

Changing Homeland Security: Twelve Questions From 2009

Christopher Bellavita

Everything we hear is an opinion, not a fact. Everything we see is a perspective, not the truth. Marcus Aurelius (121-180)

Aviation bracketed both ends of 2009.

On January 15, 2009, US Airways flight 1549 landed in the Hudson River. No one died. The captain was called a hero.

On December 25, 2009, Northwest Flight 253 landed in Detroit after a passenger tried to ignite a crotch bomb. No one died. The rapidly formed conventional wisdom claims the failure to prevent the passenger from boarding the plane means "the system" – presumably the homeland security system – failed.

It was that kind of year for homeland security: several close calls, some heartbreaking incidents, but no catastrophes.

After eight years, the homeland security enterprise remains unable to guarantee Americans will be safe from terrorism. Americans are not even safe within the protected confines of an army base. When seen through the ax-grinding lens of media, anything less than perfect security must be defined as failure. There is no time for nuance in the 24/7 news cycle.

After eight years, are we any closer to having a secure homeland – whatever you choose to mean by that – then we were on September 10, 2001?

I do not know anyone who believes we – as a nation – are less prepared now than we were eight years ago. And that includes being better prepared to prevent an attack.

I also do not know anyone who can provide objective evidence about how much better prepared we are now to prevent and respond to threats. We have anecdotes and intuitions. But we have nothing much more convincing than that.

Why we have not measured the benefits gained from the billions in spending remains a central puzzle in homeland security. I am using "puzzle" in the same way Thomas Kuhn used it to describe what generates progress – or at least evolution – in science.¹

What Kuhn called normal science – basically conventional ways of thinking and working – succeeds by further developing an already accepted body of knowledge. Normal science is good enough until a crisis occurs.

A crisis can take the form of a puzzle (or wicked problem) that cannot be resolved using standard ideas or methods. Something new is called for. That something can trigger a revolution in knowledge.

Crises stimulate progress in science. The same process might also help the continued evolution of homeland security as a professional discipline.

It remains a conceit to call homeland security a "discipline." It is overly generous to even call it a pre-paradigm discipline. Still, it is difficult to look at 2009 through homeland security eyes and not see "puzzles" that have been with us since 2001. Can any of these puzzles be solved, or at least more effectively framed?²

HOW THE 12 QUESTIONS WERE DEVELOPED

For this “2009 Year in Review” essay, I examined homeland security-related news stories collected during 2009 by the Homeland Security Institute.³ I identified and categorized approximately 400 stories.⁴ The categories were initially derived from my subjective analysis of the stories. I modified the categories in September and December, after discussions with Naval Postgraduate School homeland security master's degree students.

The result is a largely personal list of twelve questions. In my view, they frame some of the important homeland security puzzles highlighted by events in 2009.

1. Why is it so difficult to make risk-based decisions in homeland security?
2. Why are we unable to measure the relationship between homeland security expenditures and preparedness?
3. Why is illegal immigration a homeland security issue?
4. Why is FEMA still a part of the Department of Homeland Security?
5. What can the nation realistically expect from its intelligence apparatus?
6. How does technology contribute to homeland security, and how does it make us more vulnerable?
7. Are the direct and indirect costs of security – for example aviation security -- worth the benefits?
8. How important is cyber security?
9. Can the values of security and privacy be complementary, or must they be competitive?
10. Under what conditions will the United States torture people?
11. Is it necessary to understand Islam to develop an effective counterterrorism policy?
12. What can the homeland security enterprise learn from the apparent success managing the H1N1 pandemic?

These obviously are not the only homeland security questions that create puzzles for the discipline. Several additional ones are included at the end of this essay. You probably have your own favorites. We welcome learning about them.

Homeland security can develop if the various professions that contribute to homeland security approach a tentative consensus on framing and exploring the discipline's central puzzles. Perhaps there can even be agreement on a solution or two.

In each of the sections that follow, I present several of the news headlines that illustrate each topic area (generally in chronological order), and then briefly discuss some of the dimensions of the question. The list of news stories used for this analysis is included in the appendix. Links to the full stories can be found in the Homeland Security Institute's newsletter archive.⁵

Before the questions, however, here is a sample of some of the 2009 issues that demonstrate the breadth of what constitutes homeland security.

Some Homeland Security-Related Headlines from 2009

- US Airways Flight 1549 Splashed Down in the Hudson River
- Napolitano Takes DHS Reins
- Maine Man - Shot by Wife - Had 'Dirty Bomb' Materials and Links to White Supremacists
- 10 Dead in Alabama Shooting Spree
- 14 Dead in Binghamton, NY, Immigration Center Shooting
- 271 Million Pounds of Pharmaceuticals Dumped Illegally into Waterways that Often Provide Drinking Water
- Swine Flu Strikes Mexico, Spreads Around the Globe
- Five Sentenced in Fort Dix Plot
- Five of Six Guilty in Sears Tower Plot
- White House National Security and Homeland Security Staffs Merge
- Gunman Shoots Two in Washington, DC, Holocaust Museum
- 7 North Carolina Men Planned 'Violent Jihad' Abroad, Says FBI
- National Dialogue on the Quadrennial Homeland Security Review
- CDC Downplays White House Swine Flu Forecast of 90,000 deaths
- FBI Raids Suspected al-Qaeda Cells in Denver and New York
- ICE Revises 287 g Agreement With State and Local Law Enforcement
- Military Psychiatrist Kills 13 People at Fort Hood
- Chicago Man Charged in Mumbai Attacks
- Passenger Tries to Destroy Northwest Airlines Flight 253

Preventing terrorism was homeland security's original goal. That evolved into preventing terrorism *and* attending to an incident category called "all hazards" – often equated to the traditional concerns of emergency management. Public health issues, specifically pandemics, became an important part of homeland security in 2009, even if the H1N1 virus did not quite fall within the domain of homeland security.

Last year, homeland security also renewed its vows to national security. The preface to the Department of Homeland Security's 2010 budget summarized the Obama Administration's idea of homeland security:

My highest priority is to keep the American people safe. I believe that homeland security is indistinguishable from national security – conceptually and functionally, they should be thought of together rather than separately. Instead of separating these issues, we must create an integrated, effective, and efficient approach to enhance the national security of the United States.⁶

In 2009, homeland security continued to be an elastic idea.

QUESTION 1: Why is it So Difficult to Make Risk-based Decisions in Homeland Security?

- Four Arrested in Animal Rights Attacks
- “Mumbai Model” of Swarming, Smaller-scale Terrorist Violence is Emerging Globally
- Southern Poverty Law Center Counts 926 Hate Groups in U.S.
- Air Force One Flyover Alarms New York City
- CDC Stops TB-Infected Traveler From Germany
- U.S. Border Corruption Cases Grow
- Are Biohackers a National Security Threat?
- 2,000 Old American Dams: a Multibillion-Dollar Threat

In 2009, U.S. residents were threatened by border violence, pandemics, violent extremists, improvised explosive devices, a dirty bomb (or at least the possibility of one), random shootings, cyber attacks, threats to the food supply, severe winter storms, tornadoes, fires, floods, old American dams, and radioactive Canadians.

Is there an appropriate way to think about and prioritize those risks?

A well known symbolic generalization in homeland security is $R = T \times V \times C$; risk is the product of threat, vulnerability, and consequence.⁷

Both the Bush and Obama administrations agree that homeland security decisions – especially resource allocation decisions – should be risk-based (or at least risk-informed if one is realistic about the role of politics in deciding who gets what).

