

# The Establishment of the Office of Homeland Security

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**C**ommander, I know you are new to the job, but our approach to orientation and staff development is baptism by fire. You are about to be immersed in holy water,” Assistant Secretary Arthur Balfour announced with a smile.

It was, indeed, Commander David L. George’s third day on the job at the office of the assistant secretary of defense for legislative affairs. He hoped that Secretary Balfour’s smile meant that he had a good sense of humor, not that he enjoyed watching new staff squirm.

“Congress is in recess right now, but before they left town several legislative proposals were introduced that would force the president to take a different approach to homeland security. The White House wants the secretary’s evaluation of the proposals before Congress returns from recess in two weeks. The secretary expects us to do the homework. Your piece of the pie will be to review the decision that the president made in his 8 October 2001 executive order establishing the Office of Homeland Security. We need a succinct background paper on the considerations and factors that went into the 8 October decision. That will be your job. Some others on the staff will be analyzing the proposals that Congress is considering.

“You’ll probably be able to get much of the information you need from the internet and from interviews with folks who were involved at the time in the decision. Here’s a folder with some helpful websites and points of contacts. A useful starting point might be the transcript of the White House press briefing on 5 October and the 8 October executive order. Both documents are in the folder. I would like your background paper in a week.”

Back at his desk, George quickly scanned the 5 October press briefing transcript and located the pertinent section which read:

QUESTION: Ari, [referring to Ari Fleischer, the White House press secretary] there are people on the Hill who want to give Governor Ridge—if he’s still governor—more authority by making the position a confirmable position. Why would the White House oppose something like that?

MR. FLEISCHER: The president just doesn’t see the need for it. It’s just not necessary. The office can get up and running, and will be on Monday, without needing to take that step. Now, Governor Ridge will be a member of the Cabinet and will play a very valuable role in coordinating the various agencies that have been involved in the fight against

terrorism. And it's just not necessary. Similar to the National Security Council (NSC). Dr. Rice has done a very good job, of course, for this country. She's not Senate-confirmed. It is not a necessary prerequisite for a government official to do a good job on behalf of the president and on behalf of the war against terrorism. There is no need for it.

QUESTION: If I can just follow on that, specifically, should Governor Ridge have the power to have control over the spending on terrorism in other agencies' budgets, there's also — that's part of the proposal on the Hill.

MR. FLEISCHER: At the time that the office is formally put in place next week—and I'll get to this in the week ahead—you will receive information about the office and you'll hear more at that time next week. So that will be addressed in time.

QUESTION: Can I follow on that, Ari? The president has to issue some type of executive order though, right, setting up the office and outlining Ridge's responsibilities?

MR. FLEISCHER: As I indicated, there will be additional information forthcoming at the time that the office begins next week.<sup>1</sup>

George knew that the executive order was, in fact, issued on 8 October 2001 the Monday after Fleischer's press briefing. As a first step he decided to check with a lawyer buddy to find out exactly what an executive order was. After a quick telephone discussion, he learned that executive orders are "official documents, numbered consecutively, through which the president of the United States manages the operations of the federal government." He also learned that thousands of executive orders have been issued by presidents and that the *Federal Register* has been publishing them since at least the 1930s.<sup>2</sup> Most of the executive orders that his lawyer buddy was familiar with established organizational structures inside the executive branch and/or dealt with the formal delegation of presidential responsibilities to federal departments and agencies. In other words, there was nothing unusual in using the vehicle of an executive order to establish the Office of Homeland Security.

As he read the executive order, the most pertinent sections seemed to be as follows:

By the authority vested in me as president by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Establishment. I hereby establish within the Executive Office of the President an Office of Homeland Security (the "Office") to be headed by the assistant to the president for Homeland Security. . . .

Sec. 2. Mission. The mission of the Office shall be to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks. The Office shall perform the functions necessary to carry out this mission, including the functions specified in section 3 of this order. . . .

Sec. 3. Functions. The functions of the Office shall be to coordinate the executive branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States. . . .

Sec. 5. Establishment of Homeland Security Council.

