

## PREOBLIKOVANJE VARNOSTNEGA SEKTORJA, IZKUŠNJA ZDRUŽENIH DRŽAV

## SECURITY SECTOR RESTRUCTURING, THE U.S. EXPERIENCE

Professional article

**Povzetek** V tem članku se raziskuje preoblikovanje varnostnih in obveščevalnih organizacij Združenih držav po napadih 11. septembra. Avtor začenja s strukturnimi pomanjkljivostmi, ki so omogočile napade, in potem ocenjuje napore za njihovo odpravo. Trdi, da je, čeprav sta se izboljšala zbiranje in analiza obveščevalnih podatkov, težko določiti, ali je to izboljšanje posledica preoblikovanja ali novega osredotočanja na terorizem znotraj posameznih agencij in oddelkov. Vseeno pa streljanje v Fort Hoodu in teroristični napad za božič 2009 nakazujeta stalne težave z izmenjavo obveščevalnih podatkov in medagencijskim sodelovanjem. Avtor je še posebej kritičen do ministrstva za domovinsko varnost, pri čemer navaja njegov vpliv na učinkovitost Zvezne agencije za vodenje reševanja (FEMA) med orkanom Katrina. Na koncu ugotavlja, da je potreba po preoblikovanju institucionalne kulture morda pomembnejša kot preoblikovanje varnostnega sektorja.

**Ključne besede** *Preoblikovanje, izmenjava obveščevalnih podatkov, medagencijsko sodelovanje, preoblikovanje institucionalne kulture.*

**Abstract** This article examines the restructuring of U.S. security and intelligence organizations following the 9/11 attacks. The author begins with structural weaknesses that made the attacks possible and then considers efforts to remedy them. He argues that while intelligence gathering and analysis have improved, it is difficult to determine if this improvement is due to restructuring or the new focus on terrorism within individual agencies and departments. However, the Fort Hood shootings and the Christmas 2009 terrorist attack indicate continued problems with intelligence sharing and inter-agency cooperation. The author is particularly critical of the Department of Homeland Security, citing its impact on the effectiveness of the Federal Emergency Management Agency (FEMA) during Hurricane Katrina. Finally, he suggests that the need to transform institutional culture may be more important than security sector restructuring.

**Key words** *Restructuring, intelligence sharing, inter-agency cooperation, transformation of institutional culture.*

**Introduction** On September 11, 2001, the United States suffered the most devastating terrorist attack in its history. Four teams of al-Qaeda terrorists seized hijacked airplanes from East Coast airports. They crashed two into the twin towers of New York's World Trade Center and a third into the Pentagon. Passengers on the fourth airplane fought the hijackers, forcing them to crash in a Pennsylvania field. The attacks killed almost 3,000 people, caused trillions of dollars in immediate and long-term damage and shocked a nation that had long taken its security for granted.

Before the dust from the attacks had even settled, Americans asked: "How could this have happened?" Initial assessments credited the audacity of the terrorists for the success of their attacks. "No one could have prepared for an unprecedented event perpetrated by 19 virtually unknown operatives," the prevailing logic went. As weeks and months passed, however, a more disturbing picture of events emerged. The failure was not merely one of imagination but of failures within government entities and of cooperation among them. Different law enforcement and intelligence organizations had been receiving disturbing bits of evidence that al-Qaeda was planning a major attack. Had they shared this evidence with one another, one of them might have assembled a reasonably clear picture of the plot. Congress convened a commission to examine the causes of the attack and consider how best to address weaknesses in the security system that made it possible. They identified a host of problems and corresponding remedies, some of which continue to be debated while others are still in process of being applied. Post-9/11 security sector restructuring reveals a great deal about the challenges and possibilities of interagency cooperation. Examination of the process of restructuring in the United States may provide valuable lessons to inform similar efforts in other states and in the other countries and in the international community as a whole.

## 1 FAILURES ON 9/11

The United States has the most powerful and complex security apparatus in the world. In its very strength and complexity, however, lay a critical weakness terrorists could exploit. The armed services focused on defending the borders of the United States, protecting its allies in Europe and Asia, and projecting American power abroad. Fifteen different intelligence agencies gathered information on a host of threats but rarely shared information with one another. Virtually all of these bodies gathered intelligence abroad. As the 9/11 Commission succinctly put it, "America's homeland defenders faced outward" (9/11 Commission, 2004:352).

