

# Letter to the Editor

April 4, 2010

## Twelve Questions Answered

The purpose of this letter is to offer some answers to the questions posed by Christopher Bellavita in the January 2010 issue of *Homeland Security Affairs*. The essay posed a series of significant issues that require far more than can be offered in a concise response. However, my intent is not to offer “the answer” to any of the questions but to offer “an answer” to each so as to provoke a continuing dialogue on these most important topics.

As has been argued in seminars, around conference tables, and in the field, we as a community are still struggling with exactly what homeland security really means. In discussing this topic with practitioners and academics around the country, I find that perspectives shape responses. At the risk of over generalizing, those with homeland security responsibilities at the national level tend to focus on terrorism with natural or non-terror man-made disasters a distant secondary focus, while those at the state and local level have exactly the opposite view. There are clearly exceptions to these stances, but those exceptions are few and far between. Thus, the discussion of what exactly homeland security is or should be provides fertile ground for philosophical discourse. Given the above, individual perspective might shape how one might respond to these questions. Certainly my perspective, one of considerable sensitivity to state and local conditions, shapes my response. In articles written by me and published in this journal, I have argued very strongly that this disconnect in perspective lies at the very crux of some of the more troubling difficulties the nation faces in gaining as high a level of preparedness as possible. With that crystallized perspective in mind, I will attempt to address each of Dr. Bellavita’s questions.

### **1. Why is it so difficult to make risk-based decisions in homeland security?**

Risk-based decisions are made every day in homeland security, either directly or indirectly. There is ample evidence that explicit, direct-risk calculations go into determining how much security should be placed around power plants, water treatment plants, etc. Implicitly, risk is calculated in every public budget put forward by an elected body. Such is the essence of “public choice” economic theory: preferences made known to elected officials by the electorate are reflected in budgetary priorities for the community, county, city, or state.

This same implied risk calculation goes into the budgetary process at the national level as well. Somewhere in this process, bureaucrats and elected officials must determine how large the defense budget must be, how much must be spent in health and human services, or how much must be put aside for the Federal Emergency Management Agency (FEMA). Those officials, working through the budgetary process, must determine how much is going to be spent on intelligence, technology, and other law enforcement-oriented programs to battle terrorism around the world.

Perhaps implied in the question is why risk-based decision making is not used in distributing homeland security grant funding. Supposedly, the Department of Homeland Security (DHS) is using risk modeling to make these determinations, though the risk modeling used by DHS remains an ephemeral illusion hidden behind smoke-colored glass. Why those charged with homeland security responsibilities at the state and local level have not demanded transparency on this issue is quite beyond understanding. In fact, one will find entire divisions of Washington-based think tanks supporting DHS and devoted to risk modeling, yet the community is still in the dark (or worse, no further along than those with far less sophistication, resources, and administrative capacity using implicit methods). Perhaps the risk-based decisions being made are quite adequate already.

## **2. Why are we unable to measure the relationship between homeland security expenditures and preparedness?**

Perhaps the question posed is not of a high enough level of abstraction. Perhaps the first issue to address is whether or not there is a relationship between expenditure and preparedness. Some would submit that based on the concept of marginal return – gaining measurable benefit for each dollar expended – the level of resources advanced has been inadequate to really gain advantage from economies of scale. Though the original amount of funding put forth by the national government (mostly in the form of unencumbered grants) provided a tangible shift in modernization and “preparedness,” the precipitous decline in funding each year, along with the increased bureaucratic hoops jurisdictions must negotiate to get funding, has had a chilling effect on preparedness fever. After state and local governments absorbed “homeland security” mission space into their already considerable mission requirements in emergency management and public safety, governments at the state and local level had to recalibrate priorities for a host of constituent expectations. There are other factors, however, that further bring the question as posed under more intense scrutiny.

Implied in the question is that there is an idealized state of preparedness for the nation. There are many who take exception to such a position. The pragmatic view is that national, state, and local governments are spending all they are going to spend on homeland security and the nation is as prepared as it is going to be. Further, “preparedness” is fluid, changing with each day as communities deal with severe resource constraints, shifting “threat” priorities, and changing demography. The preparedness needs of a community are greatly affected by its aging population, the flight of young people, the influx of immigrant populations, the decline in revenue bases, and a host of other factors that affect a community’s ability to prepare for or respond to significant events.