(a) I hereby establish a Homeland Security Council (the "Council"), which shall be responsible for advising and assisting the president with respect to all aspects of homeland security. The Council shall serve as the mechanism for ensuring coordination of homeland security-related activities of executive departments and agencies and effective development and implementation of homeland security policies.

(b) The Council shall have as its members the president, the vice president, the secretary of the treasury, the secretary of defense, the attorney general, the secretary of health and human services, the secretary of transportation, the director of the Federal Emergency Management Agency, the director of the Federal Bureau of Investigation, the director of Central Intelligence, the assistant to the president for homeland security, and such other officers of the executive branch as the president may from time to time designate. The chief of staff, the chief of staff to the vice president, the assistant to the president for national security affairs, the counsel to the president, and the director of the Office of Management and Budget also are invited to attend any Council meeting. The secretary of state, the secretary of agriculture, the secretary of the interior, the secretary of energy, the secretary of labor, the secretary of commerce, the secretary of veterans affairs, the administrator of the Environmental Protection Agency, the assistant to the president for economic policy, and the assistant to the president for domestic policy shall be invited to attend meetings pertaining to their responsibilities. The heads of other executive departments and agencies and other senior officials shall be invited to attend Council meetings when appropriate.

Sec. 7. Continuing Authorities. This order does not alter the existing authorities of United States Government departments and agencies. All executive departments and agencies are directed to assist the Council and the assistant to the president for homeland security in carrying out the purposes of this order. . . .<sup>3</sup>

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After this telephone call with the lawyer, Commander George went to a meeting that Assistant Secretary Balfour had scheduled for him. The meeting was with Robert Walpole who had worked in the White House as a political adviser during the Clinton administration and who was currently the head of the Washington office of the Center for Nonproliferation Studies. The Center is a think tank that has been doing research on counter-terrorism and weapons of mass destruction (WMD) issues. Walpole started the discussion by briefly reviewing the steps that had been taken during the Clinton administration on homeland security and counter-terrorism.

According to Walpole, "During the second term of the Clinton administration spending on counter-terrorism was sharply increased. The counter-terrorism budget was \$6 billion for 1998; the last Clinton budget was for 2001 and it allocated more than \$10 billion for counter-terrorism. That's a hefty increase of more than fifty percent in just three years. Not

only that, the Clinton administration ran the National Critical Infrastructure Protection Program which identified key infrastructure nodes needing protection; and we created a “national coordinator” for security, infrastructure protection and counter-terrorism in 1998.<sup>4</sup> The coordinator was a member of the NSC staff—so it was a high profile position.

“The Clinton administration also established an interagency National Domestic Preparedness Office at the Justice Department to improve counter-terrorism coordination among the various federal agencies and between the states and the federal government. The Federal Emergency Management Agency (FEMA) and the Federal Bureau of Investigation (FBI) were the lead agencies. FEMA had the lead for the consequence management—dealing with the aftermath of an attack. The general approach in consequence management paralleled FEMA’s approach to disaster relief—states and local governments are the first responders, federal agencies supplement the state response. The FBI had the lead for crisis management and law enforcement—stopping and catching terrorists. As you know, the Defense Department has roles to play in both the crisis management and consequence management functions.

“During the last couple of years of the Clinton administration there was some talk about creating a new Cabinet-level department for homeland security or counter-terrorism, but no one took it all that seriously. Frankly, it was just one of those many ideas that get batted around in Washington. Like many of them, this one never really got any momentum behind it until the terrible attacks on 11 September 2001. By then, of course, the Clinton team was out of office.”

According to Walpole, the Center for Nonproliferation Studies did a study of department and agency budget proposals for counter-terrorism. They found the following breakdown of funding to combat terrorism. The table excluded the Defense Department and the Central Intelligence Agency.<sup>5</sup>

“Mr. Walpole, your table lists some agencies that I am not very familiar with, “George confessed. “What is the General Services Administration (GSA) and why are they and the Social Security Administration (SSA) asking for so much money for counter-terrorism? And why is the FEMA budget so small? I thought FEMA had a major role.”