Within the country more than 30,000 local, county and state law-enforcement bodies protected citizens from ordinary crime. The Federal Bureau of Investigation handled federal crimes and assisted local law enforcement when requested. The Drug

Enforcement Agency pursued narcotics traffickers, while the Department of Alcohol, Tobacco and Firearms dealt with infractions involving the items named in its title. The Immigration and Naturalization Service (INS) handled customs and border security, while the Federal Aviation Administration secured airports as well as managed air traffic. The Coast Guard patrolled America's territorial waters under the jurisdiction of the Department of Transportation. This myriad of agencies, departments and organizations cooperated on a limited basis and, not infrequently, worked at cross purposes.

The sheer size and complexity of what the 9/11 Commission described as the "large, unwieldy U.S. government" made the American homeland vulnerable to precisely the type of attack the 9/11 hijackers perpetrated (9/11 Commission, 2004:348). Terrorists exploit gaps in security and failures of interagency cooperation. The United States had both in abundance. Convinced that terrorist attacks happened somewhere else, passenger and baggage screening focused on international flights, while domestic flights received less attention. The hijackers also realized that screening at small airports was more lax than at larger ones. They exploited all of these weaknesses on 9/11. They also understood or at least sensed corresponding weaknesses in how American carriers and the U.S. government prepared to handle hijackings. Based on experience garnered since the 1960s both assumed hijackers would hold a plane and its passengers hostage in exchange for ransom or the release of prisoners. Flight crews were, therefore, instructed not to resist hijackers. The Federal Aviation Administration (FAA) and the North American Air Defense Command (NORAD) shared responsibility for controlling American air space. Once the FAA notified it, the NORAD would scramble aircraft to follow the hijacked plane but had not protocol for shooting down a civilian airliner (9/11 Commission, 2004:14-18).

## 2 INTELLIGENCE FAILURES

Significant as the failures on 9/11 were, they would not have mattered had they not been preceded by a monumental failure of the U.S. intelligence community. Intelligence consists of gathering and, equally important, analyzing information to form a coherent picture of enemies' organization, capabilities and intent. On September 11, 2001, America's formidable intelligence gathering apparatus was still primarily configured for the exigencies of the Cold War. To make matters worse, the United States had long since reduced its reliance on human intelligence, old-fashioned spying, in favor of high tech means of surveillance. Satellites proved their worth in tracking the movement of Soviet forces but were less effective in locating terrorist cells around the world. This structural weakness notwithstanding, the real problem lay with the respective missions of the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA) and the failure to cooperate.

Unlike many other nations, including many of America's closest allies, the United States has no domestic intelligence agency, and most Americans would be very leery of creating one. Federal law prohibits the CIA from operating on American soil, and the FBI is first and foremost a law enforcement agency. It does gather information,

including intelligence on terrorist activities within the country. The CIA and FBI did have limited arrangements for sharing information, even before 9/11. Impediments to cooperation, however, ran deeper than law and function. The FBI viewed information as evidence leading to the prosecution of terrorist suspects. Such evidence would have to be presented in open court, where defense attorneys could question its origin. The CIA in turn treated evidence as intelligence to be used in building up a comprehensive picture of the terrorist organization that could be used to deter attacks and conduct covert operations. This difference made the CIA very reluctant to share information for fear that the prosecutors would compromise how it had been obtained (Wright, 2007:312). “Why compromise for the sake of one prosecution work that might produce far greater results months or years later?” the Agency reasoned.

Beyond legal impediments, conflicting missions and deep-seeded distrust lay the inherent tendency of bureaucratic institutions to guard their turf (McCutcheon, 2001). Information is not just evidence or intelligence, it is power, and with power go money, recognition and influence. Agency and department heads are reluctant to share anything they perceive (rightly or wrongly) will cost them resources in the annual battle of the budget. Institutional culture compounds turf guarding. Different agencies have different protocols, procedures and habits of doing business that do not always mesh well with those of other institutions. Finally, as with all human endeavors, the personality of leaders affects cooperation. For example, prior to 9/11 both the CIA and FBI head office in Washington distrusted John O’Neill, Special Agent-in-Charge of the New York FBI office and the Bureau’s leading expert on al-Qaeda (Wright, 2007:312).

The failure of inter agency cooperation between the FBI and CIA contributed directly to the 9/11 attacks. As early as December 1999, the CIA had tracked the movement of two of the 9/11 hijackers, Khalid al Mihdhar and Nawaf al Hazmi, and would continue to do so intermittently for the next three years. However, they never notified the State Department so that the two could be put on its terrorist watch list (9/11 Commission, 2004:266). Had they done so, the two might have been apprehended when they entered the United States in January 2000. On that occasion, the CIA also failed to notify the FBI that the two were in the country (Wright, 2007:312).