As the nation faces increasing budgetary deficits, mounting national debt and fewer options to regain economic resilience, one must ask how much longer the country can continue to prosecute two wars and increase public spending on entitlement programs and the expansion of government before the people resist at the cash register and rebel at the ballot box. As hard as one might try to marginalize local grassroots activism, a dramatic shift in preferences expressed by the people cannot long be ignored by those elected to represent those people.

### **3. Why is illegal immigration a homeland security issue?**

This question is a superb one. Again, one must examine the question from a national government perspective and then from a state and local government perspective. At the national level, the focus has been on terrorism and, to date, there is little evidence that terrorists have crossed our porous borders with the intent of perpetrating attacks on the people of this country. However, such evidence may be emerging. As Federal Bureau of Investigation (FBI) Director Robert Mueller told Congress on March 19<sup>th</sup> of this year, al-Qaeda is seeking to infiltrate operatives into the United States through both legal and illegal means. One could easily make the leap that such infiltration will take (or has taken) place across the southern border. Certainly, as the FBI grows more confident that such actions are taking place, illegal immigration takes on a decidedly significant homeland security priority.

At the state and local level, illegal immigration and its impact on homeland security manifests itself in quite a different manner. Any action or set of actions that diminish the resilience of a community has homeland security implications. The presence of illegal immigrants in a community diverts resources away from the expressed preferences of the legal residents of the community. Illegal immigration imposes unfunded costs on communities most significantly in the form of support for public education, public safety, and public health. Depending on the source, one can attribute as much as \$70-90 billion a year across the nation to support those who are in the country illegally. As is often the case, certainly in my part of the country, as young people with education and good work skills leave communities for better paying jobs, illegal immigrants come in behind so that populations do not appear to be affected but public revenues and consumer spending continue to decline. This displacement, not obvious to many, eventually erodes revenue streams to the point that overall services in the community decline precipitously. This decline further exacerbates the flight of those with skills so that, eventually, the community will have its resilience stretched to the breaking point. Regardless of the reasons so many choose to enter the country illegally, their accumulated presence in this country has significant homeland security impact.

### **4. Why is FEMA still a part of the Department of Homeland Security?**

Again, a great question. If one refers back to the opening paragraphs of this letter, DHS would be best focused on terrorism as this mission space seems most appropriate for a top-down, hierarchical approach to dealing with those challenges. The national government should lead this effort, and the effort should be predominantly dealt with through a partnership between DHS, the Department of Justice (DoJ) and the Department of Defense (DoD). All other functions found in DHS should be moved out into a separate agency that deals with all other significant events. If FEMA is the right agency to be the centerpiece is arguable, but an agency that forms partnerships with state and local governments instead of coercive top-down regulation-heavy regimes is an appropriate response on the part of the national government to deal with the particular needs of all the other governments in this country. Further, this agency should work at giving state and local governments as much flexibility as possible in dealing with own-source challenges. By facilitating cooperative networks of communities/jurisdictions a far more realistic and pragmatic approach to all hazards

preparedness is a logical outcome. The national government should provide the organization around which such networking might take place. Again, if that organization is FEMA, so much the better.

### **5. What can the nation realistically expect from its intelligence apparatus?**

It would be unrealistic to think that the intelligence apparatus of the nation will provide a 100 percent shield against terrorist attacks at home or abroad. That said, the gap between citizen expectations and a realistic level of defense provided by our intelligence networks could be quite large. The nation values individual liberty and freedom, so the balance between aggressive intelligence gathering and intrusions, visible or otherwise, into that free space must be carefully weighed. In this, I am deeply conflicted. I am a strong civil libertarian and am also acutely aware of the needs for comprehensive intelligence gathering. For counsel on this matter, I have to refer to a project upon which I worked several years ago.

