

*Advisors, Czars and Councils:
Organizing for Homeland Security*

Ivo H. Daalder & I.M. Destler

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Nine days after September 11, President George W. Bush announced that the Federal government's effort to secure the American homeland against future terrorist attacks would be led by a new, White House-based Office of Homeland Security (OHS). He appointed his close friend, Pennsylvania Governor Tom Ridge, to head the office. While this step was widely welcomed, there has been a near-consensus among Washington veterans that Ridge lacks the leverage necessary for the job, even as a member of the White House staff with clear and direct access to the President. I fear that as an advisor who lacks a statutory mandate, Senate confirmation, and budget authority, he will not be as effective as we need him to be, Senator Joseph Lieberman (D-CT) argued. A homeland coordinator with only advisory authority is not enough. We need a robust executive agency to carry out the core functions of homeland defense.¹ Lieberman and others have accordingly introduced a number of proposals to rectify these imperfections, and Office of Management and Budget (OMB) Director Mitchell E. Daniels, Jr., recently told Congress that the administration was open to proposals for re-organization.²

Almost every proposal thus far seeks to fix the problem by bringing widely dispersed authorities and agencies into a new central structure. But centralization alone cannot be the main answer to this formidable challenge. Currently, responsibility for preventing, protecting against, and responding to a terrorist incident is spread not only across the Executive Branch, but also across Federal, state and local authorities. Moreover, the private sector also has a critical role to play. It is simply not possible, nor is it desirable, to bring all the major homeland security functions under a single roof.

What is needed instead is leadership, coordination and mobilization of the responsible agencies and their leaders at the Federal, state and local levels. That is precisely the task President Bush has handed Governor Ridge. Given the number of agencies, interests and people involved, it is a task of truly mammoth proportions. It requires strong, personal support from the President, more than has been evident in the first seven months of Ridge's tenure. Past experiences in parallel coordinating efforts for national security and economic policy provide valuable lessons on how Ridge might accomplish the task. Within such a coordinating context, some consolidation of functionally similar activities (for example, dealing with border security) makes sense, as does making Ridge's position statutory and subject to Senate confirmation. Enhancing his authority over budgetary matters would make sense, as well. But on their own, the structural reforms championed by many critics of the current arrangement will be of little help, and could even undercut Ridge's ability to influence the broad range of government activity that he can never directly control.

Re-organization Would Help . . .

Prior to September 11, a succession of government commissions as well as legislators argued that terrorism constituted a real threat to U.S. security, but that the U.S. government did not give the threat the priority it deserved.³ Consolidating homeland security functions, they argued, would give it that priority, by creating what the General Accounting Office called a focal point.⁴ In an effort to ensure that homeland security would be a White House priority most proposals sought to place the new organization within the Executive Office of the President.

Clearly, these advocates were on to something. Before terrorists turned commercial jetliners into weapons of mass destruction and killed 3,000 people on U.S. soil, homeland security was not a top priority for the U.S. government. To be sure, successive presidents had talked about the threat of terrorism. Bill Clinton frequently and often publicly worried about a germ-weapons attack by terrorists on U.S. territory. George W. Bush mentioned the threat of terrorism during his campaign, and continued to talk about it once in office (although often as an argument for developing missile defenses). Spending on counterterrorism activities also increased significantly from \$6 billion in 1998 to well over \$10 billion in 2001. Finally, with the appointment of Richard Clarke in 1998 in one sense, Ridge's predecessor as coordinator of counterterrorism, an attempt was made to pull together the myriad agencies and interests involved in preventing and responding to terrorist attacks.

Nevertheless, as of September 10, 2001 even with heightened presidential interest, increased funding and improved coordination the terrorist threat had not moved anywhere near the top of the White House agenda. Clarke, a Clinton-era holdover, remained a senior director on the NSC staff, but reported to the national security advisor, not to the president. Terrorism was still just one concern among many. Although the various agencies all had terrorism coordinators, other concerns dominated their agendas. For the Pentagon, re-equipping the military to fight two major theater wars simultaneously remained the priority. China, not Al-Qaeda, was the rising threat, and ballistic missile attacks by rogue states, not suicide bombers, were the immediate concern. Drugs, not dangerous pathogens, were the targets of customs agents searching luggage and cargo entering the United States. Consular and immigration officers fretted about granting visas to potentially illegal immigrants rather than students-cum-terrorists. The FBI focused on building criminal indictments against terrorists who had committed acts of violence against U.S. interests overseas, rather than tracking non-U.S. nationals who might undertake terrorist acts on American soil. Other priorities displaced the attention and resources that should have been devoted to homeland security.