That is the theory. A 2009 analysis concluded, however, that

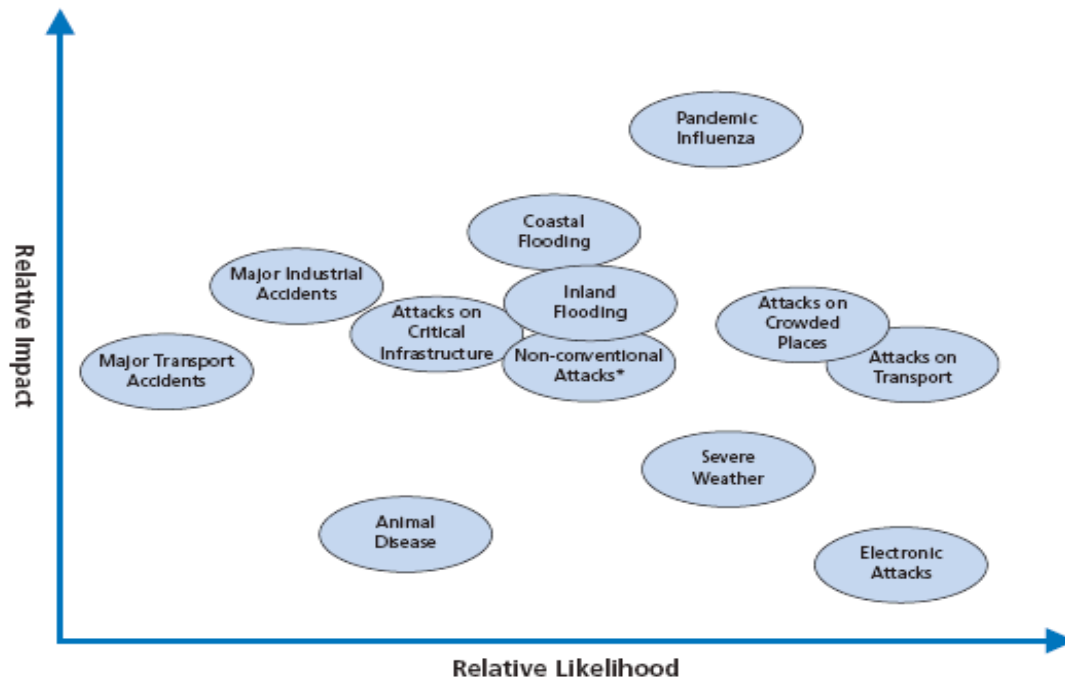
Despite the best efforts of numerous experts from government, industry and academia, fully effective and transparent integration of risk assessments into... homeland resource allocation decision-making remains an elusive goal... the risk construct...[Risk = Threat x Vulnerability x Consequence] is logical, intuitively appealing, and consistent with conceptualizations of risk used in other domains.⁸

But the data to make the risk equation work in the case of terrorism and other homeland security risks are practically never available. Consequently, in practice, risk management seems more symbol than science or art.

The United Kingdom, with a population that is only 20 percent of the U.S. population, created a "national risk register." It represents an "assessment of the likelihood and potential impact of a range of different risks that may directly affect" the United Kingdom.⁹

The *Risk Register* provides a chart (reprinted below) of "the position of each group of risks relative to the others, in terms of likelihood and impact."¹⁰

Figure 1: An illustration of the high consequence risks facing the United Kingdom



The chart shows relative risk, and lacks the specifics need to allocate resources. It too is symbol, not science. But having something like that for the U.S. might be an effective way to encourage a national conversation (or a regional or local one) about risks and what to do about them.¹¹

Perhaps homeland security does not need equations to have productive conversations about risk. Maybe risk as symbol is sufficient.

QUESTION 2: Why Are We Unable to Measure the Relationship Between Homeland Security Expenditures and Preparedness?

- More than 90% of U.S. Rail Security Funds Remain Unspent
- U.S. Funds to Fight Mexican Drug Trafficking Mostly Unspent
- FEMA Awards \$970 Million in Fiscal Year 2009 Preparedness Grants
- FEMA Hasn't Measured Improved Urban Preparedness, Says GAO
- DHS Allocates \$1.8 Billion in Preparedness Grants
- Governors Protest Changes to FEMA Grant Programs
- U.S. Is Not Ready for a Radiation Incident, Says GAO
- FEMA Community Preparedness Programs' Results Are Not Measured, Says GAO

Homeland Security Presidential Directive-8 required an annual report about the status of the nation's preparedness.

In 2006, the post-Katrina emergency reform act required a "comprehensive system to assess on an ongoing basis, the nation's prevention capabilities and overall preparedness."¹²

I know of a half dozen pilot efforts to satisfy the HSPD-8 mandate and at least one experiment to meet the post-Katrina reform act requirement. Unless I have missed the results of these pilot efforts, none have been turned into an operational program. I have not seen anything even approaching an assessment of the nation's preparedness, let alone a comprehensive assessment. And let alone even more assessments that link expenditures to preparedness.

We spend money on homeland security-related projects without objective evidence about what – if anything – the taxpayer receives for billions of dollars. If we continue paying homage to objectivity as a homeland security value worth pursuing, what is getting in the way?¹³

Many smart people have worked this issue for years. In speaking with them, the difficulty seems (depending on who one speaks with) to rest with political will, technological capability, knowledge gaps, science, sociology, continuous change, and a host of other factors that turn an engineering-type task into complexity soup.

But assume for a moment that we can measure national, and state, and regional, and local preparedness. What do we do with the answers? What impact would that knowledge have on future resource allocation?

Do additional funds go to those jurisdictions that are not as prepared as their threats and vulnerabilities warrant? Is lack of preparedness rewarded?

Are jurisdictions who meet their preparedness targets given resources to help sustain readiness? Or are they penalized with fewer resources, so more funds are available to improve preparedness elsewhere?

How to link spending to outputs and outcomes is a wicked homeland security puzzle.

QUESTION 3: Why is Illegal Immigration a Homeland Security Issue?

- Net Flow of Illegal Immigrants Drops to Zero
- Refugee Immigrants Delayed Inappropriately by U.S. Immigration Laws
- Houston Deputies Round Up 1,000 Immigration Suspects a Month
- Another ICE Detainee Dies (83 dead in past 5 years)
- DHS (INS) Discloses 10 More Detainee Deaths
- ICE Agents Were Pressured to Meet Arrest Quotas
- Immigration Courtrooms Backlogged
- U.S. Expands Immigration Checks to All Local Jails
- Illegal Immigrants Settling in Different States
- Jailed Immigrants in US Get Little Access to Legal Help

Illegal immigration obviously is an important economic, social, and political issue in the United States. But why is illegal immigration a significant homeland security issue?

A few years ago a Congressman said, “If you don't know who's coming into the country, like illegal immigrants, then you don't know what's coming into the country, like terrorist weapons.”¹⁴

I think that is the dominant view about why illegal immigration is an important part of homeland security. Terrorists enter the country illegally. Then once they are here, they wreck havoc across the country killing hundreds, maybe thousands.

If that is close to the narrative justifying immigration as a homeland security concern, it is appropriate to subject programs aimed at preventing illegal immigration to the same benefit cost logic Congress wants applied to preparedness efforts.

There are at least two well-known examples of agents who prevented potential terrorists from entering the country. One immigration agent (Jose Melendez-Perez) prevented the twentieth 9/11 hijacker from joining the nineteen others.¹⁵ A Customs agent (Diana Dean) stopped a man crossing the northern border, planning to detonate explosives in the Los Angeles airport.¹⁶ Arguably, both examples are more about border control than illegal immigration.

How many similar examples could be cited (openly or not)? What homeland security-related benefits are derived from programs aimed at stopping illegal immigration? Not in theory, but in fact?

There are examples of alert bankers recognizing and reporting potential terrorists-related financial transactions.¹⁷ Those examples ought not to suggest the federal banking system should become a part of the Department of Homeland Security.

One might make a more compelling case that the FBI's intelligence function should be a part of DHS. Obviously that is unlikely to happen. But why not? What does constitute a legitimate homeland security issue? Even conceptually, are there any explicit criteria that need to be met?

Illegal immigration is clearly a major domestic problem. And doubtlessly there are some links between immigration and national security. But DHS was put together rather quickly and, in retrospect, with questionable logic.¹⁸

At some point it makes sense to check the assumptions underpinning what is and is not a homeland security issue. And as a part of that, what organizations should or should not be part of DHS.

QUESTION 4: Why is FEMA Still a Part of DHS?

- North Dakota Floods Prompt Massive Response
- Some Ignore Siren as Tornado Kills Three in Mena, Ark.
- New Orleans Sanitation Director Publishes “How to Maximize FEMA Funding After a Natural Disaster”
- Quakes, Tsunami, and Storm Hit South Pacific, Samoa, American Samoa and Tonga
- Katrina Victims Lose Temporary Housing
- Detroit Public Schools Seek Disaster Funding
- Natural Disasters Were at 10-Year Low in 2009

At times it seems as if homeland security is a huge animal waiting to be fed with something important. When there's a terrorist incident, homeland security is *all terrorism, all the time*. This pattern was demonstrated most recently after the Northwest Flight 253 incident.

But there is not that much terrorism in the United States. And the homeland security animal still needs to be fed. That's where emergency management comes in.

But when terrorism returns, emergency management seems like a foster child no one pays attention to.

One of the major unknowns at the end of 2008 was what would happen to the Federal Emergency Management Agency (FEMA) under the Obama Administration. Would it be kept inside DHS or would it be restored to what some believe is its rightful, and most effective, place: as a stand-alone, cabinet-level agency?

During deliberations about whether to remove FEMA from DHS, one analyst noted that if that were to occur it would mean DHS would be almost exclusively a law enforcement agency. That seems to have been viewed as a negative.

Homeland security originally was intended to prevent terrorism. Including FEMA in DHS was largely an afterthought. But now that several years have passed since the decision was made, it seems like it would be too disruptive to unmake it.¹⁹

Practical people – including many of the nation's top emergency management leaders – have accepted FEMA's role within DHS and are working to make it successful. "That battle's not worth fighting anymore," one emergency management executive told me a few months ago.