Walpole replied, “Commander, GSA is the agency that leases and

<b>Department/Agency Budget Proposals</b>	
	<u>FY 2001</u>
State Department . . . . .	1,300
Justice Department . . . . .	940
Energy Department . . . . .	754
Treasury Department . . . . .	475
Health and Human Services Department . . . . .	387
Transportation Department . . . . .	365
General Services Administration . . . . .	113
Social Security Administration . . . . .	71
Agriculture Department . . . . .	59
Commerce . . . . .	55
Federal Emergency Management Agency . . . . .	35
Commerce Department . . . . .	34
Interior Department . . . . .	10
(Note: Amounts expressed in millions of dollars.)	

oversees most federal office buildings. Most of the money that GSA requested is to improve physical security at federal facilities, like many of the office buildings in the District of Columbia. Now \$113 million may sound like a lot of money, but it really isn't all that much money in comparison to things like the costs of a single destroyer which, as I understand it, costs more than \$400 million. As to SSA, they run the largest federal benefits programs, their computers keep a record of the social security tax payments that most workers make throughout the course of their careers and records of the retirement benefits that workers get after they stop working. SSA generates billions of dollars in retirement benefit checks each month; imagine the effect on the economy if the SSA systems crashed! In fact, SSA's computers are part of our critical financial infrastructure and it costs money to protect them. The FEMA budget is for things like planning, training, exercises and technical assistance to state and local governments. Remember this budget does not cover things like managing the consequences of a WMD incident or a terrorist attack like the one that occurred on 11 September."

Walpole continued, "Commander George, you haven't asked this question directly, but I infer from your remarks that you are surprised there are so many agencies that have pieces of the counter-terrorism/homeland security action. We at the Center for Nonproliferation Studies agree. . . but we are not sure what the president and Congress should do about it. The RAND Corporation, another think tank and one that does a lot of business for the Defense Department, has concluded that the federal agencies and programs devoted to counter-terrorism remain, and I am quoting here, 'pitifully fragmented and uncoordinated, with overlapping responsibilities but no clear focus.'<sup>6</sup> RAND argued that what we need now is a comprehensive effort to knit together more tightly, with greater organizational guidance, the federal agencies and programs. Again we agree, but how?

"By the way, RAND provided the staff support to the *Advisory Panel to Assess the Capabilities for Domestic Response to Terrorism Involving Weapons of Mass Destruction*.<sup>7</sup> This was the so-called Gilmore Commission that was established by Congress in 1999 to appraise our capabilities to respond to terrorism. It was called the Gilmore commission because it was chaired by the Republican Governor of Virginia, James Gilmore. So the RAND folks are connected and have expert knowledge in this area."

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After the meeting with Walpole, George went back to his office at the Pentagon to catch up on his daily emails, organize his notes and prepare for his next few meetings with the other points of contact that Assistant Secretary Balfour had recommended. One was Roberta Peel, a division director at the Office of Management and Budget; the second was Clement Atlee, a Republican member of the staff of the Senate Governmental Affairs Committee. The third was William Gladstone, a staffer at FEMA who had recently retired from the Army and had signed onto work on disaster relief programs. The fourth meeting was to be with Edward Health, a policy specialist at the White House Office of National Drug Control Policy. The meeting with Atlee was first.

Because Atlee was a Republican, George had expected him to toe the White House line with respect to President Bush's approach to the Office of Homeland Security. He was surprised to learn that Atlee was not enthusiastic about the president's decision. Atlee made it clear that at least some Republicans on Capitol Hill believed that a better approach would have been to establish a homeland security agency at the Cabinet level.

Atlee said, "The Senate Governmental Affairs Committee has oversight over the organization and reorganization of the executive branch of government. It is chaired by Senator Lieberman of Connecticut. As you know, he was the Democratic nominee for vice president in the last election and is a figure of national prominence. The Democrats have a 9 to 8 majority on the Committee and the majority of the Committee staff is Democratic.