September 11 changed all that. Now, for all of these agencies, at every level, the terrorist threat stands front and center. The commissioner of the U.S. Customs Service, Robert C. Bonner, told the New York Times that terrorism is our highest priority, bar none. Ninety-eight percent of my attention as commissioner of customs has been devoted to that one issue.⁵ The ins, FBI and other key agencies have been re-organized so as to make counterterrorism their top concern. Priorities have shifted in agencies that have not been re-organized including even the Internal Revenue Service, which has assigned some of its criminal investigators to assist in helping determine how terrorist groups are funded.

There are other reasons to consider re-organizing homeland security beyond the need to focus public attention; the key one is the fact that responsibility for homeland security really is very widely dispersed. According to the OMB, nearly seventy agencies spend money on counterterrorist activities and that excludes the Defense and State Departments and the intelligence community.⁶ One organizational chart of Federal

government agencies involved in homeland security contains 130 separate boxes.⁷ Even by more discriminating accounting standards, anywhere between forty and fifty agencies are believed to be involved in the effort ranging from the departments of Defense, Treasury, Justice, Transportation, Health and Human Services, and Agriculture; to intelligence agencies like the Central Intelligence Agency and National Security Agency; to law enforcement agencies like the Federal Bureau of Investigation, the Secret Service, the Drug Enforcement Agency, and the Bureau of Alcohol, Tobacco, and Firearms; to agencies monitoring points of entry into the United States like the Border Control, the Coast Guard, the Customs Service and the Immigration and Naturalization Service; to agencies responsible for responding to an attack, like the Federal Emergency and Management Agency, the Centers for Disease Control and Prevention, the National Guard Bureau and the Pentagon's soon-to-be-established Northern Command.

This diffusion of responsibility is inherent in providing homeland security because success depends on a multitude of unconnected individuals making good decisions. It is an inherently decentralized operation. A customs service agent sensed something amiss with a car traveling from Canada to the United States in December 1999 and discovered its trunk loaded with explosive materials designed to blow up the Los Angeles International Airport. A flight instructor found it suspicious that a student was interested only in steering a commercial jetliner, not in taking off or landing, and then reported his suspicion to locally-based Federal authorities (who tried in vain to get FBI headquarters in Washington to take the matter seriously). A firefighter yelled at people coming up from the World Trade Center subway station to go back down, before himself climbing the stairs to fires burning on the 75th floor of one of the towers. A doctor re-examined the X-ray of a postal worker and diagnosed inhalation anthrax in time for an effective antibiotic treatment to be administered. A flight attendant noticed a passenger lighting a match near his feet and acted swiftly to prevent him from detonating a bomb concealed in his shoe. Ultimately, the security of the American homeland rests upon individual judgment calls by those who guard the frontlines: the border guards, immigration officers and customs agents, the doctors, nurses, firemen and police officers. Managing, coordinating, leading and mobilizing these people so that their individual decisions add up to a nation more secure, better prepared and more responsive to the terrorist threat is the organizational challenge of homeland security.

. . . but Centralization Won't Work

The basic concept behind nearly all proposals that have been set forth for organizing homeland security activities is centralization: the consolidation of functions now scattered across numerous agencies under one common organizational roof. As one astute commentator put it, There is nothing that has the force of an uncompromising and powerful new entity. A Department of Homeland Security, with power and budgets and subordinate agencies, is also the only way to avoid the disconnected roots of Sept. 11. Only a department would have the ability to set changing priorities between a terrorist and non-terrorist focus, and prepare and respond accordingly.⁸

Among the earlier and more prominent proposals for centralization is that of the Hart-Rudman Commission, released in early 2001. Prophetic in its anticipation of an end [to] the relative invulnerability of the U.S. homeland to catastrophic attack, the commission put forward organizational realignment as the centerpiece of its recommendation:

