Debating the Terrorist Threat:

UNITED STATES HOMELAND SECURITY POLICY AND THE AMERICAN STRATEGIC CULTURE

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Abstract

Following the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon, there has been a renewed interest in the idea of securing the American homeland against internal and external terrorist threats. In post-9/11 America, a debate developed over the effectiveness of government spending on homeland security initiatives. One side of the debate, championed by John Mueller and Benjamin Friedman, asserts that adequate measures have been taken to ensure the security of American citizens, and, since security threats will always be present, the United States should not spend excessively on costly measures that cannot be relied upon for increased security. The opposing side of the debate, articulated by Stephen E. Flynn, argues that the American government has not done enough to prevent future terrorist attacks and that homeland security measures need to be improved in order to address future disasters adequately. This thesis argues that the substance of the debate, and indeed the debate itself, demonstrates that the United States' response to the 9/11 attacks has been consistent with four fundamental characteristics of American strategic culture. These are; the lack of a clear consensus during the policy formation process, the favouring of an offensive forward defence security posture, a general effort to maximize public and private economic gains from security spending and a desire to minimize public and private inconvenience in pursuit of national security.

Key Terms: Benjamin Friedman, defense policy, forward defense, homeland security, John Mueller, Stephen E. Flynn, strategic culture

Résumé

Après les attaques terroristes du 11 septembre 2001 contre le World Trade Center et le Pentagone, il y a eu un renouveau d'intérêt pour l'idée de protéger le territoire des États□Unis d'Amérique contre les menaces terroristes intérieures et extérieures. Dans les États-Unis de l'après 11 septembre, un débat s'est engagé sur l'efficacité des investissements du gouvernement dans des projets de sécurité intérieure. D'un côté de ce débat, défendu par John Mueller et Benjamin Friedman, on prétend que des mesures adéquates ont été prises pour assurer la sécurité des citoyens des États-Unis et que comme il y aura toujours des menaces à la sécurité, les États-Unis ne devraient pas investir excessivement dans des mesures coûteuses qui ne peuvent pas garantir une amélioration de la sécurité. Le point de vue opposé, soutenu par Stephen E. Flynn, soutient que le gouvernement des États-Unis d'Amérique n'a pas fait ce qu'il fallait pour prévenir de futures attaques terroristes et que les mesures de sécurité intérieure doivent être améliorées pour prémunir adéquatement le pays contre de futures catastrophes. Ma thèse avance que le fond de ce débat, voire l'existence même du débat, démontre que la réaction des États-Unis d'Amérique aux attaques du 11 septembre est conforme à quatre caractéristiques fondamentales de la culture stratégique des États-Unis. Ces caractéristiques sont les suivantes : absence de consensus clair durant la gestation de la politique; parti pris pour une posture offensive de sécurité défensive avancée; effort général pour maximiser les gains économiques publics et privés tirés des investissements dans la sécurité; et désir de minimiser les inconvénients collectifs et individuels associés à la quête de la sécurité nationale.

Termes clés: Benjamin Friedman, politique de défense, sécurité intérieure, la défense avancée, John Mueller, Stephen E. Flynn, culture stratégique.

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INTRODUCTION

One of the primary functions of the state is the protection of its citizens. Issues involving the safety and security of the American populous have become more prevalent in recent years following the 9/11 terrorist attacks on the World Trade Center and the Pentagon. As a result, there has been a renewed interest in the idea of securing the American homeland against internal and external terrorist threats. The US federal government defines "homeland security" as "...a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recovery from attacks that do occur."[1] Notwithstanding the emphasis placed upon the war on terrorism and homeland security since the 2001 terrorist attacks, there has nonetheless been considerable debate over the effectiveness of government-implemented homeland security measures. A survey of the literature on US defense policy demonstrates four key characteristics of American strategic culture that have dictated the American homeland security policy response to 9/11: a lack of a clear consensus during policy formation, the preference for a forward defense strategy, a desire to maximize the economic benefit of defense policy, and finally, a desire to minimize public suffering and inconvenience by means of "security without sacrifice".