"Senator Lieberman has held Committee hearings on the question of how the government should organize to combat terrorism. On 21 September—more than two weeks before the president issued his executive order, Lieberman called for the establishment of a National Homeland Security Agency which would be a Cabinet agency and would consolidate under one roof many of the counter-terrorism functions of the federal government.<sup>8</sup> On 11 October only three days after the executive order, Lieberman and Republican Senator Arlen Specter from Pennsylvania introduced a bill that would establish a Department of Homeland Security<sup>9</sup>—so obviously they had been working on this before the executive order was signed and the White House knew that the legislation was going to be introduced.

Atlee continued, "Even before Lieberman and Specter introduced their bill, Senator Graham and several other senators introduced *S. 1499* which would set up a National Office for Combatting Terrorism in the Executive Office of the President, but with a couple of twists. The head of the office would be subject to confirmation by the Senate and would be responsible for developing a single budget for all federal counter-terrorism functions.<sup>10</sup> By the way, Senator Graham met with Condoleeza Rice, the national security adviser on 25 September 2001 to try to get the administration's support for making the head of the new office subject to Senate confirmation and to give the office control over the anti-terrorism budgets of the federal departments and agencies.<sup>11</sup>

"Senator Graham is a Democrat from Florida and he chairs the Senate Select Committee on Intelligence. So he is a big fish. The co-sponsors for *S. 1499* were Senators Feinstein (D-CA), Bayh (D-IN), Mikulski (D-MD), Durbin (D-IL), Nelson (D-FL), and Rockefeller (D-WV). In other words, *S. 1499* is a partisan bill, but that does not mean that Graham's ideas had then and have now no support from the Republicans in the Senate. Or in the House of Representatives for that matter.

"On 4 October 2001 several House Republicans introduced *H.R. 3026* which has essentially the same provisions as Graham's Senate bill. *H.R. 3026* gives the office a different name, but would make the director of the office subject to Senate confirmation and give him or her control over the homeland security budgets of the federal departments and agencies.<sup>12</sup> This legislation was sponsored by Congressman Gibbons, a Republican from Nevada and co-sponsored by two other Republicans: Lahood (R-IL) and Castle (R-DL).

Two Democrats also were co-sponsors: Congresswoman Harman (D-CA) and Congressman Roemer (D-IN).

“Not only that, there are some pending legislative proposals that were introduced before 11 September. One was *H.R. 1158* which Republican Congressman Thornberry of Texas introduced to transform FEMA into a National Homeland Security Agency which would incorporate the Coast Guard, the Customs Service and the Border Patrol. Another was *H.R. 525* which was introduced by another Republican Congressman, Gilchrest from Maryland. This legislation proposed yet another organizational approach—a White House council on domestic terrorism preparedness. The head of this council would also be subject to Senate confirmation. *H.R. 525* was co-sponsored by a number of other Republicans and Democrats in the House of Representatives.”

At this point George interrupted, “I take it that this means that many Republicans and Democrats had doubts about whether Governor Ridge was being given enough authority and power to get the job done under President Bush’s executive order. All the different legislative proposals make a point of centralizing control over department and agency budgets. I understand that. In Washington what really counts is how money is allocated. But what is all the fuss about Senate confirmation? What difference does it really make whether the director of the homeland security organization is confirmed or not?”

Atlee answered, “Good question. In terms of his getting the job done, it might not matter all that much whether Governor Ridge’s appointment is confirmed by the Senate. But there is a constitutional issue here. The Constitution says that presidential appointments as public ministers will be subject to the advice and consent of the Senate. Now I am an employee of the Congress, so I may be overly sensitive about this principle—but it really is more than just a fine point of law. Congress has an important role under the Constitution of overseeing the operations of the Executive Branch—the confirmation process is part of the oversight function. I think that any official with centralized control over major parts of the budgets of the federal departments and agencies ought to be subject to confirmation. That is exactly the principle that is being applied with respect to the director of the Office of Management and Budget in the White House. The OMB director controls budgets, thus the appointment of the OMB director is subject to Senate confirmation. The national security advisor does not control budgets and national security advisor appointments are not subject to the Senate’s advice and consent.