The President should propose, and Congress should agree to create, a National Homeland Security Agency (NHSA) with responsibility for planning, coordinating, and integrating various U.S. government activities involved in homeland security. The Federal Emergency Management Agency (FEMA) should be a key building block in this effort. . . . The President should propose to Congress the transfer of the Customs Service, the Border Patrol, and the Coast Guard to the National Homeland Security Agency, while preserving them as distinct entities.⁹

The commission further proposed to divide managerial responsibilities within the new agency among three directorates responsible, respectively, for border security, critical infrastructure protection, and emergency preparedness and response. These proposals were put forward in legislation by Representative Mac Thornberry (R-TX), originally introduced in March 2001; since the September 11 attack, they have been endorsed by Senators Joe Lieberman, Arlen Specter and Bob Graham, who propose the establishment of a new cabinet department.

Advocates of consolidation are right to say that excessively dispersed authority is a serious problem, but, on its own, their solution is inadequate to the task. The homeland cannot be secured by pulling three significant but second-order operations—the Border Patrol, the Customs Service and the Coast Guard—into an enhanced FEMA, a well-regarded agency, but one whose prime role has been response to natural disasters. Inevitably, most of the forty-plus Federal offices with pieces of the problem would be left outside the walls of the new entity. As a result, the head of that agency cannot be assigned principal responsibility for homeland security in the manner supporters of consolidation advocate. Even with full Cabinet status, the secretary of a new Department of Homeland Security will not be able to coordinate the activities and actions of his many cabinet colleagues who have an interest in and share responsibility for protecting the American homeland. To be effective, interagency coordination and operational responsibility must, to the maximum extent possible, remain in separate hands.

As the Hart-Rudman Commission recognized, many institutions and functions that are critical to the task cannot, by their very nature, be included in a consolidated agency. The FBI will necessarily remain in the Justice Department (and resistant even to its authority). The CDC, indispensable to combating bioterrorism, should remain, albeit loosely, within the Department of Health and Human Services. Perhaps most important, the intelligence arms of domestic law enforcement and the vast and relevant resources of the CIA and the NSA cannot possibly be brought under the direct authority of Governor Ridge or any future Cabinet-level homeland security official. This means that time-sensitive information requiring priority border or immigration attention will have to come from somewhere other than any conceivable homeland security agency.

The intelligence connection is part of a daunting broader reality: the need for domestically-oriented security authorities to coordinate with international policy agencies and activities under the aegis of the National Security Council. Looking in the other organizational direction, coordination also has to link downward effectively with police, health, rescue and other units under the authority of governors and mayors throughout the land.

Even for organizational units brought within a new agency, formal inclusion would not automatically guarantee effective integration. Upon his appointment, Ridge alluded to the problems of intra-governmental conflict when he declared, "The only turf we should be

worried about protecting is the turf we stand on. This warning, alas, applies inside as well as outside organizational walls. The Hart-Rudman Commission sounded a cautionary note when it recommended integration with a caveat: Transfer of the Customs Service, the Border Patrol, and Coast Guard should be undertaken while preserving them as distinct entities.¹⁰ But this apt recognition of the value of each unit's internal coherence was also an acknowledgement that centralization can, and should, only go so far.

Leadership and Coordination

To reiterate, the basic organizational need of homeland security is to address activities that are highly diffused and decentralized. How to ensure that a border guard makes the right decision is more important than whether his boss is responsible directly to a central homeland security official. In the end, the real need is to have the right people in the right places with access to the right information, and who can cooperate in ways that make their individual efforts larger than the sum of the parts. This requires senior government officials working together: synchronizing their activities and sharing necessary information and developing a process that maximizes incentives for them to do so.

Forging such a process must be Ridge's central goal. He must engage and reinforce his senior colleagues in their efforts to make their departments instruments of presidential counterterrorism policy. The attorney general, for example, is an absolutely critical player in homeland security, with oversight for the FBI, INS, and law enforcement generally. He is likely to see himself as the plausible government-wide leader in the domestic response to September 11, just as the secretary of state sees himself, not without cause, as the leader (short of the president) in U.S. foreign policy. The attorney general could very well be threatened by how the homeland security advisor plays his role—after all, successive secretaries of state waged bitter battles over foreign policy with the Henry Kissingers and Zbigniew Brzezinskis who were housed a thirty seconds' walk from the Oval Office. If Ridge appears to be mounting a broad challenge to Attorney General John Ashcroft's authority, the prospects for an effective, integrated campaign against terrorism will plunge precipitously.