Failures within the FBI also contributed to 9/11. In July 2001, an agent in the Phoenix field office sent a memorandum to headquarters and to two members of the counter-terrorism task force. He warned of a potential attack on the United States based upon the “inordinate number of individuals of investigative interest” attending flight schools in Arizona (9/11 Commission, 2004:272). Even more ominously, the student pilots were interested only in level flying (not taking off and landing) and were specifically interested in large airliners. Headquarters failed to distribute the memo in a timely manner. The Bureau made even greater mistakes in the case of Zacarias Moussaoui, the so-called ‘twentieth hijacker’. The Minneapolis office had begun to investigate Moussaoui on August 12, 2001 and arrested him five days later. Agents had been concerned about his interest in lessons on how to fly a 747 for which he paid

cash, his radical Islamist statements and \$32,000 in his bank account, which he could not explain. Although they were able to have the INS detain him for overstaying his visa, they could not get a Foreign Intelligence Surveillance (FISA) warrant to search his computer nor convince headquarters that a serious terrorist plot might be in progress. Headquarters forbade them sharing their full report with the FAA (9/11 Commission, 2004:273-276). Had anyone compared the Moussaoui investigation with the Phoenix memo, they might have figured out that a major al-Qaeda operation was pending. These errors and others occurred against the backdrop of increased intelligence intercepts that led CIA chief George Tenet to conclude that during the summer of 2001 “the system was blinking red” (9/11 Commission, 2004:277).

### 3 RECOMMENDATIONS OF THE 9/11 COMMISSION

The 9/11 Commission identified four types of failure that contributed to the terrorist attacks on the United States: imagination, policy, capability and management. The U.S. government had failed to imagine just how creative and audacious terrorists could be and two presidential administrations (Clinton and Bush) had failed to recognize the seriousness of the al-Qaeda threat and to develop an effective strategy for combating it. The United States also lacked key institutional capabilities for fighting terrorism and failed to properly manage those assets it possessed (9/11 Commission, 2004:339-360). The Commission’s report made two sets of recommendations: strategic and organizational. The latter bear directly on the topic of this article and will be examined in depth. The Commission’s recommendations for restructuring focused on improving communication among disparate agencies and on achieving unity of effort in the fight against terrorism.

The Report recommended creation of a National Counterterrorism Center (NCTC) “for joint operational planning and joint intelligence, staffed by personnel from the various agencies” (9/11 Commission, 2004:403). The NCTC would fill too important gaps in the American security apparatus. First, it would in theory create an organization charged with preparing and managing a global counterterrorism strategy. Second, it would link multi-agency intelligence gathering and analysis with action, previously a prerogative of the CIA. Arguably, all existing intelligence agencies dealt with operational and tactical intelligence. No one had responsibility for strategic analysis. The NCTC would assist the National Security Council, which would still have the final say on security policy. It would be headed by a deputy cabinet secretary who reported to the Director of National Security. In proposing the NCTC, the Commission did recognize the challenges it posed. They worried that increased centralization might make it more difficult to fight a highly decentralized and flexible terrorist organization like al-Qaeda. They also realized that it would require some very powerful institutions to surrender some of their power and perhaps some of their resources as well, something bureaucratic organizations rarely do willingly.

Not surprisingly, the Commission directed its strongest criticism and most forceful call for change at the intelligence community. It recognized the need for an overhaul

of the system equivalent to the 1986 Goldwater-Nicholas Defense Reorganization Act that created the regional commands and gave each combatant commander control of all military assets within his region. The report recognized a need for joint effort combined with stronger management of intelligence. To achieve this objective it recommended replacing the Director of Central Intelligence (DCI) with a Director of National Intelligence (DNI) to “(1) to oversee national intelligence enters 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” (9/11 Commission, 2004:411). The DNI would be the president’s principal advisor on intelligence just like his predecessor, the DCI. His/her office would be located in the NCTC and he would have oversight of the CIA and various defense intelligence organizations. The report did not explain how precisely he or she was to manage such powerful agencies.

The Commission also made several other recommendations related to intelligence. It emphasized the need to develop human intelligence capability and argued that spending of money allocated to various intelligence be monitored more closely. Primary responsibility for covert operations, the report maintained, should be shifted from the CIA to the office of Special Operations Low Intensity Conflict in the Department of Defense. To improve information sharing, the Commission urged development of new procedures that would “provide incentives for sharing, to restore a better balance between security and shared knowledge” (9/11 Commission, 2004:417). The report provided no details on how to accomplish this difficult task. Finally, it recommended improved Congressional oversight of the intelligence community to increase unity of effort.

