



OCGG Security Section

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How safe is the American homeland?

Recommendation to
the Government of the
United States of America

by Jean-Michel Rousseau

“You may not be interested in war, but war is interested in you.” Leon Trotsky’s aphorism from a century ago took on a new meaning on September 11, 2001. The events in New York and Washington lead to general and bipartisan calls by American politicians for improved security measures and laws. Driven by the wish to better shield America from terrorist attacks, a major institutional shake-up gave birth to a

Department of Homeland Security, flanked by the Patriot Act granting the government new powers of investigation.

The issue of homeland security nevertheless remains at the centre of the debate in the current electoral run-up. It could gain even more weight should terrorist groups repeat or try to repeat the scheme of the Madrid bombings. This would not only

MAIN POINTS

Despite US security reforms in the wake of 9/11, shortcomings remain in three areas: domestic and international homeland security, intelligence gathering, and civil liberties. To prevent another terrorist attack on American soil, policy-makers need to beef up security while protecting fundamental freedoms.

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highlight potential loop-holes in the US national security perimeter, but could prove decisive for the outcome of the presidential elections as well. An analysis of the efforts done on homeland security measures since September 11th therefore seems of the highest importance.

Terrorism has introduced an uncomfortable element of uncertainty in US foreign policy. At times causing the US to lash out, at other times inducing it to retreat behind protective barriers. When the US lashes out results are mixed to say the least. Still in search of effective offensive tactics the US defence must be all the stronger. So how firm are those barriers? I will here look into obvious shortcomings in three key sectors: domestic and international homeland security, intelligence gathering, and civil liberties.

I N E F F E C T I V E D O M E S T I C S E C U R I T Y M E A S U R E S

For a European traveller, it is surprising to see the lack of public awareness for and preparedness against terrorism in American cities. This range from the multitude of large dust bins that might be used as bomb depots to the absence of effective security perimeters around public

institutions. 'Hard targets' such as power plants, chemical and biological facilities and government institutions may be better secured these days, but 'soft targets' are abundant in every American street. Authorities do not always seem prepared to deal with unexpected circumstances. Let's imagine for a second that during the big blackouts of last winter, sleeper cells would spontaneously have decided to attack the hundreds of thousands of pedestrians by guns or by car bombs, or would try to recreate a similar scenario of panic for their purposes. Was the government prepared, or would it be, to deal with such a plot?

An analysis of border protection reveals obvious flaws as well. To this very date, a significant part of information related to persons visiting the US still is not directly entered into the INS database by customs officers (due to the missing equipment of all entry points with the necessary technology). Instead, this takes place manually at another time and location. Equally, customs officers still do not control who is leaving the country. Apart from people, the entry of goods into the US is still largely uncontrolled territory, which becomes especially visible in container security. Few policy makers (with the notable exception of Senator Graham from Florida) have paid attention to this

issue. Yet, it is probably on this precise field that the security of the United States especially with regards to WMD terrorism hinges. Given the sheer amount of goods entering the country every day packed into containers, this means of transportation appears to be the easiest route for smuggling weapons and people into the US – with possibly devastating consequences. Put bluntly: Despite clear and present danger the United States authorities still have insufficient oversight about who and what is entering the country.

A FAR FROM EFFECTIVE INTELLIGENCE COMMUNITY

US efforts seem guided by the belief that the existence of several intelligence and counter-terrorism agencies necessarily spurns concurrence and synergies, enhancing the quality of results. This is a dangerous assumption. Inter-agency competition might work in a parliamentary system with only one recipient of information - the government. But it is doubtful whether this logic can deliver results in a system where Executive and Legislative branches compete. Furthermore, European states have traditionally

prevented inter-agency task sharing and preferred assigning tasks to designated agencies. In the US the number of security agencies has surpassed the dozen, and worst of all, a DCI worth its name is still lacking.

UNILATERALISM AND SECURITY ISSUES

Even worse than these domestic failures is the missing acknowledgement of US officials that an international zone of security would be a more effective option than a national solution. The question is not about applying the Container Security Initiative to other security domains. Indeed, it is precisely the bad example of an enlarged security zone since it relies not upon trust into the quality of the security services of other countries, but in the forward deployment of US officials to the most important ports with regards to container shipment to the US. Hence, the current strategy relies not upon trust into the capabilities of other countries, but into erecting a 'national wall' around the country. Yet, a top US priority should be a multinational development of common security standards that would be enforced by the participating countries and the validity of which would be recognized by the other partner countries



(similar to the European ‘Schengen’ model). This would ensure an enforced US legitimacy in global security, which in turn could lead to a growing recognition by other countries for the need of improved security measures, and contribute to more effectiveness by pooling knowledge.

AWARENESS OF WESTERN CORE VALUES

There is a marked contrast in the way the two respective sides of the Atlantic define homeland security. It seems as if Europeans are more flexible than Americans in bending some rules when it comes to issues of national security, but that specific rules - such as the interdiction of torture - stand solid - as captured in the quote “the Italian state of law can survive the assassination of Aldo Moro but not the introduction of torture”. Americans, on the other side, are best described as ‘contradictory’ as they often seem to stick either too much or not enough to rules of law in the domain of national security.

The Bush administration has repeatedly displayed a failure of comprehension: the West only can win the ‘War on Terror’ by upholding its fundamental values - es-

pecially the rule of law and the principle of human rights - even under the worst circumstances. Arguments claiming that the Constitution was written at another time in history and does not reflect current issues should be viewed with caution; Constitutions are designed to protect individual rights especially in times of crisis. In this regard, it is reason to caution against those who call for the FBI to have both criminal and anti-terrorism competences. The two fields ought never to be mixed. Every other liberal democracy has been wise enough to separate these two functions, and the US should learn from its own example.

Despite an impressive spending record on counter-terrorist efforts, there is reason to question whether the United States is indeed, sufficiently prepared to effectively counter terrorist threats. Part of the problem is a belief that erecting a ‘wall’ around the country will be sufficient to prevent new attacks from occurring. That the US going it alone in the world outside the wall will be more effective than if it were to cooperate with other countries.

When it comes to the issue of US homeland security, the question is not whether things have improved - given the poor previous record they undeniably have. The more relevant question is whether

things have considerably changed to achieve a level of security that will shield the country from further attacks while preserving civil liberties. This is much more questionable. While it is certainly difficult to precisely distribute responsibility for this state of affairs, suffice is to say that the US homeland security system still has holes that policymakers ought to close as soon as possible. If they want to live up to their commitment and prevent future terror attacks on American soil, security will have to be beefed up – the challenge is to do so while protecting the freedoms that is America.

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