A small research team was asked to assess the psychological impact of acts of terror perpetrated against our national monuments. As one might imagine, the conclusions were that some national monuments held universal meaning for Americans while others, those typically viewed in a more regional perspective, were of less significance. However, what I found most interesting in the project was that there were models from which we might be informed about the impact of persistent terrorism on a society. Over time, societies gain a level of resilience to such events, particularly if one can focus on the perpetrators and acknowledge that terror events are going to be part of the everyday lives of the society. Sooner or later, communities gain a sense of normalcy that allows for the day to day activities of people to continue. It is this normalcy that seems to be at the crux of the matter.

In America today, our sense of normalcy does not include persistent attack and significant loss of life and property. We must deal with anxiety caused by uncertainty, but not the kind of uncertainty that bring life and limb into the equation. To the extent that acts of terror remain discreet events, such as 9/11 or the Fort Hood shootings, the return to “normal” will likely be much like it was after those horrendous events. Within weeks, most lives in America were pretty much back to what normal was before 9/11. Arguably, our politics and policies have returned to a pre-9/11 posture. If, however, sleeper cells of jihadists, or any other groups of extremists for that matter, were to be discovered, or worse, were to perpetrate a deliberate and methodical terror campaign against randomly chosen communities, our sense of normalcy would be significantly affected. At that point, the nation would have to enter a transition from one state of normal to quite another. Along the way, the balance between civil liberty and aggressive intelligence gathering might tip decidedly one way. The constancy of terror through observed action rather than through perceived threat is problematic.

### **6. How does technology contribute to homeland security, and how does it make us more vulnerable?**

We are perhaps the most technologically advanced nation in the world. When I ask my students how many of them are active in social networking, all but one or two respond that they routinely visit Facebook and Twitter. Getting them to cease texting in class is a

challenge as is getting them to close their computers so we can conduct class in a more traditional manner. Technology, whether I like it or not, has affected how we teach and more significantly, how we learn. For the most part, these advances have been positive.

Technology permeates everything we do. We cannot start our cars, wash our clothes, negotiate traffic, or take a flight without near total reliance on advanced mechanization of some form. For these advances, I think most of us are essentially grateful, all things being equal. However, with all the advances in technology come many factors that make us more vulnerable to exploitation.

The question posed, however, is whether or not technology contributes to homeland security and whether or not our technology makes us more vulnerable. I assert that the answer is “yes” to both.

When viewing technology through the prism of homeland security, the ability to gather and process information is greatly enhanced by our technological base. However, I am often reminded of the old joke about the drunk who lost the keys to his car. He was staggering around the base of a streetlight when he was approached by a Good Samaritan intent on helping the wayward soul. When asked what the problem might be, the drunk related that he had lost his keys. When asked if he had lost the keys near the streetlight, the drunk responded that “no” he had not lost the keys near the streetlight, but the light was better there. That is how I feel about technology and gathering intelligence about terror and terrorists. Are we relying too heavily on technology to help us with this task just because “the light is better?” As has been the intelligence challenge for the past several decades, human intelligence is hard to develop and cultivate.

I worry about the technology question in respect to homeland security far more from a societal perspective than from one of intelligence and intelligence gathering. We have come to depend on technology to such an extent that if the various manifestations of technology in our society were to be threatened or taken down, our society would grind to a halt. Of most significance would be the impact of losing the technological continuity of our already fragile economy. Imagine what would likely take place in this country if we were to lose the ability to use credit and debit cards, to use our cell phones, to dispatch trains, planes, and trucks, to meter water or electricity to cities, and to dispatch emergency medical support to scenes of tragic events in our communities. Technology, then, might be considered our society’s Achilles Heel.

Then again, we must consider what it might take to protect all the technology upon which we depend and whether or not those protective tactics might not cross the line into significant trespass on our civil liberties. One should always be mindful of Benjamin Franklin’s caution that those who trade security for liberty shall eventually have neither.

## **7. Are the direct and indirect costs of security – for example aviation security – worth the benefits?**

When I teach my principles of economics class to my undergrads, the indoctrination into economic theory usually begins with learning that the answer to most questions in the dismal science should begin with the words “it depends.” Because the question posed is really a question of economics, the same preamble applies. At issue is determining what all the costs might be and then measuring those costs against real and

perceived benefits. If one focuses on aviation security as the test case, then the outcomes might inform one's views of other areas of interest.

