee should have jurisdiction over this department and its duties.But we believe that Congress does have the obligation to choose one in the House and one in the Senate, and that this committee should be a permanent standing committee with a nonpartisan staff. (421)

38. Since a catastrophic attack could occur with little or no notice, we should minimize as much as possible the disruption of national security policymaking during the change of administrations by accelerating the process for national security appointments. We think the process could be improved significantly so transitions can work more effectively and allow new officials to assume their new responsibilities as quickly as possible. (422)

39. A specialized and integrated national security workforce should be established at the FBI consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, rewarded, and retained to ensure the development of an institutional culture imbued with a deep expertise in intelligence and national security. (425)

40. The Department of Defense and its oversight committees should regularly assess the adequacy of Northern Command's strategies and planning to defend the United States against military threats to the homeland. (428)

41. The Department of Homeland Security and its oversight committees should regularly

assess the types of threats the country faces to determine (a) the adequacy of the government's plans -- and the progress against those plans -- to protect America's critical infrastructure and (b) the readiness of the government to respond to the threats that the United States might face. (428)