The opposite scenario, a homeland security advisor who cannot assert direct authority, poses different problems. Drawing on his own, very different experience as drug czar in the Clinton Administration, Barry McCaffrey expressed concern that Ridge has an inadequate mechanism to do the job. Six months from now, there's a danger that he will turn into little more than the speaker's bureau for homeland defense.¹¹ Fortunately, the executive order creating Ridge's position also established the Homeland Security Council (HSC) and tasked it with advising and assisting the president with respect to all aspects of homeland security [and] ensuring coordination of homeland security-related activities of executive departments and agencies and effective development and implementation of homeland security policies. The HSC is headed by the president, and the attorney general is prominent among its members.¹² The homeland security advisor is simultaneously a council member and the official tasked with managing the HSC process. This offers him a vehicle for engaging senior colleagues—the attorney general above all—at a time when he has maximal presidential support and attention. He can model his approach on the successful efforts of others in parallel roles.

Learning From the NEC: A highly relevant example is the role played by Robert Rubin at the beginning of the Clinton Administration. Like Ridge, he was assigned responsibility

for a new coordinating council – the National Economic Council (NEC). Like Ridge, Rubin was tasked to get the government moving in a policy area of top presidential priority, peopled with senior officials holding strong mandates and strong views. Had Rubin seen his role as the new president's economic czar, one of issuing orders for other Clinton economic officials to carry out, his governmental life might have proved nasty, brutish and short. Instead, he took the initiative in organizing internal debate on key issues. He developed a process designed to force presidential decisions even as he assiduously reached out to the secretary and deputy secretary of the Treasury, the director of the Office of Management and Budget, and the chair of the Council of Economic Advisors. He gave them key issues to present at a pivotal, pre-inauguration meeting with the president-elect in Little Rock, Arkansas. The meeting ended with one key decision made, with all the Cabinet and deputy-level economic players engaged, and with Rubin's NEC neatly ensconced at the center of the economic policy process.¹³

Rubin gave the leaders of the economic agencies something they wanted and needed – visible participation in and influence over the most important decisions of Clinton's early presidency. In so doing, he strengthened their credibility and influence within their agencies, and also in Washington generally. Moreover, this seems to have been a conscious, calculated strategy on Rubin's part: rather than the sparring for turf typical of all too many debates among senior officials, he shaped a positive-sum process in which all would come out feeling like winners even though they could not, of course, win all of the policy arguments. Ridge can do likewise with the HSC. By taking the initiative but exercising power collegially, the homeland security advisor can achieve much more in coordinated anti-terrorist action than he could through any conceivable organizational consolidation.

Learning from the NSC: The Bush Administration can draw even more upon the experience of the oldest and most successful of White House-based coordinating councils, the National Security Council. Emulating proven NSC practices, Ridge has used the HSC as an umbrella to establish a network of formal and informal interagency coordinating structures. Giving him authority to do just that was President Bush's Homeland Security Presidential Directive (HSPD) 1, which directed that the organization and operation of the Homeland Security Council be modeled on the NSC process that Bush established at the outset of his administration. Under this directive, Ridge chairs the HSC Principals Committee, composed of all regular members of the Homeland Security Council except the president and vice president. Ridge's deputy chairs the HSC Deputies Committee, composed of the deputies of all departments and agencies that have a seat on the HSC. Senior officials on Ridge's staff chair 22 different assistant secretary-level Policy Coordinating Committees (PCCS), covering such policy areas as: detection, surveillance and intelligence; law enforcement and investigation; weapons of mass destruction consequence management; domestic transportation security; medical and public health preparedness; and domestic threat response and incident management.

The NSC experience also suggests the importance of supplementing formal channels of cooperation with informal ones. NSC processes operate most effectively when the national security advisor works closely – and often informally – with his or her key counterparts at State, Defense and the CIA. When Colin Powell was national security advisor in the last year of the Reagan Administration, he met with Secretary of State George Shultz and Defense Secretary Frank Carlucci each day at 7 a.m. in his office to coordinate the day's work. And nearly all NSC advisors from Brzezinski onward have convened weekly lunches or breakfasts with their senior counterparts to work on issues in a less formal setting. Ridge should conduct similar sets of regular, informal meetings with

his key counterparts, including especially the attorney general and, to a lesser extent, the secretaries of defense and treasury.