The Commission devoted considerable attention to the FBI, recognizing serious problem with the organization’s ability to combat terrorism. “The concern about the FBI is that it has long favored its criminal justice mission over its national security mission,” the report concluded (9/11 Commission, 2004:423). Despite this weakness, the Commission recommended against creating a new domestic intelligence agency. Instead it suggested creating a ‘national security workforce’ within the Bureau. The workforce would consist 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” 9/11 Commission, 2004:425-426).

The *Report of the 9/11 Commission* is probably the only government document to become a best seller. It was not, however, without its critics. Observers recognized that it contained much common sense, some genuine insight and not a little bit of wishful thinking. In a *New York Times* review of the *Report*, judge, author and legal scholar Richard Posner challenged many of its conclusions, especially the recommendation to create an intelligence tsar. Pushing more and more information to a central office, he argued, could overwhelm analysts and slow down the process of getting timely advice to the president. He also raised the equally valid point that the new National Intelligence Director would have a hard time compelling entrenched



agencies to give up the power and information that they so carefully guarded. In addition, he pointed out, valid security concerns made it necessary to keep some information secret (Posner, 2004).

## 4 INTELLIGENCE REFORM

Posner's legitimate concerns notwithstanding, the *Report of the 9/11 Commission* created a powerful impetus for change that proved impossible to ignore in the wake of so devastating an attack. The 'Intelligence Reform and Terrorism Prevention Act of 2004' implemented many of the recommendations of the 9/11 Commission. It created the Director of National Intelligence (DNI), charged him with oversight of all intelligence agencies, made him the President's principal advisor on intelligence and put him in charge of the National Counter Terrorism Center (Intelligence Reform and Prevention of Terrorism Act, 2004). The new office had a succinct but difficult mission: "Integrate foreign, military, and domestic intelligence capabilities through policy, personnel and technology actions to provide decision advantage to policy makers, warfighters, homeland security officials and law enforcement personnel" (ODNI, 2009). The intelligence act did not specify what powers the DNI would have to compel reluctant organizations to cough up information they wished to withhold, and the FBI remained outside his jurisdiction.

The 'Intelligence Reform and Terrorism Prevention Act of 2004' act also codified the National Counterterrorism Center (NCTC), which had been created by Executive Order 13354 in August 2004. The NCTC had a broad mandate:

serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting purely domestic counterterrorism information. The Center may, consistent with applicable law, receive, retain, and disseminate information from any Federal, State, or local government, or other source necessary to fulfill its responsibilities concerning the policy set forth in section 1 of this order; and agencies authorized to conduct counterterrorism activities may query Center data for any information to assist in their respective responsibilities (Executive Order 13354, 2004).

The NCTC was to serve as a planning center and clearing house for information. Again, its Director would have little real power and "purely domestic counterterrorism information" would be outside his purview. How foreign and domestic information can be distinguished when a call from London to Islamabad might be routed through a server in the US is a nice question (Risen, 2006).

## 5 LAW ENFORCEMENT

Although not the focus of reform legislation, the FBI undertook its own internal reform to improve its capacity to fight terrorism. "We have overhauled our counterterrorism

operations,” the Bureau proclaims on its webpage, “expanded our intelligence capabilities, modernized our business practices and technology, and improved coordination with our federal, state, local, and tribal partners” (FBI, 2009). Central to this reform was the creation of the National Security Branch (NSB) of the Bureau in 2005. The NSB combined the “missions, capabilities, and resources of the counterterrorism, counterintelligence, and intelligence elements of the FBI under the leadership of a senior FBI official” (FBI, 2009).

The FBI also increased the number of personnel dedicated to counterterrorism assistance to state and local law enforcement agencies. The Bureau created 100 Joint Terrorism Task Forces in 100 cities, including one in each of its 52 field offices, linked to its National Joint Terrorism Task Force. To staff these organizations it quadrupled the number of special agents assigned to counterterrorism. The Joint Terrorism Task Forces were staffed with 2,196 special agents, 838 state and local law enforcement personnel, and 689 professionals from other government agencies (FBI, 2004).

The FBI also set up a Terrorist Screening Center (TSC). The TSC maintains a terrorist watch list to support the ability of front line screening agencies to positively identify known or suspected terrorists trying to obtain visas, enter the country, board aircraft, or engage in other activity” (FBI, 2009). The TSC maintains a hotline available to law enforcement agencies around the country 24 hours a day, 7 days a week. An officer questioning a suspect for an unrelated offense can immediately check to see if that suspect is on the terrorism watch list.