“Frankly,” Atlee wrapped up his remarks, “there may be another reason as well. Turf. Some senators might be concerned that this president already has a high number (five) of members of his Cabinet who are not subject to Senate confirmation. This includes, of course, Vice President Dick Cheney and White House Chief of Staff Andrew Card. The other three are Governor Ridge, as director of the Office of Homeland Security, the U.S. trade representative and the director of national drug control policy.”

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Roberta Peel was the next person that Commander George interviewed. She was a division director at OMB and was widely regarded as one of the most knowledgeable people in the federal government on the subject of budgeting and coordination of multi-agency programs in general, and for counter-terrorism in particular. George had been advised that Peel would be able to give him chapter and verse on these subjects. He also knew that OMB had the power to reject an agency's budget proposal if it regarded that proposal as inconsistent with the president's policies, or if it asked for too much or too little for particular programs. Peel's office was at the New Executive Office Building, a half a block away from the White House.

George started the discussion by asking about the press reports that he had seen which referred to 40 some odd federal agencies with responsibilities in homeland security. The chart he had reviewed with Robert Walpole had only shown 13 agencies. The Defense Department and the Central Intelligence Agency brought the number to 15 agencies.

Peel responded by informing him that the count depended upon whether you were talking about operating components of departments or only the parent department.

"For example," she continued, "in Department of Transportation there are at least two operating components with major homeland security responsibilities—the Federal Aviation Administration and the Coast Guard. Should this be counted as one entity, or two, or even three? Some of us believe the right number is three: two operating entities (the Coast Guard, the FAA) and one policy making entity (the secretary of transportation and his office).

"I could paint basically the same picture for each and every one of the fourteen Cabinet departments. This is important because not only is coordination between departments a challenge, it is often a challenge inside departments," Peel noted.

"Please don't think that the coordination problems are simply the result of laziness or narrow mindedness on the part of hide-bound bureaucrats, although there is obviously some of that in every large organization. A lot of the problem comes from rules and regulations that were developed in the past under guidelines from the president and Congress, or even from the courts. Sometimes these guidelines were in the form of legislation or language in congressional committee reports that often accompany legislation. Sometimes, too, standard operating procedures have evolved in response to past performance failures or fraud and waste problems. Or they have evolved in certain ways as a result of pressure from constituency groups—for example, the Customs Service needs to be concerned with the views of domestic industries that depend upon imports of components or even finished products like clothing and televisions. The tighter that Customs makes the screening process for imports, the slower trade flows. Thus, American industries have strong interests in highly efficient Customs procedures. If Customs completely ignores those interests as it formulates its regulations and standard operating procedures, industry will lobby Congress for relief and Congress might then force Customs to be more accommodating to industry."

Peel observed that, “The problem is two-fold. Sometimes the standard operating procedures pay less attention to national security than they should. Sometimes, too, the standard operating procedures and the agencies’ informal ways of doing business inadvertently cause roadblocks to interagency coordination. And then there is also interagency and inter-component competition for resources. Agencies want to look good before the White House and Congress—sometimes they try to look good by deliberately minimizing the role of others, in effect by not sharing information or not fully involving them in an operation.

“The persistence of these coordination problems is a big reason why Congress and others have been calling for a homeland security czar with real power. If you get a chance, you might want to review some of the General Accounting Office’s reports on interagency coordination or the reports of the Gilmore commission or the Hart-Rudman Commission.

Since 1997 GAO has issued at least eighteen reports on counter-terrorism and homeland security stating that the government needs to do a better job of coordinating.<sup>13</sup>

“And here’s another complicating factor. Homeland security is not just a federal matter—it’s a federal-state matter and most federal departments and agencies have counterparts at the state level. For example, there is only one FEMA in Washington, but there are more than fifty emergency management agencies at the state level, including the District of Columbia, Puerto Rico, etc. Each state has its own Department of Transportation, Department of Health, and state police force. All of these state entities have important roles to play. Ensuring that their activities are well coordinated with the federal activities has proven to be difficult in the past. And the National Governors Association had made it clear that the Governors want to remain partners in homeland security and that they want any new federal programs to be coordinated with the relevant state agencies.<sup>14</sup>