But an observation from this journal's 2008 *Year in Review* article continues to unsettle:

The question of FEMA in or out has centered mainly on which bureaucratic organizational arrangement best serves the need for an effective agency to lead federal efforts to support state and local governments during major disasters.... [The] more important issue is to what degree does having FEMA in DHS detract from the Secretary's primary role of preventing the next terrorist attack and protecting the nation?²⁰

QUESTION 5: What Should the Nation Realistically Expect From its Intelligence Apparatus?

- U.S. Terrorist Watchlist Grows to 1 Million Names
- Almost 1,000 Officials Attend Fusion Center Conference
- Obama Picks Panetta to Head CIA, Brennan for Counterterror Advisor
- Intellipedia's Informal Status Slows Growth
- Missouri Information Analysis Center report on the "Modern Militia Movement"
- Virginia Fusion Center Points to Universities as Terror Breeding Grounds
- DHS Withdraws Report on Rightwing Extremism
- FBI Investigative Data Warehouse Stays Secret
- North Central Texas Has Mom-and-Pop Fusion Center

- Fusion Centers Get Access to Classified Defense Information on Terrorism
- CIA Invests in Monitoring Online Social Media

As I write this, the intelligence community is taking the hit for not sharing information about a Nigerian who bought a ticket to Detroit with cash, checked no baggage, and whose father reported him as having radical tendencies.

Northwest 253 gives new life to another favorite – although seriously misleading – homeland security metaphor: the need to connect the dots.²¹

As 2009 came to an end, there were more "intelligence" entities post-9/11 than there were before the al Qaeda attacks. Fusion centers abound. The FBI has a database with something approaching two billion records. A RAND Corporation report on U.S. intelligence systems includes a stunning graphic that illustrates how complex the system has become.²²

What should the American people reasonably expect from its network of collectors, analysts, writers, disseminators, and users? How should the effectiveness of the intelligence system be measured? What kinds of mistakes will be tolerated?

Thirty years ago, Richard Betts wrote about why intelligence failures are inevitable. He believed the problem was less about the intelligence process, and more about context. He claimed, "Policy premises constrict perception, and administrative workloads constrain reflection. Intelligence failure is political and psychological more often than organizational."²³

In 2006, Philip Bobbitt analyzed the role of intelligence in the 9/11/01 attack and the decision to invade Iraq. He argues that what failed was not the intelligence system, but the intelligence process.²⁴ We are using a twentieth century process to engage threats in a twenty-first century environment.²⁵

In Bobbitt's view, the twenty-first-century intelligence challenge is to discover "how to develop rules that will effectively empower the secret state that protects us without compromising our commitment to the rule of law."²⁶

Flight 253 – like September 11, 2001 – resurfaces fundamental questions about the intelligence infrastructure. Is it possible to move beyond secrecy, compartmentalization, and the conventional cycle of intelligence? Or is the system we have now, with some tinkering at the margins, good enough for homeland security?²⁷

QUESTION 6: How does Technology Contribute to Homeland Security, and How Does it Make Us More Vulnerable?

- Biometric Federal ID Cards Behind Schedule
- Texas Border Webcams Fall Short
- Is In-Flight Internet A Terrorist Threat?
- TSA Can't Reset PINs on Thousands of Transportation Workers Identification Credential
- Videogame Technology ("Depiction") Helps With Disaster Planning
- DHS Plans Body Odor Biometrics
- DHS Tests Brain Music for Emergency Workers
- TSA Scraps Puffing Bomb Detectors

- Blimps for Cellphone Relay and Surveillance
- U. of Illinois Studies 'Second Life' for Emergency Training
- Defense Agency Plans EMP-Resistant Network
- Pentagon Wants Cyborg Insects to Detect Chemicals
- DHS and States Test 'Virtual USA' for Real-Time View of Emergencies
- Chip Turns Phones Into Chemical Detectors
- Iraqis Intercept U.S. Drone Videos

A few months after September 11, 2001, a writer for *Atlantic* was waiting for a flight at Seattle's airport. As he checked in, "someone ran through the metal detector and disappeared onto the little subway that runs among the terminals."²⁸

Authorities emptied all the terminals and rescreened everyone, including people who had already boarded the airplane.

Something similar happened on Sunday, January 3, 2010 at the Newark airport. A man went the wrong way through the exit door, triggering delays, evacuations, rescreening and "seven hours of chaos... on one of the busiest days of the year."²⁹

Airport security – as this example and Northwest 253 illustrate – is an example of a homeland security technology that, when it fails, fails badly.

Bruce Schneier, a security technologist, suggests all security technology should be subject to two basic questions: "What problem does it solve? What problems does it cause, especially when it fails?"³⁰

I wonder if and where that discussion happens.

QUESTION 7: Are the Direct and Indirect Costs of Security – Specifically Aviation Security – Worth the Benefits?

- TSA to Search More Air Passengers at the Gate
- TSA Begins 'Secure Flight'
- 80,000 Air Passengers on TSA 'Cleared' List
- Whole-Body Scans Will Replace TSA Metal Detectors
- Clear Lanes – Fast Pass Through Airport Security Lines – Calls It Quits
- Canadian Air Passengers Keep Their Shoes On
- Airport Risk Assessments Are Incomplete, Says GAO
- TSA Limits Passenger Searches to Security Reasons
- TSA Airport Screening Manual Leaked
- Cargo on Passenger Planes Is Still Not Secure, Says DHS Inspector General

One analyst recently calculated that the odds of being on a plane involved in a terrorist incident "had been one in 10,408,947 over the past decade."³¹

Several years ago, another respected analyst estimated TSA screening procedures created over \$32 billion worth of opportunity costs each year for passengers.³²

The number of terrorist incidents prevented by TSA procedures is unknown, and probably unknowable. So it is difficult to calculate the benefits of aviation security spending. Here is yet another area where the dominant logic that claims spending

should be related to benefits is up for question, where symbol is more valued than science.

How much money is it worth spending to prevent the next aviation-related terrorist incident?

Assuming the answer is not the accounting equivalent of "whatever it takes," how does the nation determine the appropriate level of spending for aviation security? And once that puzzle is solved, can the logic be applied to other parts of the homeland security enterprise?

Are there ways to reduce costs and still get an acceptable level of security?

Answering questions like these requires thinking about what constitutes an acceptable level of terrorism in the United States. I don't mean the risk of terrorism, but actual incidents. Are we a sufficiently resilient nation to absorb an improvised explosive device on a domestic flight or two? Certainly we would prefer zero IEDs. But at what cost?

I don't think we can ignore these questions. We ask them either explicitly or through our behavior implicitly.

QUESTION 8: How Important is Cyber Security?

- Mumbai Police Want Open Wi-Fi Shut Down
- Taliban and al-Qaeda Websites Use U.S. Hosts
- Cyber-Spies From China, Russia and Elsewhere Penetrate U.S. Electric Grid
- U.S. Power Grid Not So Vulnerable?
- Top Cyber-Threat Comes From Chinese Computers
- DHS Seeks Help From Hackers to Combat Cyber-terrorism
- Most Federal Agencies Not Implementing Cyber-Security
- Defense Dept. Establishes Cyber Command
- Cyber-Attack Hits U.S. and South Korea
- Commission Says Terrorists Could Use the Internet to Launch a Nuclear Attack
- GAO Sees Widespread Cyber-Insecurities at Federal Agencies
- Cyber-Attacks Against Critical Networks Increase
- Howard Schmidt named as White House Cybersecurity Coordinator
- Cyberterror: Not Yet a Real Threat?

What is your position on cyber security as a homeland security issue? Do you practice safe computing in the privacy of your own room?

Last year's headlines warned about the possibility of a nuclear attack launched through the Internet. Is that for real? Or more fear?

It is not difficult to find people in government who see cyber threats as a major national security issue. When Secretary Chertoff left DHS, he said called cyber security the nation's last major vulnerability. One of President Obama's final acts in 2009 was to appoint a cyber czar.

Yet as noted in news stories and official reports, few agencies are doing much to mitigate the cyber threat.

As one of my colleagues at the Naval Postgraduate School notes, no Americans have yet been killed in a cyber attack. So why is this a homeland security issue?

Do we need the cyber equivalent of a September 11, 2001 attack before the "threat" becomes real? What happens to America's exponentially increasing reliance on the Internet if that attack does happen?

Does our nation have the capability to be proactive when it comes to homeland security? If Chertoff was correct in his assessment, why is the nation not united to mitigate this cyber vulnerability?

Perhaps it is as someone wrote in last year's review: action won't happen until we bleed again.

QUESTION 9: Can the Values of Security and Privacy be Complementary, or Must they be Competitive?

