

Reform, Don't Merge, the Homeland Security Council

A growing number of scholars argue that the new administration should overturn a key decision made by President George W. Bush: his creation in 2002 of a Homeland Security Council (HSC). Until the September 11, 2001 attacks, the National Security Council (NSC) coordinated the handful of institutions (including the Department of Defense (DOD)) that protected the United States from its adversaries. Bush responded to Al Qaeda's attacks by organizing a sprawling parallel system of institutions to protect the United States from terrorism. The Department of Homeland Security (DHS) is only part of that system. The Bush administration also assigned terrorism prevention functions to the Departments of Agriculture (USDA), Health and Human Services, Interior, and other federal institutions which had never before played such significant roles in securing the United States from attack. Bush capped this parallel security system with the HSC to help guide and coordinate its activities.¹

A spate of recent studies, including Christine Wormuth's previous article "The Next Catastrophe: Ready or Not?," argue that creating the HSC was a mistake and that the new administration should subsume the Council within the NSC.² Such a merger, however, would impede the reforms that are most vital for securing the United States against future terrorist attacks and hurricanes or other natural hazards.

Fixing the Wrong Problem

Advocates of merging the NSC and HSC argue that the separation between them cripples the ability to integrate domestic and international components of

Paul N. Stockton is a senior research scholar at Stanford University's Center for International Security and Cooperation (CISAC) and can be reached at pnstock@stanford.edu. The author would like to thank Lynn Eden and Amy Zegart for their comments on earlier drafts.

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The Washington Quarterly • 32:1 pp. 107–114

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security policy. These advocates contend that the White House has bifurcated its approach to national security issues—even though the issues themselves frequently hinge on inter-related domestic and international factors.³ Merger supporters, however, have yet to cite a specific instance in which the division of labor has wrecked a policy initiative. Impediments to collaboration between the two staffs do exist, including their reliance on different

email systems.⁴ Nothing, however, prevents the NSC and HSC staffs from building effective working relationships across jurisdictional lines, as long as the next president and his appointees make such collaboration a priority. The NSC and National Economic Council (NEC) forged such a relationship during the Clinton administration—the NSC and HSC can do the same.

The more formidable problems for integration lie in the seams that plague interagency planning and coordination *within* the homeland security system itself. The incoming administration will inherit major conflicts over department roles and responsibilities for homeland security, including disputes between DHS and the Department of Justice (DOJ) over terrorism prevention and response.⁵ The dispute over how to prepare cities against nuclear or radiological attack between DHS and the Department of Energy will have to be addressed.⁶ And more recently, the dispute over which agency should have primary responsibility to safeguard U.S. bioterrorism research facilities from rogue employees will have to be resolved.⁷ The next president will also inherit significant gaps in interagency planning for pandemics and other catastrophic incidents.

These problems stem in part from the outgoing administration's failure to effectively staff and empower the HSC to resolve interagency conflicts. When the president created the new Council, White House officials said that it would have a staff comparable in size to the NSC, and would have the authority and political backing from the president to coordinate the agencies under its purview.⁸ The HSC today has a staff one-fifth the size of the NSC's, and labors under much more stringent budget and salary constraints.⁹ Rather than rely on HSC to guide interagency planning, Bush increasingly relied on DHS to serve as the "lead agency" in those efforts. DHS is unable to stand above interdepartmental rivalries in the way that a White House staff can, however, especially since DHS is an actor in the very turf wars it is supposed to resolve.

The persistence and severity of these interagency problems also reflects deeper characteristics of the homeland security system—characteristics that make the system poorly suited to merging with that of the NSC. The most striking feature of the homeland security system lies in the number of institutions that comprise

it. Over 30 departments and independent agencies perform homeland security functions, creating a dizzying array of interagency seams and coordination requirements. A fully-staffed HSC focusing exclusively on homeland security would have its hands full meeting these coordination needs. Putting 30 institutions under the purview of the national security advisor, much less making them members of the NSC, would create immense span of control problems for the advisor and risk putting domestic issues at the bottom of her in-box.