But notwithstanding his formal and informal roles in the interagency process, Ridge must realize that his power in Washington will be ephemeral if it is not nurtured and protected. Battles will inevitably loom with Cabinet colleagues. He needs to be careful about which ones to fight and he must win most of them, particularly in his first year. The early returns are not uniformly encouraging. While he worked hard with others to create a national terrorist alert system, the ultimate authority for determining alert levels was vested in the attorney general, even though the OHS director was arguably better placed to do so. And whereas Ridge championed the establishment of a new, independent border agency through the consolidation of the Coast Guard, Customs Service, Border Patrol, and Agricultural Quarantine Inspection Agency, he was ultimately forced to join a consensus in favor of something far less, as discussed below. If such defeats, real and perceived, become a pattern, Ridge will lose credibility. Few will defer to him, and fewer still will be likely to follow his lead.

A further lesson from NSC experience is the need for the coordinator to take the lead in day-to-day problems, yet avoid becoming so consumed by putting out fires that he neglects the ultimately critical task of strategic management. Ridge has already demonstrated his effectiveness in responding to current concerns. In late October 2001, he called the attorney general, FBI director, HHS secretary, cdc scientists and others to the White House in order to get a straight story on what had happened with the anthrax mailings. He then took control of communications, making himself the public focal point on anthrax and other terrorist threats. When American Airlines flight 587 crashed in Queens, NY, two weeks later, it was Ridge who energized the interagency process, working with other key players to determine whether terrorism might be the cause and, if so, what the appropriate response should be. In these and other instances, Ridge demonstrated the truth of what national security advisors have long known: that a person who enjoys the president's confidence and is clearly empowered by him enjoys tremendous power to coordinate smoothly and effectively among top-level officials, particularly when there is a self-evident need for someone to get the job done.

In the Queens airplane crash case, Ridge acted immediately, but withdrew just as quickly when the evidence indicated that terrorism was not the cause. This suggests an ability to avoid being consumed by operational detail at the expense of addressing longer-term, strategic needs. To this end, Ridge could also draw on the NSC experience by using a device national security advisors have found particularly effective early in their tenures—commissioning analyses of first-order issues requiring presidential decision. This would involve the issuance of Homeland Security Study Directives (HSSDS) tasking interagency groups to present specific options, defined not as agency preferences but as real, alternative ways of addressing key problems. Some HSSDS could address questions of structure and process (organization, budget authority, and the collection, sharing and analysis of intelligence). Some could address particular broad tasks such as prevention, damage limitation, countering particular threats like biological and chemical agents, and cooperative law enforcement. The options developed in such studies would be discussed and debated at HSC meetings chaired by the president, followed by his choosing among them. His decision would subsequently be codified in an HSPD signed by the president.

Commissioning such policy reviews while the homeland security office and council are relatively new would serve several related goals. It would give the advisor the initiative in

policy development, engage other departments and agencies in the critical task of formulating realistic choices, and connect the advisor and the HSC to the president at a time when the chief executive is giving top priority and attention to homeland security issues. It would also be a potent device to meet the need for what Ashton Carter labels program coordination, . . . a multiyear, multiagency effort to develop tactics, technology, and where required new institutions for the ongoing struggle against catastrophic terrorism. ¹⁴

Reaching Down the Organizational Pyramid

The HSC's task is harder than the NSC's because its family of agencies lacks a culture of cooperation such as that which the NSC has nurtured among the intelligence and foreign policy communities since 1947. It is also different in three other important ways. Its primary impact must be at the bottom of the Federal government's organizational pyramid, not the top. More-over, the HSC must engage state and local officials as well as Federal authorities. Finally, its effectiveness will depend on effective linkage with activities like foreign intelligence that will remain in the NSC, not the HSC, orbit.

National security and economic advisors mainly target presidential decisions and actions. The homeland security advisor, however, must concern himself mainly with how the system operates at ground level. The national security advisor can focus primarily on relations with a few key countries, and on top-level decisions affecting them; Ridge must concern himself with building a system that will make airplanes, food and water distribution facilities, public buildings and entire communities across the land less vulnerable to attack. National security advisors concern themselves with the top. The homeland security coordinator must look to the bottom.