- Court Affirms Wiretapping Without Warrants
- NSA Spied on Journalists and Others, Claims Whistleblower
- White House Says Cellphone Records Not Constitutionally Protected
- Real ID on the Back Burner
- NSA Intercepted Private Communications of Americans on a Scale that Went Beyond Legal Limits
- FBI and States Expand DNA Databases
- DHS Won't Use Satellites for Domestic Surveillance
- Being on Terror Watch List Keeps Few From Buying Guns
- DHS Issues New Rules for Laptop Searches at the Border
- Debate Resumes Over National ID Cards
- Disputed E-Verify Rules in Effect

Benjamin Franklin is credited with one of homeland security's best known generalizations: "Those who can give up essential liberty to obtain a little temporary security deserve neither liberty nor security."

Those who use this quote frequently include privacy as one of the essential liberties, meaning the separation of one's personal life from the concern of government agents.

On the other hand, millions of people willingly sacrifice privacy before boarding a commercial aircraft. With the probable increase, after Flight 253, of full body scanners, even more personal privacy will be surrendered to government eyes.

Must these values – privacy and security – be framed as a binary choice? What would it mean to have an acceptable mix of both?

One writer believes the choice is a false one; we can have privacy and security, that "... it is possible to increase the powers of government [and increase security], and, at the same time, increase the rights of the people [including privacy]..."³³

I understand those words and the hope they intend. But it would certainly be helpful to have some examples.

QUESTION 10: Under What Conditions Will the United States Torture People?

- U.S. Admits Torturing '20th Hijacker'
- 9/11 Commission's Report Relied on CIA's 'Enhanced' Interrogation
- Red Cross Report Confirms 14 Detainees Held in the C.I.A. Program Were Tortured
- CIA Destroyed 92 Video Tapes of Interrogations
- Justice Dept. Releases Bush Administration Memos on Domestic Counter-Terrorism
- Torture Memos Reveal Hundreds of Incidents and Doctors' Complicity
- Obama Administration Won't Prosecute CIA Interrogators
- Top U.S. Officials Can't Be Sued for Post-9/11 Abuse, Says Supreme Court
- Secret CIA Prison Revealed in Lithuania

Some people still call it "enhanced interrogation." Others call it torture. Jane Mayer's 2008 book, *The Dark Side*, described how the U.S. used torture in the early years of the terrorism wars.³⁴ In 2009, many of the memos she referred to in the book were released by the Obama administration. Those memos and subsequent revelations supported almost all of Mayer's significant claims about torture.

The current administration passed on an opportunity to renounce rendition. It also urged the U.S. Supreme Court not to get involved in a case brought to the courts by four people who said U.S. agents tortured them. However, the Obama administration says it will not torture.

A recent editorial noted, "politics and policy makers change and democracy cannot rely merely on the good will of one president and his aides."³⁵ So maybe we won't torture now. But what if...?

Philip Bobbitt addresses what he calls "the awful subject of torture" in one of the most intellectually challenging but rewarding homeland security books I read in 2009: *Terror and Consent: The Wars for the Twenty-First Century*.

Bobbitt write about what he calls "the notorious hypothetical of a ticking bomb:" thousands of lives are at stake and time is running out. He concludes, along with Judge Richard Posner, that in the extreme case of the immediately ticking time bomb, "torture is permissible.... It's an easy question."³⁶

Bobbitt then complicates the hypothetical and adds doubt about what the person in custody may or may not know, and whether she may or may not even be involved in what is now a very ambiguous situation. Is torture still an option?

Bobbitt argues that public leaders must be willing to torture if that is what the evidence leads them to authentically believe is required. But they also have to be willing to try to justify their decision – after the fact – in a court of law.

Bobbitt claims any public official "with the responsibility for protecting others must discharge that responsibility with an eye at first on the consequences.... If... anything else trumps this relationship, he or she should resign. A pacifist should not be asked (or allowed) to be a general."³⁷

What about a commander-in-chief?

QUESTION 11: Is it Necessary to Understand Islam in Order to Develop an Effective Counterterrorism Program?

- 20 Somali-Americans Disappear From Minneapolis—for Jihad?
- Most Muslims Oppose Attacks on Civilians and U.S. Military Presence
- Two passengers with Names Linked to Islamic terrorism Were on the Air France Flight 447
- FBI Withdraws from Most Council on American-Islamic Relations Activities
- Aafia Siddiqui – a U.S.-Trained Scientist Accused of Being an al-Qaida Operative
- Obama Seeks “New Beginning” With Muslim World
- Al-Qaida and al-Qaida Associated Networks Remain the Greatest Terrorist Threat to the U.S.

I heard a British army officer, during a conference I attended last year, say "Al Qaeda's biggest victory was getting Islam and terrorism used in the same sentence."

At the same conference, a Muslim scholar strongly objected to speakers who used “jihadist” to describe terrorists.

"Jihad is a sacred idea to us," he said. "It should be carefully used and never applied to what murderers do."

Said another speaker, "One must distinguish between Mohammed's early pronouncements in Mecca, when Jihad was encouraged, and the Prophet's words during the Medina period, when as a political leader, he had different purposes, and war was permitted."

I contrast this with retired Air Force General Thomas McInerney's January 4, 2010 suggestion the U.S. strip search Muslim men between the ages of eighteen and twenty-eight because one of these men will blow up an airplane in the coming days.³⁸ Since it is not clear what a Muslim man looks like, it is not immediately obvious how one would implement such a suggestion.

More significantly, 2009 demonstrated to me how little I know – and others in my homeland security community know – about Islam.

Shortly after an American Army major killed thirteen people at Fort Hood, Texas, websites resurfaced the idea of "sudden Jihad syndrome," a phrase first used in 2006 "to describe Muslims that suddenly or unexpectedly turn against civilized, Western society and engage in acts of terror."³⁹

There is little doubt that 2009 witnessed an increase in what has been called "homegrown terrorism." Many of those involved appear at least on the surface to have some link to Islam.

As one knowledgeable official summarized the growth of terrorism in the U.S. last year:

It began with the FBI's revelation, in February 2009, of Shirwa Ahmed as the first USA citizen to carry out a suicide bombing. This revelation led to a series of stories about the radicalization of Somali youth in Minneapolis and Seattle, and finally to the current homeland security concern over the “homegrown” terrorist.

As we look back on 2009 the Amhed story was just the first of many. He was soon followed by Najibullah Zazi, Major Nidal Hasan, David Headley and

Tahawwur Hussain Rana from Chicago, and Ehsanul Islam Sadequee and Syed Haris Ahmed, recently sentenced in Atlanta.

The list continues with Brooklyn-born Betim Kaziu who was charged with attempting to join a Pakistani-based Al Qaeda affiliate in hopes of killing U.S. troops; Michael Finton, a 29-year-old Illinois man who idolized American Taliban John Walker Lindh, and was arrested on charges of plotting to bomb a federal courthouse; Long Islander Bryant Neal Vinas who was arrested in July for allegedly training with Al Qaeda in Pakistan, joining rocket attacks on U.S. forces and giving “expert advice” on the subways and Long Island Rail Road.

Finally, the recent arrest of five American men in Pakistan on suspicion of trying to join militant Islamist groups triggered significant concern about whether the United States has become complacent about homegrown terrorism.⁴⁰

Is the United States at war with Islam? Or – as writers like Reza Aslan suggest,⁴¹ are we at war with interpretations of scriptures that keep Muslims, Jews, and Christians apart?

What, if anything, should people in homeland security know about Islam?

QUESTION 12: What Can the Homeland Security Enterprise Learn from the Apparent Success Managing the H1N1 Pandemic?

- Nation Is Not Ready for Pandemic Flu, Says Congressional Report
- States Not Ready for Pandemic, Says Federal Report
- Swine Flu Strikes Mexico, Spreads Around the Globe
- Swine Flu Spreads, but Not as Fast
- Swine Flu Cases Surge Again
- U.S. Still Not Ready for Pandemic Flu, Says GAO
- Obama Declares Swine Flu a National Emergency
- Swine Flu Scams Abound on the Internet
- WMD Commission Asks Why H1N1 Vaccines Weren't Available Before School Started
- Swine Flu Vaccine Plentiful in Half the States
- Pandemic Influenza Plan Needs Updating, Says GAO

In *Our Own Worst Enemy*, Randall Larsen writes, "A national public-health system in the 21st century will be as important to national security as the Department Of Defense was in the 20th century. Unfortunately, America's public health system is in very poor shape."⁴²

Larsen believes a central problem is no one is in charge of the entire system.⁴³ He approvingly cites Dr. Elin Gorsky's view that "Public health is organized to serve the health of individual communities with populations in the thousands, not coordinated health security of a nation of 280 million."⁴⁴

We are not out of the woods yet with respect to a potentially more virulent H1N1 strain, another pandemic, or a biological attack. But so far, the way the nation's networked public health system has responded to the H1N1 challenge was perhaps the best homeland security story of 2009.