As is often the case in the study of public policy, one is often confronted by the fact that bureaucracies are far more comfortable in dealing with and measuring outputs rather than outcomes. In aviation security, those outputs might very well be focused on the number of passengers processed, the time it takes to process a passenger, the amount of contraband seized in the screening process, the number of incidents that occur on flights, etc. But are we actually measuring outcomes along the way? I think not.

The key outcome of strong and successful aviation security should be a complete absence of security incidents either in the process of loading and unloading flights or while any flight is airborne, regardless of point of origin. Clearly, we have not achieved this outcome. Because a significant in-flight incident could potentially lead to significant loss of life, a zero-tolerance position is necessary, regardless of cost. A successful terror attack on a flight with a lot of Americans on board would ripple through the psyche and economy of the nation at the speed of light. As mentioned above, our sense of normalcy would be under withering assault.

Though there is no definitive answer given to the question posed, perhaps what we should all be thinking about is the idea that in order to truly measure costs and benefits, we need to focus on outcomes, not outputs. Then, perhaps, we can remove some of the ambiguity we face in assessing policy effectiveness and can mitigate the "it depends" start to our answers.

## **8. How important is cyber security?**

Cyber security may be the most important element of a comprehensive strategy for securing the nation. As discussed above, our dependence on technology is so great that any interruption to the continuity of cyber space would have enduring and deleterious effects on our well-being. Unfortunately, the average citizen and nearly all government officials have little understanding of the components of cyber space and the security thereof. We are users and, other than dealing with the occasional computer virus, spyware or adware, we seldom think about the infrastructure, hardware, and software upon which we so depend. Further, we are generally consumers as individuals or as members of private enterprises. We are not sensitive to reporting interruptions to service or other difficulties we might encounter in our daily use of computers. We are more than likely to unplug our machines, take them to some "geek squad" for repair and then go back to business as usual.

The networks of which our cyber domains are comprised are infinitely complex. Unlike thinking organisms that deal with complexity by adapting to the perceived chaos of an uncertain situation, our machines are simply instruments that require human insight, intuition, adaptability, and action to survive deliberate, methodical assaults. The battle to protect our cyber space is, in many ways, similar to our battle against physical terrorism. The threat is ever changing and ever present. However, because the consequences of a catastrophic cyber attack could be as devastating as the detonation of a nuclear weapon on a major city, the strategies for fighting cyber warfare are likewise similar to those we employed during the Cold War. A defense in-depth is essential, but a cold, focused offensive capability is just as important to deter state sponsored attacks. At

the national level, I have a great deal of confidence we are doing a remarkable job of protecting our cyber space every day. However, at the state, local, enterprise, and individual level, increased awareness will increase protection.

**9. Can the values of security and privacy be complementary, or must they be competitive?**

This question is perhaps the most intriguing of those offered. Are security and privacy equal values, or is one more important than the other? Are the measures of security and privacy found on a continuum where absolute metrics can be assigned or are the measures of security and privacy relational and relative?

Recently, I stumbled across a news item that expressed the notion that people in America really do not expect privacy, thus privacy may be a “devalued” value. Technology and our interaction in social networking lower our privacy protections. I suppose I can understand this line of thinking, but privacy, though not protected explicitly by the Constitution, is certainly an expectation upon which much legal opinion is based. One need go no further than *Roe v. Wade* to find the most significant Supreme Court case where privacy was the principle upon which this most profound of judgments was made. Thus, if privacy is to be protected to the extent outlined in legal precedent, then surely privacy becomes a more significant value than security.

The measure of security could then be argued to be more relative in value than is privacy. If security is a relative state of being, then some level of risk can be entertained without subverting our sense of well-being or, dare I return there, our sense of normalcy. The state of our security changes as conditions change. If we live in a neighborhood that is evolving in a negative way toward more crime, then our security may be significantly compromised. If we live in a country that is under constant attack from illegal, dangerous elements, then our relative security is eroded. The security quotient of our nation was changed forever after 9/11, but our state of privacy was not affected as much.