It is a daunting task, but it is not his alone. The attorney general needs to guarantee that the FBI and the ins take timely preventive action or pass information on to others who can do so. The HHS secretary needs the CDC to raise the priority it gives to preparing for, detecting and countering biological weapons threats. The secretary of defense should enable the National Guard to be fully engaged in homeland security planning and action by ending the military's reliance on these units as backup for missions overseas. By firmly connecting these tasks to the president's anti-terrorism program, which he and they will craft together, the homeland security advisor can strengthen their abilities to influence those below them.

While actions by Federal agencies must be the prime HSC target, Ridge must focus also on building lines of cooperation and information-sharing with the other levels of our Federal system and, importantly, with the private sector much as the Clinton Administration needed to do when addressing threats to the security of the Atlanta Olympics in 1996. Ridge must lead the effort to standardize the training of first responders across the nation. Local communities, states and the Federal government need common procedures, practices and equipment to facilitate communications both to prevent attacks from occurring and to speed an effective response if one does. As Ridge has recognized, all kinds of information need to be provided in a timely manner, not only across the Federal government, but to governors and states attorney generals and mayors and local and state law enforcements. ¹⁵ Ridge and his staff will have their work cut out for them. If the culture of cooperation among Federal agencies is weakly established, these norms are almost completely lacking among local, state and Federal

authorities. Fortunately, the experience and relationships Ridge developed as Governor of Pennsylvania should prove relevant to this task.

Ridge should also be able to draw upon two established organizations to strengthen ties across levels of government. FEMA, the agency of first resort in responding to catastrophes on the ground, has ten regional offices with multiple connections to relevant state and local authorities. The National Guard, organized and controlled by the states, has a historic and Constitutional mission of homeland security (in the words of the Hart-Rudman Commission) and should redistribute resources to make this its primary task.¹⁶

Finally, Ridge and his top White House colleagues need to address the unique coordinating challenges of dealing with a transnational phenomenon like terrorism within organizations that are structured along the foreign-domestic divide. Ridge's mission, to secure the homeland, is basically domestic, but the essential source of the threat lies abroad, outside his jurisdiction. A step in crossing this divide has already been taken with the appointment of two officials—General Wayne Downing as national director and deputy national security advisor for combating terrorism, and Richard Clarke as special advisor to the president for cybersecurity—each of whom reports directly to both the homeland security advisor and the national security advisor. But there must also be good coordination at the top, suggesting that Rice and Ridge talk frequently and participate in regular CRR (Card-Rice-Ridge) meetings, connecting the two key advisors with the president's chief of staff, Andrew Card.

In addressing all these challenges, what the homeland security director most needs to do is embrace and exploit his role as cross-government coordinator and mobilizer. He must conceive of himself not as a czar issuing orders, but as a leader working with and energizing his peers to achieve their common objective. Within this framework, however, two additional steps should be considered. One is limited organizational consolidation, focused narrowly on border security. A second is statutory and budgetary authority.

The Need for Reform

Former Senator Gary Hart has argued that,

without budgetary or statutory authority, Ridge is doomed not to succeed. If he only has the power of exhortation, the disparate agencies will do what he asks them only when that is approved by their own superiors. Ridge can have interagency working groups and encourage people in the Coast Guard to talk to Customs, but gaps and seams will remain. He will have to keep going to the Oval Office to make anything happen. Anyone who knows Washington knows this won't work.¹⁷

These concerns are not easily dismissed, but we have a more optimistic view of what a determined, presidentially-backed effort at coordination can accomplish. Moreover, it is clear that conventional re-organization is not the main route to effectiveness for Governor Ridge, for, as we have noted, it is impossible for him to secure direct authority over more than a fraction of the activities his office must seek to shape. Hence a coordination-mobilization strategy is essential.

Unfortunately, the President has not provided the full, visible backing to Ridge that is necessary for this strategy to work. As a result, there is a growing perception both within the administration and outside it that Ridge is losing power and influence in Washington. There are indications that White House Chief of Staff Andrew Card has initiated a top-to-bottom review of Ridge's office. Everything is on the table, a Bush staffer is quoted as saying.¹⁸ But the problem Ridge confronts is not primarily organizational. It is the absence of strong presidential support. For all intents and purposes, Ridge has been left to flounder as Congress, the press, and even some of his administration colleagues have joined in the attack.