The very existence of a debate over the efficacy of homeland security measures indicates that not even security "experts" can agree on the best approach to homeland security in the post-9/11 period. While there is general agreement over what constitutes

[1] Jane A. Bullock, George D. Haddow, Damon Coppola, et al., *Introduction to Homeland Security.* (New York: Elsevier Butterworth, Heinemann, 2005), p. xvi.

the greatest threat to the United States – terrorism – there is continued disagreement regarding the scale of the threat, and the likelihood for large-scale future terrorist attacks on the American homeland. It is important to understand the United States' response to this renewed threat of terrorism, and to examine the reasons for the debate over how best to respond to this threat. It can be argued that such an understanding is best achieved by examining the United States homeland security response to 9/11 in the context of established norms in US strategic culture. Thus, while the Bush administration declared that America was in a new kind of war, the manner in which the United States confronted and responded to this situation was consistent with four familiar tenets of American strategic culture.

Strategic culture can be defined as, "...a distinctive body of beliefs, attitudes, and practices regarding the use of force, which are held by a collective and arise gradually over time, through a protracted historical process. A strategic culture is persistent over time, tending to outlast the era of its original inception..."[2] This concept refers to modes of thought and action derived from the collective perception of the national historical experience. Alastair Iain Johnson explains that the, "...integrated system of symbols" which comprise a given country's strategic culture, "...act to establish pervasive and long lasting strategic preferences by formulating concepts of the role of efficacy of military

[2] Kerry Longhurst. "The Concept of Strategic Culture," in Gerhard Kummel and Andreas D. Prufert, eds., *Military Sociology.* (Nomos Verlagsgesellschaft Baden-Baden, 2002).

force in interstate political affairs, and by clothing these conceptions with such an aura of factuality that the strategic preferences seem uniquely realistic and efficacious..."[3]

As with other countries, American strategic culture has influenced the way in which the United States has responded to threats to national security and serves as a useful indicator for how the country will respond to future threats. In historical and comparative contexts, four characteristics of American strategic culture stand out: a lack of consensus in policy formation, a preference for forward defense, an effort to maximize the public and private benefits of security expenditures, and an effort to minimize public and private inconvenience while addressing the threat.

This is not to argue that these four characteristics are exclusive to the United States. They can certainly be found in how other countries, especially liberal democracies with market economies, deal with security threats. For example, in democratic governments where defence and security issues are widely debated, arriving at a consensus is often difficult and where the government depends of private enterprise to provide weapons, there will be efforts to maximize national and regional economic benefits of defence expenditure and various groups will seek to influence those decisions. However because of the unique nature of American democracy, certain factors including; its separation of powers which gives the legislative branch so much constitutional and conventional authority over defence issues, its political culture which emphasizes capitalism and individual liberties, the fact that major threats to the US have originated

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[3] Alastair Iain Johnson. "Thinking About Strategic Culture." *International Security* V. 19, N.4, (pp. 33-64).

outside of North America thus requiring the projection of power abroad, and its position as a superpower, have meant that the four tenets of strategic culture examined in this thesis are more profound in the American context. Indeed the US experience, because it is so prominent, is often used as the point of comparison when examining how other countries approach security threats.

This thesis argues that the way homeland security has been managed in the United States in the wake of 9/11 reveals that America has approached this issue in much the same way it does defense policy – the outcome is a function of the threat and the way that policy has been developed to meet that perceived threat. While this might seem obvious, the best way to understand the American approach to homeland security is to examine it in the context of American strategic culture. Given that the United States' approach to homeland security has been consistent with established norms of American strategic culture, it is not surprising that the nation's approach to homeland security policy has generated considerable debate. Specifically, this debate is informed by issues raised by the elements of strategic culture: (1) the lack of consensus over how best to approach the threat, (2) whether or not forward defense is appropriate and how much effort should be directed towards countering threats at home, (3) whether or not the traditional effort to maximize public and private benefits of security policy is undermining the goal of increasing security, and (4) how much or how little public sacrifice and inconvenience should be demanded while striving to increase security. By examining these questions in the context of the problem of homeland security in the post-9/11 period, one sees that there is consistency in how American policymakers choose to respond to threats to

national security and a clearer understanding is gained of the nature of American homeland security policy. Thus, it can be determined that, regardless of the dominant threat to the United States at any given time, the response to that threat will be shaped by these inherent characteristics of American strategic culture.