John Donnelly, a Washington D.C. firefighter summarized what happened:⁴⁵

The top story of 2009 is the H1N1 Flu and the reaction at all levels government to prepare for and combat the spread of the virus. Lacking a single catastrophic event or a clear cut prevention of the same, my measure for determining the importance of an issue isn't the immediate impact of the incident but what it tells us about our ability to prevent or respond to a catastrophic event.

The H1NI virus gave us the opportunity this year to examine our capabilities as they relate to biological attacks or pandemics. On many levels we succeeded, some examples of these successes include:

- The early identification of the virus in Mexico and the subsequent risk communication about the virus, including messaging to properly name the virus.
- The actions to increase anti-viral production and the successful use of Tami-Flu.
- The ability of state and local governments to implement and deliver vaccinations.
- The ability of local government to develop vaccine prioritization plans and implement the same without significant public push-back.

Prior to the outbreak, the status of these capabilities were in question. Since the outbreak, at the very least, we have now practiced these capabilities and been able to test plans and identify specific gaps. In a sense - what doesn't kill us, makes us stronger.

One lesson validated here is under some conditions collaborative networks may be just as effective – if not more so – than hierarchies.

What other lessons does the cautious success of the H1N1 response have to offer the rest of the homeland security enterprise?

FINAL THOUGHTS

As I wrote at the start of this essay, these twelve questions are just some of the puzzles suggested by homeland security events in 2009. The headlines in the attached appendix point to other issues that shape the evolution of homeland security, such as:

- What should the military's role be in homeland security?
- Can the homeland security enterprise be more effectively organized than it is right now?
- What is the relationship between events in Afghanistan and Pakistan and the security of the United States?
- Why haven't terrorists attacked our food supply?
- Why is there a persistent gap between the preparedness of the American public and homeland security leaders' expectations about how prepared the public should be?
- How secure can the American border realistically be?

Many people are working on these and related issues and have developed well-informed and argued positions. One of *Homeland Security Affairs*'s goals is to provide an outlet for that scholarship. So we welcome your contributions and insights.

Christopher Bellavita teaches at the Naval Postgraduate School in Monterey, California, where he serves as the director of academic programs for the Center for Homeland Defense and Security. Dr. Bellavita is the executive editor of Homeland Security Affairs, and a contributing editor to the Homeland Security Watch blog. He received his PhD from the University of California, Berkeley. Dr. Bellavita may be reached at christopherbellavita@gmail.com.

APPENDIX

Homeland Security Headlines from 2009

Note: Links to the articles associated with these headlines can be found at:

<http://www.homelandsecurity.org/NewsletterArchives.aspx>

January 2009

4 Bombs Prompt Evacuation of Downtown Aspen, CO
 Iraq Takes Over Security in Baghdad's Green Zone
 Homeland Security USA TV Series Begins
 US Airways Flight 1549 Splashed Down in the Hudson River
 Mumbai Police Want Open Wi-Fi Shut Down
 Obama Picks Panetta to Head CIA, Brennan for Counterterror Advisor
 Mexican Army Outgunned by Narcotics Cartels
 Coast Guard Drowning in Homeland Security Work?
 Terrorists and Commandos Eye Pakistan's Nuclear Arms
 U.S. Admits Torturing '20th Hijacker'
 New DHS Headquarters Site Approved
 Net Flow of Illegal Immigrants Drops to Zero
 Nation Is Not Ready for Pandemic Flu, Says Congressional Report
 Biometric Federal ID Cards Behind Schedule
 Obama Orders Military to Plan Drawdown in Iraq
 National Disaster Housing Strategy Issued by FEMA
 Two Chinese Men Get Death Penalty for Tainted Milk
 States Not Ready for Pandemic, Says Federal Report
 Obama Signs Order to Shut Guantanamo
 Court Affirms Wiretapping Without Warrants
 Napolitano Takes DHS Reins
 200 Unruly Passengers Convicted of Terrorism
 20 Somali-Americans Disappear From Minneapolis—for Jihad?
 U.S. Dealers Arming Mexican Drug Cartels
 NSA Spied on Journalists and Others, Claims Whistleblower
 Texas Border Webcams Fall Short
 Peanut Processor Knowingly Sold Tainted Products
 Two Ex-Guantánamo Detainees Resurface in al-Qaeda
 Neo-Nazi With Bombs Arrested in Alabama

February 2009

Northern Command Works to Anticipate Threats: Monitor 35 to 40 Daily 'Events' Across the Country
 Britain Suppresses Guantanamo Evidence After U.S. Threatens to Stop Sharing Intelligence
 9/11 Lung Illnesses Persist
 SWAT False Alarms Plague Responders and Victims

HOMELAND SECURITY AFFAIRS, VOLUME VI, NO. 1 (JANUARY 2010) WWW.HSAJ.ORG

Obama Preserves Renditions
 Pentagon Wants Whole-Government Security Planning
 Another ICE Detainee Dies (83 dead in past 5 years)
 Obama Slams FDA for Its Handling of Peanut Case
 Kentucky Uses Earthquake Plan to Cope With Ice Storm
 Drug Gangs Threaten Tijuana Cops on Radio, Then Kill Them
 Wildfires Ravage Australia
 Maine Man - Shot by Wife - Had 'Dirty Bomb' Materials and Links to White Supremacists
 Pakistan Frees A. Q. Khan
 Pakistan Admits That Mumbai Attacks Were Partly Planned There
 Is In-Flight Internet A Terrorist Threat?
 TSA Can't Reset PINs on Thousands of Transportation Workers Identification Credentials
 "Mumbai Model" of Swarming, Smaller-scale Terrorist Violence is Emerging Globally
 Cambridge, MA, Street Cameras Installed but Turned Off
 Former MI5 Chief Says Britain Exploits Terrorism by Exploiting People's Fear of Terrorism
 Intellipedia's Informal Status Slows Growth
 Napolitano Orders Topoff Review
 ICE Agents Were Pressured to Meet Arrest Quotas
 U.S. Military Offers Renewed Rapid Path to Citizenship
 U.S. intelligence and Military Community Acknowledge U.S. is Targeting Al Qaeda and Taliban
 Napolitano Describes DHS's Path Forward
 U.S. Arrests 751 in Mexican Drug Cartel Raids
 Videogame Technology ("Depiction") Helps With Disaster Planning
 Four Arrested in Animal Rights Attacks
 Southern Poverty Law Center Counts 926 Hate Groups in U.S.
 Most Muslims Oppose Attacks on Civilians and U.S. Military Presence
 DHS Issues 2009 National Infrastructure Protection Plan

March 2009

U.S. Combat Mission in Iraq to End August 31, 2010
 Amtrak and British Transport Police Start Security Partnership
 U.S. Thinks Mexican Drug Cartels 'on Par' With Mexican Army
 Foreign Science Students Face Visa Troubles
 Ali al-Marri was Charged in a Federal Indictment with Two Counts of Providing Material Support
 Organized Criminal Groups are Increasingly Pirating Movies and Using the Funds to Support Terrorism
 Chicago Man Arrested for Allegedly Targeting Obama With HIV-Infected Blood
 CIA Destroyed 92 Video Tapes of Interrogations
 Craig Fugate named to head the Federal Emergency Management Agency
 Justice Dept. Releases Bush Administration Memos on Domestic Counter-Terrorism
 Khalid Shaikh Mohammed One of Five Prisoners Admit Planning 9/11 Attacks
 U.S. Terrorist Watchlist Grows to 1 Million Names
 Almost 1,000 Officials Attend Fusion Center Conference

U.S. Is Still Not Ready for Pandemic Flu, Says GAO
 Napolitano Appoints New Cyber-Security Chief
 DHS Plans Body Odor Biometrics
 10 Dead in Alabama Shooting Spree
 Everybody Loves to Watch the Texas Border on BlueServo.net,
 More Federal Agents Will Try to Block Weapons Flow to Mexico
 9/11 Commission's Report Relied on CIA's "Enhanced" Interrogation
 Red Cross Report Confirms 14 Detainees Held in the C.I.A. Program Were Tortured
 TSA to Search More Air Passengers at the Gate
 More than 90% of U.S. Rail Security Funds Remain Unspent
 CDC Stops TB-Infected Traveler From Germany
 GAO Investigators Get U.S. Passports Using Fake IDs
 White House says Cellphone Records Not Constitutionally Protected
 80,000 Air Passengers on TSA 'Cleared' List
 Taliban Get Pakistani Intelligence Help
 DHS Has Backlog of 75,000 Freedom of Information Requests
 DHS Screens 100% of Railcars Bound for Mexico
 FBI Withdraws from Most Council on American-Islamic Relations Activities
 North Dakota Floods Prompt Massive Response
 Missouri Information Analysis Center report on the "Modern Militia Movement"
 New Orleans Sanitation Director publishes "How to Maximize FEMA Funding After a Natural Disaster"