## 6 THE DEPARTMENT OF HOMELAND SECURITY

Even before the 9/11 Commission convened, the Bush administration began to reorganize the agencies charged with protecting the homeland. Eleven days after 9/11, President Bush announced that he would create an Office of Homeland Security (OHS). On October 8, Executive Order 13228 created the OHS within the Executive Office. Its mission would be to “develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks”. Its function would 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” (Executive Order 13228, 2008). He asked Congress to make the OHS a cabinet level department. Congress duly complied with the Homeland Security Act. The act created the Department of Homeland Security (DHS) with an extensive mission:

- (A) prevent terrorist attacks within the United States;
- (B) reduce the vulnerability of the United States to terrorism;
- (C) minimize the damage, and assist in the recovery from terrorist attacks that do occur within the United States;
- (D) carry out all functions of entities transferred to the Department, including by acting as a focal point regarding natural and manmade crises and emergency planning;



- (E) ensure that the functions of the agencies and subdivisions within the Department that are not related directly to securing the homeland are not diminished or neglected except by a specific explicit Act of Congress;
- (F) ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland; and
- (G) monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking (Homeland Security Act, 2002).

This mandate led to a massive reorganization to bring 22 Federal agencies and offices charged with various aspects of domestic security under the new department. The Coast Guard, Secret Service, and Federal Emergency Management Agency became part of the new department. In March 2003, the DHS absorbed the Immigration and Naturalization Service, dividing its functions among three new agencies: Immigration and Customs Enforcement, Citizenship and Immigration Service, and Customs and Border Protection.

To remedy serious failures by airport security on 9/11, the Whitehouse created the Transportation Security Administration (TSA) and placed it under the DHS. “With our state, local and regional partners,” TSA declares (2009), “we oversee security for the highways, railroads, buses, mass transit systems, ports and the 450 U.S. airports”. Most people encounter TSA agents as they pass through airport security. A few find notes from TSA baggage inspectors when they unpack their luggage after a trip. The TSA also runs the air marshal program and a bomb detection unit. Since 9/11, it has worked hard to improve recruiting and training of its airport security personnel.

In addition to the agencies it supervises, the DHS contains numerous offices dedicated to a variety of tasks. It has one office specifically devoted to cyber-security and another dedicated to counternarcotics. Other offices handle health affairs, intelligence and civil rights. The DHS even maintains a Federal Law Enforcement Training Center. Like any government organization it also contains numerous offices to support its work (DHS, 2009).

## 7 EFFECTIVENESS OF RESTRUCTURING

In the aftermath of 9/11, the United States underwent one of the most dramatic overhauls of government agencies, offices and departments in the history of the Republic. How much this overall has improved homeland security is a moot point. Success in countering terrorism consists largely in preventing attacks. It is, however, very difficult to measure the negative. The absence of major attacks since 9/11 may or may not be due to restructuring. The number of actual plots prevented, and suspects arrested and convicted may be a better indicator of effectiveness. However, this success may be due to other factors. The effectiveness of the restructuring must be weighed against the cost of implementing and sustaining it. Finally, the impact of restructuring on the ability of multi-function agencies to perform their other tasks must also be considered.

## 8 COST OF RESTRUCTURING

By any measure the cost of security sector restructuring has been substantial. The sheer size and complexity of the Federal bureaucracy makes arriving at hard and fast numbers very difficult. Ambiguity over exactly what activities fall under the heading of 'homeland security' further complicates analysis. However, enough data is available in the public domain to provide an indication of the scope and magnitude of the change.

Spending rose dramatically after 9/11. The Federal homeland security budget went from \$20.1 billion in 2001 to \$54.3 billion in 2005, from .2 to .44 percent of gross domestic product (Hobijn and Sager, 2007:4). Much of this increase came from sunk costs in setting up the DHS, after which annual increases leveled off but remained substantial. Counterterrorism accounted for most but not all of this expenditure. Some of the DHS budget represents expenses that would have occurred even without restructuring. Emergency preparedness, for example, accounted for 11%, much of which would have been necessary had there been no increase in the terrorist threat. The same can be said for the 31% of DHS budget spent on border and transportation security. Illegal immigration and narcotics smuggling across the southern border might have necessitated most of this expenditure even without the 9/11 attacks (Hobijn and Sager, 2007:2). The costs of setting up and running the DHS, although substantial, do not seem to have placed an undue burden on the Federal budget or to have had an adverse effect on the economy (Hobijn and Sager, 2007: 6). However, these figures do not include the cost of setting up and running the Office of the Director of National Intelligence (ODNI) or the National Counter Terrorism Center (NCTC).