The Debate

In the wake of the terrorist attacks, it seemed that those involved in the policymaking process and scholars alike were all proclaiming the importance of homeland security in order to protect the nation against further attacks. Along with this renewed interest in homeland security emerged a debate over the effectiveness of these new American security measures. Scholars such as John Mueller and Benjamin Friedman assert that adequate measures have been taken to ensure the security of American citizens. This group further argues that, since security threats will always be present, the United States should not spend excessively on costly measures that cannot be relied upon for increased security. The opposing side of the debate, articulated by Stephen E. Flynn, argues that the American government has not done enough to prevent future terrorist attacks to safeguard the general public. This Mueller-Flynn debate, as it is referred to below, has encapsulated the essence of the broad controversy over homeland security strategy in the United States.

Mueller asserts that the United States' homeland security efforts are more than adequate to meet threats to the nation's national security. In his book, *Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats, and Why We*

Believe Them, he notes that, "International terrorism generally kills a few hundred people a year worldwide – not much more, usually, than the number who drown yearly in bathtubs in the United States."[4] Friedman concurs with Mueller, and asserts that, "The assumption that terrorists are flawless and ubiquitous results in unreasoned fear and overreaction."[5] Mueller and Friedman posit that homeland security policies tend to address the unknown, hyped-up threat instead of the more realistic threat to national security. They argue that exaggerated spending on homeland security results from the creation of strategies selling fears in order to justify spending. They further claim that the push to justify this spending serves only to develop an exaggerated sense of fear in the mass public and does not increase the actual level of security of the homeland.[6]

In contrast to the views held by Mueller and Friedman, scholars like Stephen Flynn argue that the United States is not doing enough to ensure the protection and safety of its citizens. In his article entitled, "America the Resilient: Defying Terrorism and Mitigating National Disasters," Flynn notes that, "...two decades of taxpayer rebellion have stripped away the means necessary for government workers to provide help during emergencies."[7] Flynn's argument asserts that would-be terrorists will exploit weaknesses

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[4] John Mueller. *Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats, and Why We Believe Them."* (New York: Free Press, 2006), p. 2

[5] Benjamin Friedman. "Think Again: Homeland Security." *Foreign Policy.* (July/ August 2005).
<http://www.foreignpolicy.com/story/cms.php?story_id=3079&print=1>

[6] See Benjamin Friedman. "The Terrible 'Ifs'". *Regulation.* (Winter 2008), pp. 32 – 40.

[7] Stephen E. Flynn. "America the Resilient: Defying Terrorist Attacks and Mitigating National Disasters." *Foreign Affairs.* V. 87, n. 2 (March-April 2008).
<http://find.galegroup.com.proxy.queensu.ca/itx/infomark.do?&contentSet=IAC-Documents&type=retrieve&tabID=T002&prodID=AONE&docID=A175443758&source=gale&srcprod=AONE&userGroupName=queensulaw&version=1.0>

in the American homeland defense establishment in order to launch future attacks against the state. Thus, those who contend that the United States must do more to guarantee security share the view that future terrorist attacks are imminent.[8] Following this reasoning, the United States government can always take further measures to strengthen homeland security.

A Lack of Consensus

American defense policy is characterized by a lack of consensus at the policy formation level. This lack of consensus can be attributed to the fact that there is no single, discernable American "national interest" by which to set defense policy. Instead, policymakers feel compelled to lobby for their own specific vision of the "national interest". Bruce Jentelson notes that, "...following the national interest is the essence of the choices made in a nation's foreign policy. But defining what that national interest is and then developing policies for achieving it have rarely been as easy or as self-evident as such invocations would imply."[9] While policymakers may agree generally about the national security threats facing the United States, they are at odds with one another over how best to address these threats. During the Cold War, policymakers agreed that the threat of a potential Soviet nuclear attack posed a significant challenge to American security; however, they disagreed over how this threat might be realized, and how to

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[8] Homeland security has now encompassed the response to natural disasters. Indeed, part of the criticism of American homeland security policy, especially after Hurricane Katrina, is that the US is now prepared to deal with such natural "threats". However the debate over homeland security measures has focused primarily on terrorist threats.