April 2009

14 Dead in Binghamton, NY, Immigration Center Shooting
 TSA Begins "Secure Flight"
 Real ID on the Back Burner
 Hezbollah Uses Mexican Drug Routes Into U.S.
 Uncertain Fate for Chinese Uighurs at Guantánamo
 DHS Asks Industry How to Improve its National Common Operational Picture (COP)
 Obama Outlines Afghan Strategy of Stability and Partnerships
 Most Mexican Guns Are Not Traced to the U.S.
 British Police Identify 200 Teens as Potential Terrorists
 Taliban and al-Qaeda Websites Use U.S. Hosts
 U.S. Funds to Fight Mexican Drug Trafficking Mostly Unspent
 Cyber-Spies from China, Russia and Elsewhere Penetrate U.S. Electric Grid
 Obama Picks Alan Bersin as New 'Border Czar'
 Whole-Body Scans Will Replace TSA Metal Detectors
 FEMA Awards \$970 Million in Fiscal Year 2009 Preparedness Grants
 North Central Texas Has Mom-and-Pop Fusion Center
 After Peanut Recall Fiasco, FDA Signals Change in Food Safety
 Free Software Assists in Connecting to the Nationwide Health Information Network
 NSA Intercepted Private Communications of Americans on a Scale That Went Beyond Legal Limits

U.S. Power Grid Not So Vulnerable?
 School Shootings Decline, Shooters Remain Unpredictable
 TSA Email Alerts Screeners to Airport Security Test
 North Korea Says It Will Restart Nuclear Weapons Plant
 Top Cyber-Threat Comes From Chinese Computers
 CIA Bars Private Contractors From Questioning Terror Suspects
 Obama Administration Won't Prosecute CIA Interrogators
 DHS Report Warns of U.S. Right-Wing Extremists
 Illegal Immigrants Settling in Different States
 Austin, TX, and Phoenix Rail Transit Designed for Security
 'Terrorism' Undefined Releases Governments From Accountability, Says UN Lawyer
 NJ Police Exceed Rules on Questioning Immigrants
 Some Ignore Siren as Tornado Kills Three in Mena, Ark.
 271 Million Pounds of Pharmaceuticals Dumped Illegally into Waterways that Often
 Provide Drinking Water
 Torture Memos Reveal Hundreds of Incidents and Doctors' Complicity
 FBI and States Expand DNA Databases
 FEMA Issues Comprehensive Preparedness Guide 101
 DHS Seeks Help from Hackers to Combat Cyber-terrorism
 DHS Tests Brain Music for Emergency Workers
 FBI Names Domestic Terrorist (Daniel Andreas) to 'Most Wanted' List
 FBI Investigative Data Warehouse Stays Secret
 Food Emergencies Continue in 32 Countries
 Local and State Agencies Lack Resources to Ensure Food Safety
 Southern Low-Income Latinos Face Abuse

May 2009

Swine Flu Strikes Mexico, Spreads Around the Globe
 13 Dead in Azerbaijan School Shooting
 Australia Plans National Emergency Alert System
 Google Flu Trends Tracks Virus in Mexico
 UK Ends Combat Operations in Iraq
 Five Sentenced in Fort Dix Plot
 Virginia Fusion Center Points to Universities as Terror Breeding Grounds
 Air Force One Flyover Alarms New York City
 Almost 900 U.S. Swine Flu Cases, Two Deaths
 Math Model Can Help Spot Terrorism, Say Japanese Researchers
 Al-Qaida and al-Qaida Associated Networks Remain the Greatest Terrorist Threat to the U.S.
 State Department Releases Country Reports on Terrorism 2008
 Most Federal Agencies Not Implementing Cyber-Security
 Are Biohackers a National Security Threat?
 Explorer Scouts Train for Border Patrol

DHS Withdraws Report on Rightwing Extremism
PDAs Let Air Marshals Communicate on Board Flights
Oussama Abdullah Kassir Convicted of Starting al-Qaeda Camp in Oregon
Katrina Victims Lose Temporary Housing
Detroit Public Schools Seek Disaster Funding
Five of Six Guilty in Sears Tower Plot
6 of 7 Freed Guantanamo Detainees Shun Terrorism
Sri Lanka Defeats Tamil Tigers
Killer Chip' Tracks Humans, Releases Poison If Those Humans Do Bad Things
TSA Scraps Puffing Bomb Detectors
Obama Restarts Bush-Era Guantánamo Tribunals
U.S. Expands Immigration Checks to All Local Jails
Top U.S. Officials Can't Be Sued for Post-9/11 Abuse, Says Supreme Court
Food Companies Often Unable to Guarantee Safety
New North Korean Nuclear Test Increases Proliferation Threat
DHA Report: America Can Learn From Israel's Preparedness
U.S. Relies More on Aid of Allies in Terror Cases
Swine Flu Spreads, but Not as Fast
Sci-Fi Writers Help Plot the Future of Homeland Security
Supermax Prisons in U.S. Already Hold 33 International Terrorists
U.S. Asks Firms to Make Swine Flu Vaccine
White House National Security and Homeland Security Staffs Merge
Two Passengers with Names Linked to Islamic Terrorism were on the Air France Flight 447

June 2009

Gunman Shoots Two in Washington, DC, Holocaust Museum
British Schoolchildren Taught to Spot Terrorists
U.S.-Philippines Partnership May Be Model for Fighting Terrorism Elsewhere
Obama Seeks 'New Beginning' With Muslim World
China's Aggressive Quarantine Measures Virtually Imprison Healthy Travelers
GPO "Mistakenly made Public" a 266-page Report Giving Detailed Information About
 Hundreds of Nuke Sites
White House Issues Cybersecurity Review
Swine Flu Cases Surge Again
Cleared of Terror Charges, Florida Man Faces Deportation as Terrorist
U.S. Still Not Ready for Pandemic Flu, Says GAO
WHO Declares Swine Flu Pandemic
Palau Takes Uighur Guantánamo Detainees
More Maryland High Schools Teach Homeland Security
Homeland Security Advisory Council Gets 10 New Members
E-Verify Rule Postponed Again
Immigration Courtrooms Backlogged

Pentagon Wants Cyborg Insects to Detect Chemicals
 American Indians Struggle for Northern Border Rights
 Iranian Election Disputed
 First Batch of Swine Flu Vaccine Produced
 Phone Failure Complicates Vermont Nuclear Drill
 Most States Lack Disaster Standards for Schools and Day Care
 Guantánamo Prisoner Ghailani Goes to Trial in New York
 DHS Allocates \$1.8 Billion in Preparedness Grants
 Pass ID to Replace Real ID
 Padilla Can Sue Justice Dept. Attorney, Judge Rules
 British Utilities Vulnerable to Terrorism or Bad Weather
 DHS Won't Use Satellites for Domestic Surveillance
 Being on Terror Watch List Keeps Few From Buying Guns
 Defense Dept. Establishes Cyber Command
 HHS Funds Research for New Way to Make Vaccine
 Defense Agency Plans EMP-Resistant Network
 Nashville Police Arrest Four Illegal Immigrants for Fishing Without License
 Clear Lanes - Fast Pass Through Airport Security Lines - Calls It Quits
 Bozeman, MT, Stops Asking for Job Applicants' Social Network Web Passwords
 Blimps for Cellphone Relay and Surveillance
 U. of Illinois Studies "Second Life" for Emergency Training

July 2009

FEMA Hasn't Measured Improved Urban Preparedness, Says GAO
 DHS Expands Collection of Data on Employees and Contractors
 FEMA Embraces Online Social Networking
 GAO Beats Security in 10 Federal Buildings
 Six Men Considered National Security Threats Kept Aviation License
 The Southern Poverty Law Center Finds 75 Right Wing Plots Since OK City Bombing
 Cyber-Attack Hits U.S. and South Korea
 Australia Abandons "War on Terror" Phrase
 Marion, IL, Wants Guantánamo Prisoners
 DHS Cites Progress on 9/11 Commission Recommendations
 National Security Cutter Delays Will Affect the Coast Guard Through 2018
 Congressional Oversight of DHS Has Multiplied Since 9/11/01
 Two Jakarta Hotels Bombed
 Sole Surviving Mumbai Gunman Pleads Guilty
 New York-Area Raids Violated Rights, Says Immigration Justice Clinic
 375 Agencies 91 Congressional Reps and Staff use Twitter
 Taliban Gets Most Funding From Overseas Sympathizers, Not Drugs
 Commission Says Terrorists Could Use the Internet to Launch a Nuclear Attack
 7 North Carolina Men Planned "Violent Jihad" Abroad, Says FBI