## 9 LESSON OF HURRICANE KATRINA

All of the agencies incorporated into the DHS performed important task other than counterterrorism. Loss of autonomy combined with fixation on terrorism as the major threat to national security might compromise the ability of an agency to perform its other tasks. Unfortunately, this unforeseen consequence occurred. The Federal Emergency Management Agency (FEMA) has primary responsibility for directing the Federal government's response to natural disasters. Before being absorbed into the DHS in 2003, the Director of FEMA had direct reporting to the president. Under the new structure, he/she reported to the Secretary for Homeland Security, who reported to the president. Putting an extra bureaucratic layer between the agency and the president might delay and/or distort the picture the president received of the extent and severity of a natural disaster.

Hurricane Katrina created just such an eventuality. The storm slammed into southern Louisiana and Mississippi on August 29, 2005. The hurricane devastated New Orleans as storm surges overwhelmed its system of levees and flooded the city. While the mayor of New Orleans and the governor of Louisiana badly handled the situation, FEMA also performed poorly. Director Michael Brown had practically no emergency

management experience, and key members of his staff were also political appointees (*USA Today*, 2005). The new bureaucratic structure exacerbated problems created by Brown's inexperience. President Bush was not informed in a timely manner of the seriousness of the emergency. He believed that the danger had passed with the storm, unaware of the devastation to be caused by the storm surge a few days later.

FEMA's problems went far beyond its poor leadership, however. Restructuring not only subordinated the agency to the DHS, it also cost the agency resources and changed the focus of its mission. For example, more than 75% of the agency's grants awarded in 2005 went to state and local organizations for terrorism preparedness (*USA Today* 2005). The appointment of an unqualified director combined with diversion of resources from its core task "turned FEMA into something akin to New Orleans' famous levees — a structure sure to fail when a big disaster struck" (*USA Today* 2005). In subordinating a highly effective and vital agency to the "war on terror," the Bush administration violated a cardinal rule of restructuring any agency tasked with emergency management: always take an all-hazards approach to preparedness. Focusing on one kind of threat can compromise the agency's ability to respond to others. All-hazards planning emphasizes the generic nature of emergency response and consequence management. Preparing for one kind of emergency should prepare responders to handle another.

*Success and Failure:* The ultimate measure of counter-terrorism effectiveness is the ability to prevent attacks. By that measure the restructuring would appear to have worked. However, research data indicates that attacks occur less frequently but are more devastating when carried out against major western nations (Clauset and Young, 2006). Eight years passed between the 1993 World Trade Center Bombing and 9/11. In addition, the terrorists have plenty of American targets in Iraq and Afghanistan. Perhaps the absence of a major incident owes more to these factors than to the positive effects of restructuring.

A more realistic measure of success may be number of plots foiled and suspects arrested. Unfortunately, much of the data necessary to make such an assessment remains classified. Still, several high profile cases provide some cause for optimism. A Heritage Foundation Report published in July 2009 concludes that since 9/11 the U.S. government has foiled 23 terrorist plots aimed at the American homeland (McNeil and Carafano, 2009). The FBI foiled another deadly plot two months after the Heritage report appeared. On September 24, 2009, authorities in New York charged Najibullah Zazi, a man born in Afghanistan, with one count of conspiring to use a weapon of mass destruction. They also arrested Zazi's father and three other men in Queens New York. The FBI had been watching the younger Zazi for some time and determined that he had made several trips to Pakistan, where he had allegedly received training from al-Qaeda. A search of his car produced a laptop with bombing making notes. Investigators also found store footage of him purchasing dual-use chemicals at a store in Denver, where he lived. They also had evidence that he had mixed bomb-making components in a Denver hotel room (*New York Times*,

December 17, 2009). Several back packs found in his apartment suggest that he and others planned to carry out an attack on the New York subway system similar to the July 2005 attacks on the London Underground.

Next to these striking successes must be set two glaring failures. On Thursday, November 5, 2009, Major Malik Nadal Hasan, a U.S. Army psychiatrist opened fire at Fort Hood, Texas on troops preparing to deploy to Afghanistan. He killed 13 people and wounded several others before being wounded and captured himself. An American Muslim born in the United States of Palestinian parents, Hasan had shown signs of instability going back to his days as a resident at Walter Reed Army Medical Center. He had also been investigated by the FBI's Joint Terrorism Taskforce because of his e-mail communication with a radical imam in Yemen. "Because the content of the communications was explainable by his research and nothing else derogatory was found," an FBI spokesperson explained, "the JTTF concluded that Maj. Hasan was not involved in terrorist activities or terrorist planning" (CNN, November 10, 2009). Even though he was not guilty of wrong doing, some should have alerted the army of concerns about Hasan's behavior. The FBI is conducting an internal investigation of the JTTF's handling of the matter, but the incident indicates that interagency cooperation still has a long way to go.