[9] Bruce W. Jentleson. *American Foreign Policy: The Dynamics of Choice in the 21st Century.* (New York: W.W. Norton and Company, 2007), p. 8.

guard against this sort of attack. This lack of consensus was evidenced by the debate over President Reagan's Security and Defense Initiative (SDI). Congressional debate over the nature of nuclear deterrence led to political wrangling over the appropriateness of the policy response to guard against the threat of Soviet nuclear attack. In the wake of the September 11, 2001 terrorist attacks, President George W. Bush established the Department of Homeland Security (DHS) to coordinate the nation's response to the threat of terrorism. As with the deliberations over Reagan's proposed SDI policy, Congressional debate over DHS ensued over how best to institute the changes needed to create the new institution. These two disputes demonstrate that Congressional debate is an important step in the policy formation process. Even when policymakers agree on the general threats facing the country, they struggle with the issue of how best to serve the "national interest" when responding to threats to national security.

Forward Defense

American defense policy is characterized by the prevalence of an offensive strategic culture that favours forward defense. This offensive strategy relies on the maintenance of preemptive capabilities whereby a large standing military is able to effectively "take the fight to the enemy" quickly. In the period following the Second World War, a general governmental consensus emerged that there was a need for greater American involvement in order to contain threats posed by the potential expansion of Communism. In 1947, the National Security Act created new institutions meant to better implement and administer national security policy. This Act created: the National Security Council, the Central Intelligence Agency, and the Department of Defense. The

establishment of these new institutions served as a response to America's changed role in the world. The concept of increased American engagement in global affairs was demonstrated by successive presidential doctrines, including the Truman Doctrine and the Reagan Doctrine. Following the 9/11 terrorist attacks, what became known as the "Bush Doctrine" emerged. It was articulated in the 2002 and 2006 National Security Strategy documents. While the United States boasts the largest military in the world, this force is not generally used for homeland security. The military prefers to posture itself to be able to defend America away from the homeland as a means of preventing attacks before they occur.

The Politics of the Business of Security

The maintenance of a large military helps to promote the growth of the defense industry. This industry drives the third element of American strategic culture – the desire to generate profit from defense initiatives. One of the most important factors involved in the creation of defense policy is the allocation of resources. Federal spending and the defense budget are directly related to the country's security environment. Following threats to national security, or actual attacks on the homeland, security initiatives and the defense industry witness a spending boom. There is a high occurrence of "pork-barreling" involved in the allocation of defense dollars. Legislators recognize that in times of national security uncertainty, legislation relating to defense initiatives is more likely to be passed; therefore, they are quick to attach their own initiatives to bills related to increasing security. Members of the House and Senate advocate policies that will generate defense dollars for their own electoral districts and states. These representatives

realize that they are accountable to their electorate, and so they seek to endorse defense policies that generate revenue for their constituents. In the past, attempts were made to curb the practice of pork barreling. The Congressional Budget Impoundment Act of 1974 and the 1985 Balanced Budget and Emergency Deficit Control Act both sought to limit this practice. Secretary of Defense, Robert McNamara, also attempted to regulate defense spending by enacting the Planning-Programming-Budgeting System (PPBS) to determine how the military services would receive funding. Most of these attempts at controlling defense spending ultimately proved unsuccessful at preventing pork-barreling. Ultimately, lawmakers are expected by their electorate to pursue policies that are in the best interests of their electoral districts; therefore, they lobby to have defense systems built in their constituencies and advocate spending on defense initiatives that will, in turn, garner them favour with voters at election time. Policymakers are not the only group who seek to profit from defense spending. There are always those who are operating within a capitalist system, seek to benefit by leveraging the security environment to their own advantage. This was especially true following September 11th, 2001, when both newly created and established companies introduced products and services aimed at improving the "security" of the public at large.