Napolitano Calls Public an "Asset in Our Nation's Collective Security."
 FBI Says Bryant Neal Vinas Was a "Gold Mine" of Information
 Vulnerabilities Remain, and Limited Collaboration and Monitoring Hamper Federal
 Emergency Communications
 Federal Plans for WMD Response Need to Be Integrated
 Hizb ut Tahrir, Meeting in Illinois, Proclaims "Fall of Capitalism and the Rise of Islam"
 Richard Spires to Be DHS CIO
 Aafia Siddiqui – "a U.S.-trained Scientist Accused of Being an al-Qaida Operative"
 NBC's "Wanted" TV Program Pursues Terrorists
 Former CIA Director Defends Warrantless Wiretapping
 Infectious Diseases Research Needs to Stay Offshore, Not in Kansas, Says GAO
 Feds Interested in Using the Military During Emergencies

August 2009

National Dialogue on the Quadrennial Homeland Security Review
 U.S. Is at War With al-Qaeda, Not With Terrorism, Says White House
 Guantánamo Cases Make Little Progress
 Biolabs Are Slow to Improve Security
 Little Help for Mentally Ill in Post-Katrina New Orleans
 Pennsylvania Gym Gunman Revealed Plans Online
 DHS and States Test "Virtual USA" for Real-Time View of Emergencies
 New York 9/11 Survivors Still Show Higher Rates of Post-Traumatic Stress
 Southwest Border Needs a Comprehensive Approach
 U.S. Border Corruption Cases Grow
 Airline Crews Get Fingerprint IDs
 Pakistan's Nuclear Weapons Sites Attacked in 2007-2008
 Disabled People Left Out of Disaster Plans, Says National Council on Disability
 Right-Wing U.S. Militias Resurgent
 U.S. Customs Catches Radioactive Canadians Every Day
 Chicago Man Arrested for Giving False Radio Instructions to Train Operators
 "Lone Wolf Initiative" Pursues Solitary Domestic Terrorists
 Canadians Create Mathematical Model for Surviving a Zombie Attack
 ICE Will Keep Arresting Illegal Immigrants It Catches While Hunting Others
 DHS (INS) Discloses 10 More Detainee Deaths
 Texting 911: Not a Substitute for Conversation
 Some Lawyers Prey on Illegal Immigrants
 Blackwater Helped CIA's al-Qaeda Hunt
 Iraq Bombings Are Spiking
 Lockerbie Bomber Freed
 10 European Countries Will Accept Guantánamo Prisoners
 Players Battle 'The Great Flu' in Online Simulation
 Peak of California Wild Fires

Fake DHS Emails Contain Malware
 DHS Issues New Rules for Laptop Searches at the Border
 CIA Interrogators Could Face Charges Over Detainee Torture
 CIA Uses Blackwater to Arm Drones
 CDC Downplays White House Swine Flu Forecast of 90,000 deaths
 Debate Resumes Over National ID Cards
 2,000 Old American Dams: a Multibillion-Dollar Threat

September 2009

Lack of Translators Hurts U.S. Antiterror Efforts
 Swine Flu Deaths Are Higher in Kids Over 4, Says CDC
 Border Patrol Checkpoint Effectiveness Is Overstated
 Is It Time to Negotiate With the Taliban?
 Is the U.S. Funding the Taliban?
 Intellipedia Grows Slowly
 Many U.S. Colleges Report Swine Flu
 GAO Notes Lessons From Past Disasters
 Back Up Laptop Files Before Crossing Borders, Say Executives
 Border Patrol Begins Building Northern Secure Border Initiative Network
 Obama Extends 9/11 State of Emergency
 Disputed E-Verify Rules in Effect
 Western Hemisphere Travel Initiative Exceeds DHS's Expectations
 Anti-Flu Drugs Not for Prevention, Says CDC
 Three Convicted in 2006 Airliner Liquids Bombing Plot
 DHS Breaks Ground on New HQ
 Northcom Should Involve Partners and States More in Exercises, Says GAO
 Pashtuns and Retired CIA Agents Hunt bin Laden
 Canadian Air Passengers Keep Their Shoes On
 Earth Liberation Front Sabotages Washington State Radio Towers
 NY National Guard Task Force Has Been on Duty Since 2001
 Coast Guard 9/11 Drill in Washington, DC, Creates Frenzy
 FBI Raids Suspected al-Qaeda Cells in Denver and New York
 Secure Border Initiative Delayed, Value of Border Fencing Uncertain, Says GAO
 Iran Is Not Building an A-Bomb, Says U.S. Intelligence Community
 Task Force Says Use at Most Three Colors in Alert System
 Court Refuses to Block E-Verify
 U.S. Is Not Ready for a Radiation Incident, Says GAO
 Fusion Centers Get Access to Classified Defense Information on Terrorism
 FDA Approves Swine Flu Vaccine; Ready by October 15th
 White House Wants to Delay Guantánamo Trials
 California School Teaches Truckers Antiterrorism
 START Puts Global Database of 80,000 Terrorist Events Online

Al-Qaeda Manual Prompts Warning to Police About Entertainment Venues
 Talking to the Taliban Wins Emmy
 FBI National Security Branch Analysis Center Has 1.5 Billion Records

October 2009

Al-Qaeda Recruits More Americans
 Quakes, Tsunami, and Storm Hit South Pacific, Samoa, American Samoa and Tonga
 Canada Spent \$60 Million Trying to Deport 5 Suspects
 Feds Disrupt Two More Bomb Plots
 Al-Qaeda in Decline?
 Failed Saudi Assassin Hid Bomb Inside His Body
 States Get 6 More Weeks to Request Real ID Extension
 Pennsylvania Asks Agencies Whether They're Ready for a Pandemic
 Fewer Illegal Border Crossings but More Deaths
 DHS Issues Annual Privacy Report
 Court Upholds Defense Dept. Anthrax Vaccination
 FBI WMD Coordinators Are Often Unfamiliar With Threats, Says Inspector General
 DHS Limits Immigration Arrest Powers for Maricopa County, AZ, Sheriff
 U.S. Emergency Alert System Is Unreliable, Says GAO
 FEMA Community Preparedness Programs' Results Are Not Measured, Says GAO
 DHS Falls Short on Small Vessel Security, Says Inspector General
 Judge Frees Guantánamo Prisoner Because of False, Coerced Confessions
 Nevada puts Office of Homeland Security into the Nevada Division of Emergency Management
 Widespread Election Fraud in Afghanistan
 CIA Invests in Monitoring Online Social Media
 ICE Revises 287 g Agreement With State and Local Law Enforcement
 Obama Declares Swine Flu a National Emergency
 Massachusetts Man Arrested in Plot to Attack Shopping Malls
 Bioweapons Are a Bigger Danger Than Nukes, Says WMD Commission
 Cyberterror: Not Yet a Real Threat?
 National Guard Was Prepared to Shoot Down Errant Airliner
 Swine Flu Scams Abound on the Internet
 Swine Flu Strains Some Hospitals
 DHS Expands IdeaFactory
 Telecommuters in Pandemic Could Clog Web, Says GAO
 WMD Commission Asks Why H1N1 Vaccines Weren't Available Before School Started
 Governors Protest Changes to FEMA Grant Programs
 'Disaster Zone' Practices Preparedness on Second Life

November 2009

Military Psychiatrist Kills 13 People at Fort Hood
 1,600 a Day Nominated for Watch List

Govt. Overstated Flu Vaccine Availability
 Airport Risk Assessments Are Incomplete, Says GAO
 Italy Convicts 23 Americans in CIA Rendition Case
 FBI DIOG Manual Details Surveillance Rules
 Working Group Seeks Ideas on Long-Term Disaster Recovery
 Cat in Iowa Catches Swine Flu
 Jailed Immigrants in US Get Little Access to Legal Help
 Radiation Detectors Deployed on Northern Border Ahead of Schedule
 TSA Limits Passenger Searches to Security Reasons
 CDC Ups Estimate of Swine Flu Deaths About 4,000 Americans - Not 1,200 - Have died since April
 UN Conference Examines Climate Change and Disaster Risk Reduction
 President Extends (1984) WMD Emergency for One Year
 Players Can Act as Terrorists in "Call of Duty" Video Game
 Refugee Immigrants Delayed Inappropriately by U.S. Immigration Laws
 Houston Deputies Round Up 1,000 Immigration Suspects a Month
 Canada Handed Over Innocent Afghans to Torture, Diplomat Testifies
 George W. Bush Ordered 2007 Cyber-Attack in Iraq
 Secret CIA Prison Revealed in Lithuania
 Sept. 11 Suspects to Face Trial in New York
 GAO Sees Widespread Cyber-Insecurities at Federal Agencies