The novelty of the security functions performed by these 30 institutions creates further problems for interagency planning and coordination. Until the September 11 attacks, departments such as USDA had never played significant security functions. Now, they have critical roles in protecting U.S. population and infrastructure from attack. Melding these security *arrivistes* into an integrated system creates innovation challenges quite different from those posed by the departments overseen by NSC, which have been handling security issues for decades. The institutions under the HSC's purview also share a distinctive internal problem the NSC's departments lack. DOD, the CIA, and the State Department focus almost exclusively on security-related issues. Departments such as DHS, USDA, and DOJ must not only help secure the United States from attack, but also perform their traditional domestic functions unrelated to—and sometimes in funding and programmatic competition with—their post-9/11 responsibilities. The NSC has never had to deal with such difficult intra-agency tradeoffs between security and non-security functions. Adding that problem to the Council's existing agenda, rather than leaving the issue to an HSC that focuses on the distinctive challenges of homeland security, makes little sense.

Reform Needed Most

Studies of interagency coordination usually focus on the horizontal problems of integration – that is, on the coordination of departments across the executive bureaucracy. Homeland security entails a second dimension as well, which is the vertical coordination of federal, state, and local governments. More to the point, that vertical dimension represents a crucial difference between homeland security and national security issues, and between the coordination challenges confronting the HSC and NSC. National security policies rarely depend on state and local implementation because other federal departments carry them out. In contrast, state and local governments—and police, firefighters, and public health workers they employ—are absolutely vital to homeland security, making vertical coordination more important as a consequence.

The two policy realms also differ in the president's authority to solve coordination problems. Scholars are fond of noting how little *de facto* control the president exercises over the federal bureaucracy.¹⁰ Nevertheless, in the

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national security system, where the primary coordination challenge lies in integrating the work of DOD, the State Department, and the CIA, the chief executive—the president—exercises at least formal authority over that system and can fire department heads who resist coordination. The political context of homeland security is very different. Governors do not work for the president. They are independently elected and are the sovereign chief executives of their states. Homeland security thus entails a paradox: the integration between federal, state, and local governments

is vastly more important in the homeland security system than in its national security counterpart. Yet, the president has remarkably little authority to impose such vertical integration, especially in comparison with his command over national security institutions.

The Bush administration sought to deal with this paradox when it created the HSC. In late September 2001, then-White House Chief of Staff Andrew Card promised that state and local governments would be represented on the HSC.¹¹ Representation would help the HSC bring state and local perspectives to bear on building an integrated homeland security system, and would give them a say over the plans and programs they would need to implement. Including state and local representatives also offered a politically astute way to compensate for the president's lack of command authority over them. By making states and localities party to the decisions that the HSC hammered out, the White House could also increase the likelihood that they would support the policies they helped frame.

The administration's fulfillment of this pledge on state and local representation fared even worse than its promise of robust HSC staffing. Bush did establish the Homeland Security Advisory Council in 2002 to make recommendations to the HSC, and included state and local officials on that panel, along with private sector leaders, academics, and myriad other participants.¹² Yet, that panel was purely advisory and had no authority over the HSC decisions that would affect its state and local members. Those members were also selected by the president rather than by governors or mayors. Moreover, as in federal interagency planning, DHS gradually assumed responsibility from the HSC to integrate state and local efforts with federal policymaking, even as the spread of homeland security functions across the federal bureaucracy made integration increasingly difficult for any one department to coordinate.