Security and privacy need not be placed at competitive opposites. Privacy, an enduring and protected state for most Americans, should be protected without much sensitivity to cost. Diminished security, measured as a relative state of being, is more likely to be accepted if society’s situational awareness is increased. Raising awareness does not have to come at the expense of privacy.

**10. Under what conditions will the United States torture people?**

This question is the most troubling to me. Allow me to rephrase the question to read: Under what circumstances will officials of the United States government, on behalf of the American people, resort to intelligence gathering tactics than could be defined by a reasonable person as torture? This phrasing of the question seems to offer a much clearer picture of the conundrum that our intelligence operatives should address before taking any actions. Had this question been in the forefront of our intelligence-gathering activities in the aftermath of 9/11, perhaps we would not have to address this situation at all.

Hardly anyone involved in the intelligence activities related to 9/11 and the two wars we are fighting will read this letter or this journal. At issue is an American value of

decency and respect for human life. Though the fabric of the nation is currently littered with contradictions to this precept, most Americans still adhere to the notion that we, as a people, should be above resorting to questionable forms of interrogation to gather information, regardless of what might be at stake. The first question could be shunted off as a hypothetical that does not require an answer. The first question could be dismissed because some would say that if American lives are at stake, any technique is justified. There is one caveat that might bring us to a different conclusion: What would we have done under the same circumstances?

History is replete with stories of dutiful individuals following orders, doing what they thought was best under the circumstances. I can relate to my own experiences in stressful situations, resorting to actions that, in the calm of a later day, I wanted to reconsider. My statement here in no way relieves those that violated that perceived value of decency; I offer the statement so that others will be more considerate in their judgments of those who are faced with difficult choices that might very well affect the security of the nation.

**11. Is it necessary to understand Islam to develop an effective counterterrorism policy?**

There is a short, concise answer to this question: yes. Yet understanding Islam as a religion will not likely give us the necessary insights into the mindset of those who wish to do us harm in the name of Allah. We need to understand the gang mentality, the sense of desperation, the sense of zealotry, and the concept that there are people on this earth who truly hate America and all for which it stands. We should, however, be totally unapologetic about this nation and our system of values.

We need to embrace the notion that America is an exceptional country with exceptional people living here. We need to embrace the notion that we provide 25 percent of the economy of the world. Our productivity and work ethic are the envy of the world. Even the poorest among us lives a relatively safe and secure life. We are a nation that believes in individual freedom, accountability, and merit. We resist collectivism and any form of suppression, whether that suppression is of our speech or practice of religion. We resist the suppression of groups of people because of their color, gender, age, or station in life. Because we embrace liberty, individual freedom, and merit, our value system is a direct threat to those who seek tyranny, whether they be sectarian or secular in their persuasions. As long as this great nation exists, there will be those who will want to destroy everything we treasure. That's OK, because we are a nation of laws, not men, so we will, as a nation, endure.

**12. What can the homeland security enterprise learn from the apparent success managing the H1N1 pandemic?**

The answer to this question is relatively short: it's too early to tell if we can learn anything valuable from the "pandemic" identified with the H1N1 strain of influenza. To date, there have been approximately 12,000 deaths attributed to this particular disease, a far cry from what was predicted early on. Perhaps the outbreak was not as bad as was first anticipated or perhaps we were so efficient in our response that we were able to mitigate an otherwise dangerous situation. We need to let the dust settle on this before

arriving at conclusions about success or failure. Whether there are positive lessons for those of us with homeland security responsibilities is yet to be determined.

Thank you for your time and consideration. I look forward to a lively dialogue on these and other questions that will arise during the next year. As we are all focused on securing the nation, our different perspectives will eventually and inexorably lead us to better solutions.

Very respectfully,

Samuel H. Clovis, Jr.  
Doctor of Public Administration  
Chair and Professor, Department of Business Administration  
and Economics, Morningside College  
Faculty Member, Center for Homeland Defense and Security  
[clovis@morningside.edu](mailto:clovis@morningside.edu)