December 2009

H1N1 Flu Vaccine Registry Is a Scam
 Cargo on Passenger Planes Is Still Not Secure, Says DHS Inspector General
 Drug Smugglers Using FAST Lanes At Border
 Chip Turns Phones Into Chemical Detectors
 U.S. Tries Taliban Buyout, Orders More Troops to Afghanistan
 India Marks 25th Anniversary of Bhopal Disaster
 Four in Minnesota Plead Guilty to Terrorism; Eight More Charged
 Swine Flu Deaths Rise Sharply Worldwide
 Most Companies' Employees Cannot Work Remotely During a Crisis
 New Disaster and Terrorism Timelines Available
 Twitter Data Used to Plot Earthquakes
 Mature Las Vegas Fusion Center Leads to Homeland Security Office Downgrade
 TWIC Still Has Troubles, Says GAO
 TSA Airport Screening Manual Leaked
 Cyber-Attacks Against Critical Networks Increase
 Supreme Court Won't Hear Guantánamo Torture Case
 12 bin Laden Family Members Hold FAA Licenses
 FBI Had 19,000 Matches to Watch List This Year
 Al-Qaeda Bombings Kill 127 in Baghdad
 Chicago Man Charged in Mumbai Attacks
 British Police Memo Warns of Radicalization in Nursery School

Natural Disasters Were at 10-Year Low in 2009
 Michigan Uses DHS Einstein to Protect Computers
 Iraqis Intercept U.S. Drone Videos
 48 State Legislatures Pass Immigration Laws in 2009
 DHS Integration Management Plan Is Years Behind, Says GAO
 Attack on Berkeley Chancellor's Home Is Terrorism, Says Schwarzenegger
 Swine Flu Vaccine Plentiful in Half the States
 Illinois Prison to Host Guantánamo Prisoners and Trials
 Simplify Sensitive Information Controls, Says Task Force
 Pandemic Influenza Plan Needs Updating, Says GAO
 Howard Schmidt Named as White House Cybersecurity Coordinator
 Passenger Tries to Destroy Northwest Airlines Flight 253

¹ Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 3rd ed. (University of Chicago Press, 1996). For a different, and instructive, view about "puzzles" in homeland security, see Gregory F. Treverton, "Risks and Riddles," *Smithsonian* (June 2007), http://www.smithsonianmag.com/people-places/presence_puzzle.html.

² Reams of material have been written about each of these topics. But while there are many ideas about causes, consequences, interpretations and suggested actions, my basic assertion is homeland security as an *emerging discipline* has not reached consensus in these areas, at least not in the same way that significant communities of physicists, astronomers, economists, psychologists, et al. have basic agreement about certain fundamental ideas in their disciplines. The same claim may not be correct for communities of interest *within* the discipline.

³ Homeland Security Studies & Analysis Institute (HSI), <http://www.homelandsecurity.org/NewsletterArchives.aspx>.

⁴ The headlines for those stories are included in the appendix.

⁵ The Homeland Security Institute's archive – and information about subscribing to the weekly newsletter – can be found at <http://www.homelandsecurity.org/NewsletterArchives.aspx>.

⁶ U.S. Department of Homeland Security (DHS), *Budget in Brief: Fiscal Year 2010* (Washington, DC: Department of Homeland Security, 2009).

⁷ Kuhn, *Structure of Scientific Revolutions*, 182 describes how "symbolic generalizations" help bind scientific communities.

⁸ "Incorporating Assessments of Terrorism Risk in Homeland Security Resource Allocation Decision Making: Closing the Gap Between Current and Needed Capabilities," February 27, 2009. I have been unable to learn who wrote this outstanding critical analysis, but I will provide a copy of the document to anyone interested. For a strategic view of risk and DHS, see Bob Ross, "The Multiple Levels of Risk Management," at <http://www.hlswatch.com/2009/04/02/the-multiple-levels-of-risk-management>.

⁹ United Kingdom Cabinet Office, *National Risk Register* (2009), http://www.cabinetoffice.gov.uk/reports/national_risk_register.aspx.

¹⁰ *Ibid.*, 4.

¹¹ I have been unable to find a U.S. equivalent of the U.K. risk registry. If there is one, I would appreciate knowing about it.

¹² *Post-Katrina Emergency Management Reform Act of 2006*, Public Law 109-295, 109th Cong. (October 4, 2006).

-
- ¹³ For additional discussion on subjectivity and objectivity in homeland security, see Christopher Bellavita, “Homeland Security’s War on Subjectivity,” *Homeland Security Watch*, October 29, 2009, <http://www.hlswatch.com/2009/10/29/homeland-securitys-war-on-subjectivity/>.
- ¹⁴ Rep. Lamar Smith, “The Illegal-Immigration Threat. A top homeland-security priority,” *National Review Online*, April 30, 2003, <http://article.nationalreview.com/?q=NzhMWRhNGQ5OGY4NjkoOTZlMGMzMGMZiOWIyOGYxODU=>.
- ¹⁵ Customs agent tells of stopping ‘20th hijacker’,” *CNN.com*, January 26, 2004, <http://www.cnn.com/2004/US/01/26/911.commission/index.html>.
- ¹⁶ Lisa Meyers, “Foiling millennium attack was mostly luck,” *MSNBC.com*, April 29, 2004, <http://www.msnbc.msn.com/id/4864792/>.
- ¹⁷ For an illustrative discussion of this point, see “Excerpt from the SAR Activity Review, Suspicious Activity Reports: Not Just for Law Enforcement,” *BankersOnline.com*, <http://www.bankersonline.com/security/sar/sarlawsupport.html>.
- ¹⁸ Tom Ridge with Lary Bloom, *The Test of Our Times: America Under Siege...And How We Can Be Safe Again* (Thomas Dunne Books, 2009).
- ¹⁹ U.S. Department of Homeland Security (DHS), *FEMA: In or Out?* No. OIG-09-25 (Washington, DC: Office of Inspector General, 2009).
- ²⁰ Christopher Bellavita, “Changing Homeland Security: The Year in Review – 2008,” *Homeland Security Affairs* V, no. 1 (January 2009): 16, <http://www.hsaj.org/?article=5.1.1>.
- ²¹ On the difficulty of connecting dots, see <http://www.hlswatch.com/2009/11/12/nidal-hasan-and-the-problem-of-connecting-the-dots/>.
- ²² Gregory F. Treverton, *Reorganizing U.S. Domestic Intelligence: Assessing the Option*, MG-767-DHS (RAND Corporation, 2008), www.rand.org/pubs/monographs/MG767.
- ²³ Richard K. Betts, “Analysis, War and Decision: Why Intelligence Failures Are Inevitable,” *World Politics* 31, No. 1 (1978): 61.
- ²⁴ Philip Bobbitt, *Terror and Consent: the Wars for the Twenty-First Century* (Knopf, 2008), 290.
- ²⁵ *Ibid.*, 344.
- ²⁶ *Ibid.*, 289.
- ²⁷ On this last point, see R.A. Posner, “The 9/11 Report: A Dissent,” *New York Times*, August 29, 2004, 71. Posner is also suspicious in this article of efforts to assess terrorism risk.
- ²⁸ C. Mann, “Homeland Insecurity,” *Atlantic* (September 2002), <http://www.theatlantic.com/doc/200209/mann>.
- ²⁹ J. Barron, “Investigation Begins at Newark Airport,” *New York Times*, January 5, 2010.
- ³⁰ Mann, “Homeland Insecurity.”
- ³¹ Nate Silver, “The Odds of Airborne Terror,” *FiveThirtyEight: Politics Done Right*, December 27, 2009, www.fivethirtyeight.com/2009/12/odds-of-airborne-terror.html.
- ³² Veronique de Rugy, “TSA Disaster: Leave it to the Government...,” *National Review Online*, May 5, 2005, www.nationalreview.com/comment/de_rugy200505050751.asp.
- ³³ Bobbitt, *Terror and Consent*, 288.
- ³⁴ Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals*, 1st ed. (New York: Doubleday, 2008).
- ³⁵ Editorial, “Yes, It Was Torture, and Illegal,” *New York Times*, January 3, 2010, <http://www.nytimes.com/2010/01/04/opinion/04mon1.html>.
- ³⁶ Bobbitt, *Terror and Consent*, 361-362.
- ³⁷ *Ibid.*, 363.

³⁸ “U.S. General wants Muslim men to be strip-searched at airports,” *Digital Journal*, January 4, 2010, <http://www.digitaljournal.com/article/285017>.

³⁹ “Sudden Jihad Syndrome,” *Conservapedia*, http://www.conservapedia.com/Sudden_Jihad_Syndrome.

⁴⁰ Author’s personal correspondence with a senior federal public safety official.

⁴¹ Resa Aslan, *No god but God: The Origins, Evolution, and Future of Islam* (Random House Trade Paperbacks, 2004)

⁴² Randall J. Larson, *Our Own Worst Enemy: Asking the Right Questions About Security to Protect You, Your Family and America*, 1st ed. (New York: Warner Books, 2007), 107.

⁴³ *Ibid.*, 108.

⁴⁴ *Ibid.*, 111.

⁴⁵ Christopher Bellavita, “The Top Homeland Security Story of 2009,” *Homeland Security Watch*, December 31, 2009,

<http://www.hlswatch.com/2009/12/31/the-top-homeland-security-story-of-2009/>.