“From my perspective as an old hand at OMB,” Peel continued, “I think that many observers and commentators have drawn an analogy between the director of the Office of National Drug Control Policy—the so-called ‘drug czar’—and Governor Ridge’s job. This is essentially what former Democratic Senator Gary Harty said on the Public Broadcasting System *NewsHour* television show in late October. Hart’s views are worth reflecting upon. Hart and Warren Rudman, a former Republican senator, co-chaired the high profile U.S. Commission on National Security, also known as the Hart-Rudman Commission, that in early 2001 issued a call for greater attention to the terrorism threat and for the creation of a homeland security department. On television, Hart said that he believes that the ‘czar’ model would not work because the drug czar never really got enough power to resolve inter-agency disputes.<sup>15</sup>

“Let me assure you, Commander George, that OMB is convinced that Governor Ridge has all the clout he will need to get the job done. I know that some folks in Congress are worried that he won’t be effective without control over department and agency budgets, but OMB has put itself at Ridge’s disposal. We built a dedicated unit to work with and for him and the Homeland Security Office. And everybody at OMB understands this is really job

one. So we will assist him in every way that we can. We will implement, give effect to his decisions, as the president ratifies them.”<sup>16</sup>

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William Gladstone welcomed Commander George and quickly started describing his perception of the interagency reactions to the establishment of the Office of Homeland Security.

“I’ve worked in both the military and civilians sides of the aisle. And on both sides of the aisle I’ve worked in the interagency arena. So I think I can give you a balanced account of the interagency reactions to the president’s approach to organizing for homeland security. I’ll also share with you my views about its pros and cons.

“First of all, I think that most people would agree that the ‘czar’ model of coordination works best when the czar has a good relationship with the president and when the president really believes that the czar’s programs are genuinely high priority. The problem is, that these conditions are hard to maintain over long periods of time. Some Republican and Democratic senators have been saying that they think it is unlikely that these conditions can, indeed, be maintained. As Congressman Bereuter (R-NE) said ‘Personalities change, the cooperative thrust of the day may be reduced and the old barriers may return’.<sup>17</sup> Senator Specter (R-PA) said ‘As a practical matter, it is impossible for Governor Ridge to go to the president every time there is a turf battle.’<sup>18</sup> Senator Schumer (D-NY) said that while Ridge’s ‘power would be enormous in the first six months, it would eventually fade’ under the czar model.<sup>19</sup>

“I think the history of FEMA bears these concerns out. FEMA is in some respects in a position similar to the position of the Office of Homeland Security. Both are small agencies with important missions (FEMA’s is disaster relief) that can only be carried out through coordination with other, larger and more powerful departments. When the FEMA director had a good relationship with the White House during the Clinton administration and the administration treated disaster relief as a high priority, the interagency system worked pretty well. During the Reagan and first Bush administrations, FEMA was not well connected to the White House and the interagency system functioned less successfully, witness the bad press that FEMA got during Hurricanes Hugo in 1989 and Andrew in 1991.

“The issue for FEMA, as it will be for the Office of Homeland Security, is getting other agencies to invest quality time and resources in missions that are really not their primary mission. FEMA’s main charge is disaster relief, but it has to rely upon agencies like the Defense Department and the Department of Health and Human Services to help it actually help disaster victims—but the Defense Department and the Department of Health and Human Services obviously have other high priority missions. In fact, there are twenty-eight different federal departments and agencies and the Red Cross that FEMA coordinates with during disasters.”

Commander George interjected a question about the kinds of problems that occur in interagency coordination. Gladstone referred to an article that was published in the *Washington Post* in December 2001 and cited a few examples to George.

“According to the *Post* article, the Treasury Department opposed funding for a National Terrorist Asset Tracking Center that the Clinton White House wanted to set up. Treasury also refused to monitor money transfers that took place outside the traditional banking system—even though the NSC staff was pushing for it.”<sup>20</sup>

“Why?” George asked.