There is therefore an urgent need to bolster Ridge's position by providing him with strong statutory authority. Ridge's current position and the existence of the Homeland Security Council itself derive not from a law passed by Congress but from an executive order President Bush signed last October. This has created problems on Capitol Hill, particularly since the administration insists that Ridge, as a presidential aide (like the national security advisor), should not be required to testify before Congress. Democrats and Republicans alike have complained bitterly, with Senate Majority Leader Tom Daschle (D-SD) even threatening to issue a subpoena to force Ridge to testify.

The White House's resistance is untenable. Although a formal parallel exists between the homeland and national security advisors, Ridge's job is, in practice, much more that of a publicly visible operating official on the model of the drug czar or the OMB Director. He has developed a budget. He is the prime public spokesman in his area of activity. He needs to be made formally accountable to Congress, both out of respect for legislative authority and to increase overall governmental capacity to respond to the challenge of catastrophic terrorism. In the words of Rep. Ernest Istook, Jr. (R-OH), who chairs the appropriation subcommittee responsible for the White House budget, "The point is not whether a presidential advisor testifies, it's whether somebody can be given express major responsibilities under an executive order and then be exempted from accountability. I see it as respecting the Constitution."¹⁹

The administration should work with Congress to craft a clean bill giving Ridge, his office and the council statutory authority. Given Ridge's operational responsibilities, it makes sense to model the authority and status of the office on other formal EOP units (such as the Office of Management and Budget, the U.S. Trade Representative and the Office of National Drug Control Policy) whose heads are subject to Senate confirmation and testify regularly before the legislature. This would enhance Ridge's ability to deal with members of Congress and other elected officials—from governors and mayors to county commissioners. The bill should also provide Ridge with greater budgetary authority. Working with the OMB director, he should be authorized to review the budgets of counter-terrorism units across government and make changes, which would be subject to override only by the president's budget task force (composed of the vice president, treasury secretary, the president's chief of staff, and the OMB director) or, in the strongest version, only by the president himself.

Ridge would also be strengthened by consolidation of the agencies responsible for border security. The current dispersed responsibility makes little sense from either a practical or an organizational point of view. As Ridge complained, "When you come into the United States, multiple faces of the federal government meet you. And I think we ought to have one face at the border."²⁰ Accordingly, in December Ridge proposed the creation of the National Border Administration, which would consist of the Coast Guard, the Customs Service, the enforcement arm of the ins (including the Border Patrol), and the Agriculture

Quarantine Inspection program. According to a White House white paper proposing this consolidation, the new agency's core mission would be to manage the physical entry and exit of all people, goods, and vehicles into the United States by air, land, or sea, and in so doing to prevent, preempt, and deter terrorist infiltration or the introduction of weapons of mass destruction.²¹

Ridge's proposal met with predictable resistance. None of the affected departments wanted to give up the border security functions under their control. And all of the agencies proposed for merger feared that duties not related to terrorism would receive shorter shrift if they were merged into an entity whose primary task will be to prevent terrorists and weapons from entering the United States. Yet the case for the organizational status quo is extraordinarily weak. Not a single one of these border agencies is central to the mission of its departmental home; not the Customs Service in Treasury, not the ins enforcement arm in Justice, not quarantine inspection in Agriculture, not the Coast Guard in Transportation.

Nevertheless, the parochial interests of the departments to preserve budgets and personnel appear to have prevailed. Rather than proposing the consolidation Ridge favored, the HSC Principals forwarded a consensus recommendation to President Bush last March to merge the Customs Service and Border Patrol into a new border entity within the Justice Department. This, of course, falls far short of what our nation's security demands: a truly comprehensive border agency under a strong director. If President Bush refuses to back his own homeland security director on this issue, then Congress should do it for him by rejecting the limited re-organization the administration proposes and creating a new, independent Federal Border Agency along the lines Ridge originally suggested.

Congress should also consider including in the Federal Border Agency the new Transportation Security Agency (which is responsible for monitoring who and what boards commercial aircraft), and possibly even the consular functions of the State Department. The director of this new agency should have a seat at the HSC table, and its staff must be an integral part of the Ridge-led HSC coordination process. However, unlike the Hart-Rudman, Lieberman-Specter and Thornberry consolidation proposals, Congress should not include either FEMA or those offices now in Commerce and the FBI that deal with national infrastructure protection, since these are functionally distinct from the frontier monitoring agencies.