The consequences have been predictable. Across an array of initiatives, the administration has permitted only limited and sporadic state and local input, producing federal policies and programs which conflict with the requirements of

the non-federal agencies crucial to their success. The Homeland Security Information Network (HSIN) exemplifies this flawed process. The network is DHS' key system for sharing homeland security data with states and localities, and is operated by state and local officials nationwide. Yet, DHS did not coordinate with those officials to develop effective joint policies and procedures, integrate HSIN with existing information sharing systems, and ensure that the network would meet state and local requirements.¹³ DHS is now replicating the same coordination mistakes in its effort to replace the failed network with the HSIN Next Generation program.¹⁴

These problems of vertical integration are pervasive. The National Response Framework (NRF) is the key plan for melding federal, state, and local agencies into a disaster response system more effective than that which catastrophically failed after Hurricane Katrina. The Bush administration failed to meet statutory requirements to coordinate its development of the 2007 NRF with states and localities, and has yet to put policies or procedures in place that provide for such coordination as a revised framework is developed.¹⁵ Similar coordination failures have produced gaps in U.S. plans for preparedness against pandemic flu.¹⁶ Those failures have also hobbled efforts to provide integrated federal, state, and local plans for responding to a nuclear attack and for other catastrophes. The overall assessment provided by the National Sheriffs' Association, the National Emergency Management Association, and a dozen other nationwide associations representing state and local homeland security concerns is that the federal government follows "top down" approaches to policymaking that are "uncoordinated and create unintended negative cascading effects."¹⁷

It will be essential for the next administration to concentrate on building more effective and integrated local, state, and federal capabilities for homeland security. The next administration can only provide for better integrated policies, plans, and programs by institutionalizing a role for states and localities in shaping them. Placing these state and local representatives in the NSC would produce a bizarre clash of political cultures and professional competencies. NSC staffers are more likely to know the name of the president of Georgia, the country, than the governor of Georgia the state. That is a good thing. Russia's military incursion into Georgia is a reminder of how dangerous a place the world remains, and how important it is for the NSC to stay focused on its traditional responsibilities abroad. The HSC, however, is the right place to provide for the vertical integration necessary to help protect the people of the U.S. state of Georgia. Properly resourced and staffed by professionals who speak fluent "state and local," and for whom a governor's sovereignty is second nature rather than an oddity to maneuver around, the HSC can be a much better fit for state and local representatives than a merged staff dominated by international security specialists.

Merging the councils will lead to missed opportunities to strengthen U.S. preparedness.

This begs the question of who would represent states and localities in the HSC. The Homeland Security Advisory Council which Bush established in 2002 was hobbled not only by its lack of authority, but also by the president's insistence that he select the Council's members. That should be changed in the new administration. Providing for state and local representatives in the HSC who are not beholden to the president or tied to his political preferences would be more representative, and ultimately provide a broader perspective to bear on policymaking. Of course, with over 80,000 state and

local jurisdictions in the United States, representing all such jurisdictions in the HSC is not possible. The best approach would be to require states and localities to propose their own selection mechanisms. Organizations such as the National Governors Association and the National League of Cities have already called for a much stronger, more formalized state and local role in homeland security policymaking. Now is the time to embrace that recommendation, and strengthen the HSC to meet the unique policymaking challenges of homeland security.

Reform, Don't Merge

The NSC has a full plate managing the federal conflicts between its current members, especially the state and defense departments. A merger would not only pile dozens of other interagency disputes on the NSC's agenda, but also confront the Council with policy coordination problems utterly unlike those familiar to it, leaving homeland security to get short shifted. Coordination between federal, state, and local governments will suffer still greater damage. In other words, the result will be a series of missed opportunities to strengthen U.S. preparedness against devastating terrorist attacks and natural hazards.

While Bush administration officials promised to include state and local input into homeland security policymaking in 2002, the Homeland Security Council took only halting steps to institutionalize such a role, even as key policy initiatives suffered as a consequence. This is a crucial time in the history of the United States as it continues to face a variety of threats. The time has come to make states and localities full partners in shaping the policies they help implement. To do so, the president should bring their representatives into the HSC, rather than leave them out or shoehorn them into an NSC built for entirely different challenges.

Notes

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