“I think it was because the Treasury Department saw these activities as drawing resources away from other programs that were more important—more important at least from the traditional Treasury Department view of the world. Here’s another example, experts in the terrorism field knew that Pakistan and Saudi Arabia were important sources of radical fundamentalism, but the State Department always had more important fish to fry than these two countries and the Energy Department was probably not too enthusiastic about actions that might rock the boat relative to oil production and oil prices in Saudi Arabia. Furthermore, according to the *Washington Post*, the FBI was prevented by the Justice Department from opening some criminal cases against groups that were suspected of raising funds in the United States to support terrorists because of concerns about ‘profiling’ Islamic groups.<sup>21</sup> *Time* magazine ran a story in October with similar incidents of poor coordination between the Immigration and Naturalization Service and the Customs Service, between the FBI and the federal Alcohol, Tobacco and Firearms Bureau, and between FEMA and the FBI.<sup>22</sup>

Now I can not swear that the *Washington Post* and *Time* have the facts exactly right, but I am sure that these are typical of the kind of disconnects that caused the president to establish the Office of Homeland Security.

“Did you know that the State Department, the Immigration and Naturalization Service, the FBI, the National Security Agency, the CIA, the Customs Service, the Coast Guard, the Drug Enforcement Administration, the Agriculture Department and the Federal Aviation Administration all have different databases with information that would be useful in controlling the borders? I read in the paper that the Immigration and Naturalization Service, itself, has more than fifteen different databases. The intelligence agencies are wary about sharing their databases with other agencies out of fear that classified material will be compromised. Not only that each agency collects different data or formats the data differently—this makes exchanging data more difficult.”<sup>23</sup>

“Don’t problems like these argue for consolidating all homeland security functions under a single executive department, instead of relying upon a coordinator in the White House?” Commander George wondered.

“That is what some people think,” Gladstone answered. “But there is another side to the story. Let me give you the other side of the story through a couple of examples. The

Environmental Protection Agency works with hazardous materials on a daily basis. When there is an accidental spill, or someone discovers industrial steel drums buried in a field somewhere, or local authorities discover toxic materials in a factory that was closed five years ago EPA gets involved. The very same hazardous material, or HAZMAT, teams that EPA sends to those sites could have an important contribution to make during a chemical attack, but incorporating them into a homeland security agency might compromise EPA's ability to do its normal job. If the teams were transferred to a homeland security agency, then a different coordination problem would be created. A homeland security agency will never do as good a job of keeping up with the science and meeting 'normal' HAZMAT requirements than the EPA.

Gladstone continued. "The Department of Health and Human Services is another example. Its National Institutes of Health do important research into vaccines. These vaccines could be an important response to a biological threat, but the Institutes are probably better off science-wise where they are, than if they were folded into a homeland security agency.<sup>24</sup> Another example is the Coast Guard in the Department of Transportation. They work on maritime safety issues, as well as homeland security, and their maritime safety programs are popular with the public and Congress. If the Coast Guard were rolled into a homeland security department, would maritime safety? In fact, Coast Guard is already being stretched thin trying to do both homeland security and maritime safety<sup>25</sup>—shifting it to a new department would not solve that problem."

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Edward Heath greeted Commander George at the door of his cramped office in the Old Executive Office Building and, after apologizing for the profusion of papers and periodicals on the desk and chairs, suggested that it would be a good idea to discuss how the Office of National Drug Control Policy viewed the organizational issue.

"We here at this office think there really was no good alternative to going with the 'czar' approach at least for the time being. My old boss, General McCaffrey—the former 'drug czar'—said as much in congressional testimony. He made the excellent point that now is not the right time to be shifting functions and transferring people. There is a war to fight now and our energies are best spent fighting that war and on improving our domestic preparedness. Reorganization, if it proves necessary, can come later.<sup>26</sup>

"By the way, Commander George, my sense is that the media tends to agree with our assessment. There has obviously been lots of media coverage about homeland security since the 11 September attacks on the World Trade Center and the Pentagon. The anthrax scare, airline security, the general alerts that Governor Ridge has issued and the actions taken by certain Governors when they received information about threats to the infrastructure of their states have, of course, kept homeland security on the front burner. At some point the press may become critical, but so far they seem positive about the steps that the administration has taken.