An even worse security failure occurred on Christmas day 2009 when a Nigerian man, Umar Farouk Abdulmutallab, attempted to blow up Northwestern Flight 253 as it was descending to land in Detroit. Only the failure of his well-concealed explosive device and the quick response of passengers to subdue him prevented the attack from succeeding. In the aftermath of the incident the public learned of serious breaches of security and intelligence failures. Although he purchased his ticket with cash less than two weeks before his journey and despite having no checked luggage and only a small carry-on bag, Abdulmutallab passed easily through security, first at the airport in Lagos, Nigeria and then in Amsterdam, where he transferred to the Northwestern flight. In November his father had warned the U.S. embassy in Lagos of his son's radicalization. Despite this warning and the fact the United Kingdom had denied him an entry visa, the embassy granted him a visa to visit the United States. It later emerged that the Abdulmutallab had been radicalized at university in England and traveled to Yemen, where he received training and his explosive device from al-Qaeda in the Arabian Peninsula. To make matters worse, both he and the Fort Hood shooter had been in contact with the same radical Imam in Yemen.

President Barack Obama immediately ordered a security review. On January 7, 2010, he summarized the findings of the review. The President noted that the intelligence community had failed to take the threat of al-Qaeda in the Arabian Peninsula seriously enough. He also noted that, despite being on the terrorism watch list, Abdulmutallab had not been placed on the more restrictive no-fly list. Obama then outlined reforms to address these and other concerns (Obama, 2010). The near disaster clearly indicates continued problems with intelligence gathering and analysis as well as with interagency and international cooperation.

## 10 INSTITUTIONAL CULTURE

A major goal of restructuring is synergy, making the whole greater than the sum of its parts. However, synergy can only be achieved when those parts work together effectively. External restructuring alone will not achieve such cooperation. Each institution must be willing to exam its own institutional culture and change those elements that impede cooperation. Institutional culture consists of rules, norms and social habits that control how that institution conducts its business. Institutional cultures within a vast, complex government can vary widely and may not easily mesh with one another. The problem of culture clash is most acute in the intelligence community. Institutional change to improve interagency cooperation will only occur when the institution accepts the need for it. Without such acceptance restructuring will produce an impressive diagram of linked agencies but little real cooperation. Nancy Bernkopf Tucker, a former assistant deputy director of national intelligence for analytic integrity and standards at the Office of the Director of National Intelligence, succinctly defined the challenge. “If restructuring is to be the leading edge of transformation,” she wrote, “it cannot be the totality of change nor can it be allowed to fail. Success will come only if there is a fundamental revolution in the culture of the intelligence community” (Tucker, 2008:47).

Tucker wrote a poignant assessment of progress and problems in cultural transformation within the intelligence community for the *Washington Quarterly* in 2008. She applauded the ODNI for its effort to replace a culture of intelligence sharing based on ‘need to know’ with a culture based on ‘responsibility to provide’. She noted that producing an interagency personnel directory facilitated communication and that ODNI was also pushing a method for uniform sourcing of information, the equivalent of a standardized referencing system such as that used for academic journals within a particular field. Unfortunately, however, Tucker also found deeply entrenched resistance to many of these reforms. She concluded her assessment with suggestions to further promote cultural transformation. She recommended improved and more constructive Congressional oversight of the intelligence community to encourage reform, and she called for the creation of a National Intelligence University to train analysts from all agencies and services. Tucker further recommended that intelligence agencies make greater use of outside experts and more rapid declassification of documents to facilitate analysis by as wide a group of experts as possible (ibid., 2008).

## 11 VALUE OF RESTRUCTURING

Since 9/11 the United States has undertaken a massive restructuring of its intelligence community and security agencies. While restructuring is complete for the foreseeable future, the much slower process of changing institutional culture and creating a joint mentality continues. Based on available but largely anecdotal evidence, interagency cooperation seems to have improved since 9/11. However, a nagging question remains. Could the improvement have been achieved without the massive overhaul?

The question is difficult to answer but important nonetheless if any meaningful lessons are to be drawn from the American experience.