Securing the homeland against terrorism is a daunting challenge. Any new leader and organization would need simultaneously to act boldly to establish their authority and to feel their way as they learn what works and what does not. For reasons detailed above, it is best to conceive of the task not as one of organizational centralization and consolidation, but rather cross-governmental coordination, mobilization and leadership, with priority given to establishing collaborative, positive-sum personal relationships at senior levels.

If the task is undertaken in this manner, there is room for cautious optimism. The keys to success are two: Governor Ridge must convince his Cabinet colleagues that their ability to get things done depends crucially on their working together within the coordinated process he runs; and the President must back Ridge fully in that effort. In the end, Ridge's power and authority and the president's homeland security organization depend on the willingness of all players to work with rather than against the President's point person for homeland security. As the struggle over the border agency consolidation in early 2002 has

demonstrated, this is easier said than done. But without such a willingness, an integrated approach to homeland security will remain beyond our reach.

ENDNOTES

1. Statement by Senator Joe Lieberman on Homeland Security Legislation , October 11, 2001.
2. Prepared Statement by Mitchell E. Daniels, Jr. , before a hearing of the U.S. Senate Committee on Governmental Affairs on Homeland Security Organization, April 11, 2002. Legislative proposals include: Preparedness Against Domestic Terrorism Act of 2001, H.R. 525, 107 Cong. 1 sess. (introduced by Rep. Wayne Gilchrest, February 8, 2001); Homeland Security Strategy Act of 2001, H.R. 1292, 107 Cong. 1 sess. (introduced by Rep. Ike Skelton, March 29, 2001); The National Homeland Security and Combating Terrorism Act of 2002, H.R. 4660, 107 Cong. 1 sess. (introduced by Rep. Mac Thornberry, May 2, 2002). A virtually identical bill, S. 2452, was introduced the same day by Senators Joe Lieberman, Arlen Specter and Bob Graham.
3. See, for example, Countering the Changing Threat of International Terrorism, Report of the National Commission on Terrorism, chaired by Ambassador L. Paul Bremer, III; Road Map for National Security: Imperative for Change, The Phase III Report of the U.S. Commission on National Security/21st Century, March 15, 2001, co-chaired by Senators Gary Hart and Warren B. Rudman; and First Annual Report to the President and the Congress: I. Assessing the Threat, Report of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, December 15, 1999, Second Annual Report to the President and the Congress: II. Toward a National Strategy for Combating Terrorism, December 15, 2000, chaired by Gov. James S. Gilmore, III, and Third Annual Report to the President and the Congress: III. For Ray Downey, December 15, 2001, chaired by Gov. James S. Gilmore, III.
4. General Accounting Office, Combating Terrorism: Selected Challenges and Related Recommendations, gao-01-822 (Washington: General Accounting Office, September 2001), pp. 34 43.
5. New York Times, October 10, 2001.
6. Office of Management and Budget, Annual Report to Congress on Combating Terrorism (August 2001).
7. As described in the New York Times, November 4, 2001.
8. William M. Arkin, Protecting the United States , Washington Post (online version), October 7, 2001.
9. Road Map for National Security, pp. xiii, 13 4.
10. Road Map for National Security, p. 14 (emphasis added). The Senate and House re-organization bills also insist that each agency shall be maintained as a distinct entity.
11. Washington Post, November 18, 2001.
12. The language is from the executive order. Others named as full members are the vice president, the secretary of defense, the secretary of health and human services, the secretary of transportation, the director of FEMA, the FBI director, the director of central intelligence, and the assistant to the president for homeland security.
13. I.M. Destler, The National Economic Council: A Work In Progress (Institute for International Economics, Policy Analysis No. 46, November 1996), p. 14.
14. Ashton B. Carter, The Architecture of Government in the Face of Terrorism , International Security (Winter 2001/2002), p. 13.
15. Governor Ridge Speaks at Homeland Security and Defense Conference , October 27, 2001.
16. Road Map for National Security, pp. 24 5.

17. The Nation, November 18, 2001.
18. Newsweek, May 13, 2002.
19. Washington Post, March 21, 2002.
20. Quoted in the New York Times, March 6, 2002.
21. Quoted in Border Security White Paper , The White House, December 21, 2001, pp. 1 2.