“There was an article published in the *Boston Globe* a few days after the president announced his plan to appoint Governor Ridge that, I think, typifies the congressional reaction and, in so doing, may provide another reason why the press has been generally supportive. The article noted that many lawmakers are skeptical that the president’s approach will work, but they are willing to give it a chance.<sup>27</sup> As you know, the press loves to cover a fight. As long as Congress isn’t pushing too hard and there are no major coordination failures, the press is likely to be supportive of the president’s approach to organizing for homeland security.

“Another factor is the president’s very high approval ratings. In September and October 2001, the polls clearly indicated that the public was rallying behind the president. A *Gallup Poll* showed that his approval ratings jumped after the attack.<sup>28</sup> A *Time* magazine/CNN poll on 8 October indicated that his approval rate was 84%.<sup>29</sup>

“Given the facts that it is wartime, that the Congress has not been too critical, and the fact that the president has very high public approval ratings, it is entirely understandable that the media has—so far—been relatively quiescent with respect to the Office of Homeland Security.”

“While we are on the subjects of public opinion and the media, do you think there is any significance to the fact that the executive order creating the Office of Homeland Security was signed on the same day that the bombing campaign began in Afghanistan?” Commander George inquired.

Heath responded by reminding George that the president had announced his plans in an address before Congress on 20 September and that there were no surprises in the executive order. Everyone knew what to expect. Thus he felt that there was no particular significance to the date of the executive order, beyond the fact that because they are legal documents executive orders go through exhaustive legal reviews and those reviews take time.

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As he started thinking about the background paper that he owed to Secretary Balfour, Commander George found himself thinking about the structure of the government, the complexity of the interagency community, and the size of the challenge facing Governor Ridge.

## **BIOGRAPHY OF GOVERNOR TOM RIDGE**

### **DIRECTOR, OFFICE OF HOMELAND SECURITY**

On 8 October 2001, Tom Ridge was sworn in as the first director of the Office of Homeland Security in the history of the United States of America. In the words of President George W. Bush, he had the strength, experience, personal commitment and authority to accomplish this critical mission.

The president established the Office of Homeland Security and the Homeland Security Council, following the tragic events of 11 September 2001. His charge to the nation's new director of homeland security was to develop and coordinate a comprehensive national strategy to strengthen protections against terrorist threats or attacks in the United States.

Ridge was twice elected Governor of Pennsylvania, serving from 1995 to 2001. He kept his promise to make Pennsylvania "a leader among states and a competitor among nations." Governor Ridge's aggressive technology strategy helped fuel the state's advances in the priority areas of economic development, education, health and the environment.

The Governor Ridge cut taxes every year he was in office. To ensure Pennsylvania was home to the jobs of the future, the Governor created industry-led Greenhouse initiatives in advanced computing technologies and the life sciences.

He signed into law the Education Empowerment Act, to help more than a quarter-million children in Pennsylvania's lowest-performing schools. His education technology initiatives brought anytime, anywhere learning to Pennsylvanians from pre-school to adult education.

During his years in the Governor's office the number of children receiving free or low-cost health care through Pennsylvania's nationally recognized Children's Health Insurance Program increased by 145 percent increase.

Born 26 August 1945, in Pittsburgh's Steel Valley, Gov. Ridge was raised in a working class family in veterans' public housing in Erie. He earned a scholarship to Harvard, graduating with honors in 1967. After his first year at The Dickinson School of Law, he was drafted into the U.S. Army, where he served as an infantry staff sergeant in Vietnam, earning the Bronze Star for Valor. After returning to Pennsylvania, he earned his law degree and was in private practice before becoming assistant district attorney in Erie County. He was elected to Congress in 1982. He was the first enlisted Vietnam combat veteran elected to the U.S. House, and was overwhelmingly re-elected six times.

(Excerpted from Office of Homeland Security Website, available at <<http://www.whitehouse.gov/homeland/ridgebio.html>>, [accessed: 21 December 2001].)

## Notes

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