While the 9/11 Commission waxed eloquent on the need for restructuring, it identified a more basic failure behind the terrorist attacks, lack of imagination. From the president to the average voter, Americans could not and did not imagine that a catastrophic terrorist attack on American soil could occur, or at least not one using hijacked airplanes as weapons. When people do not believe something is possible, they ignore warning signs that it is about to occur. How might things have been different had the United States been focused on the growing terrorist threat? Could its security institutions as they were structured before 9/11 have prevented the attack? Some of the post 9/11 counterterrorism successes, notably the arrest of Jose Padilla at Chicago's O'Hare Airport, occurred before restructuring had progressed very far. They resulted from heightened vigilance, not new institutions. Had such vigilance been exercised before 9/11, the FBI would almost certainly have acted on the memorandum from the Phoenix field office warning of Middle Eastern men taking flying lessons. That memo would probably have been circulated throughout the Bureau as a high-priority alert, which would probably have allowed the Minneapolis office to connect Zacarias Moussaoui to the larger plot. Given immediate access to Moussaoui's computer, the FBI might have derailed the attack. This scenario is of course purely hypothetical, but it does suggest the possibility that the same improvement in security might have been achieved through improving existing law enforcement and intelligence agencies, as was done with the FBI, instead of creating a new one. An interagency working group or national intelligence committee, such as that developed in Britain might have achieved the same degree of cooperation as a new, multimillion-dollar office. The ODNI and NCTC have probably improved intelligence sharing and cooperation but not to the degree necessary to justify their existence. They have yet to achieve their full potential. Whether they ever will achieve it, remains to be seen.

If the establishment of the ODNI and NCTC were of dubious value, arguments in favor of the DHS and some of the restructuring related to it are even harder to make. Replacing existing airport security with the more comprehensive TSA, and subdividing Immigration and Naturalization into three new departments with more specialized functions also made sense. Customs and Borders certainly need the additional resources they have been given, if for no other reason than to deal with the southern U.S. border. Placing FEMA within DHS proved to be a bad decision. The Coast Guard was happy to be out of the transportation department, but it might have made more sense to place it in the Department of Defense. All of these changes, however, could have been made without creating at great expense a new cabinet department that will compete for resources in the annual battle of the budget. Liaison between various agencies needs to occur, but such cooperation might have been achieved through a joint task force. At the very least, the NCTC might have served as a coordinating body for all homeland security agencies as well as for intelligence.



## 12 LESSONS

Whether the massive restructuring of offices and agencies will make the homeland safer remains to be seen. The benefits and liabilities of the new system will become apparent in the coming years during which the restructuring may need to be fine-tuned. In the mean time, the process of restructuring itself offers valuable lessons for other nations facing a range of internal and external threats.

The first lesson of the post-9/11 reforms applies to government policy as it does to most human endeavors: avoid making major, long-term decision in the midst or immediate after a crisis. Based more on emotion than reason, such decision are often poor. 9/11 was no exception. Shocked by the devastating attacks, Americans demanded decisive action that would make them secure. This demand created a powerful impetus for placebo measures. Deploying the National Guard to major airports made people feel safer, but offered no real security. President Bush announced the creation of the OHS less than two weeks after 9/11, and Congress passed the law creating the DHS in November 2008, two years before the 9/11 Commission delivered its report. A slower, more deliberative approach might have avoided mistakes like compromising FEMA's ability to respond to a natural disaster.

To avoid decision making in a crisis all states must constantly assess and reassess their domestic and foreign security apparatus. Threats change, sometimes rapidly, over time; bureaucratic institutions do not. Professional civil servants rather than political appointees staff most bureaucracies. These civil servants outlast most governments and can be very effective at thwarting reform. Only a persistent, determined effort by politicians of all political parties can make sure that security agencies and offices are up to date.

Governments engaged in security sector reform must be aware that restructuring alone will not improve interagency cooperation, intelligence analysis, or anything else. As Nancy Bernkopf Tucker poignantly observes, transformation of institutional culture must accompany restructuring (Tucker, 2008). Shuffling agencies and creating new departments will accomplish little unless personnel adopt a truly joint approach to whatever task they undertake. Restructuring can occur rapidly; transformation takes years.

Countries overhauling the organs of state security should avoid copying slavishly the arrangements of the United States or any other nation. America's governmental institutions have evolved over two centuries, adapting themselves to the country's unique society and culture. This evolution produced both strengths and weaknesses. Because of its historic fear of strong central government, the United States never has and probably never will have a domestic intelligence agency. The British system, in which the Security Service (MI5 - Military Intelligence, section 5) handles domestic intelligence, and the Secret Intelligence Service (MI6 - Military Intelligence, section 6) complement one another, has much to commend it, but it would not be

acceptable in the United States. The FBI has intelligence gathering department, but the Bureau's main function will always be law enforcement. Each country must look to its own unique circumstances when restructuring government offices and agencies or creating new ones, cognizant of best practices and common mistakes made by others. Finally, all states must be aware that their security does not depend solely on their own institutions. Only by working together through regional and international coalitions, sharing information and expertise as need can they hope to achieve security for themselves and the world in which they live.

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