Security Without Sacrifice

Finally, the fourth element of American strategic culture brought to light by the debate is the desire for what can be termed, "security without sacrifice". While the public wants the government to take measures to ensure security, except in instances of immediately and widely perceived threats to personal and national security, they are

unwilling to accept unnecessary constraints placed on day-to-day life. As a result, security initiatives need to strike a balance between increasing the public's perceived security, and not unduly inconveniencing citizens and imposing costs on businesses. The amount of inconvenience the public is willing to accept declines in the period after an attack if another threat is not forthcoming. The constraints on daily life and the inconvenience the public was willing to incur were greater in the period immediately following the September 11, 2001 attacks on the United States. Following the terrorist attacks, critical infrastructure protection was recognized as an important goal. As a result, port security, container security and border security programs were implemented. These initiatives sought to increase security without hindering trade. Legislation such as the Patriot Act was adopted in the name of protecting the public from potential future attacks. While the terms of this Act were initially accepted as necessary limits on personal freedoms in the name of security, as time went on, the public began to question its loss of civil liberties. While some sacrifice is acceptable if it produces a verifiable increase in security, American citizens are unwilling to accept excessive restrictions that do not produce recognizable results immediately. Security initiatives must strike a balance between providing necessary security and not preventing trade and personal freedom.

Four Key Characteristics

Although the threats facing the United States have changed over time, this study explains how the creation of homeland security policy is consistent with how American strategic culture has shaped national defence and security policies in the past. The debate

among scholars such as John Mueller, Benjamin Friedman and Stephen Flynn demonstrates that the creation of homeland security policy has stayed true to the prescribed characteristics of American defense strategy including: a lack of consensus at the policy formation stage, an offensive American strategic culture, the desire to maximize the public and private benefits of the present security environment, and the objective of minimizing public suffering and inconvenience. The debate over the effectiveness of homeland security spending parallels the debate in Congress over how best to serve the "national interest" by enacting national security policies. While Mueller posits that, "It is very often argued that leaders simply do not have the luxury to ignore or wait out the dramatic, colorful, and (therefore) media-attracting threats presented by terrorists and devils du jour – that, particularly in a democracy, there is a political imperative for them to 'do something'," [10] Flynn concurs that, "The White House, the Pentagon, and the new Department of Homeland Security must assume that our enemies will soon launch far more deadly and disruptive attacks than what we experienced on September 11, 2001." [11] Mueller and Flynn both address the business aspect of security. While Mueller argues that the government should fund only those security initiatives that are imperative to protect the public, Flynn advocates a policy whereby the government and private business fund security measures collectively. Finally, both authors address the notion of "security without sacrifice". Mueller suggests that the cost of "selling security" serves only to perpetuate the public's fear of would-be terrorists. He argues that this constant state of panic is too great a price to pay for measures that cannot be

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[10] John Mueller. *Overblown* p. 115

[11] Stephen Flynn. *America the Vulnerable: How Our Government is Failing to Protect Us From Terrorism.* (New York, New York: HarperCollins with the Council on Foreign Relations, 2004), p. 17.

proven effective. On the other hand, Flynn argues that all possible steps should be taken to guard against another attack on American soil. Both sides of the debate speak to the four key principles of American strategic culture.

Circumstances have changed in the United States in the years following 9/11. Fears of additional attacks on the homeland went unrealized. A new President has been elected, and a new Secretary of the Department of Homeland Security has been appointed. Yet, it is clear that the more things change, the more they stay the same. By understanding how these four characteristics of American strategic culture have shaped homeland security policy, one gains a better appreciation of the nature of that policy and why there continues to be so much debate about this issue.

A LACK OF CONSENSUS

The debate over the effectiveness of homeland security spending serves as an example of how the development of American national security policy is characterized by a lack of consensus at the policy formation level. There is no single, discernable U.S. "national interest" by which to set guidelines for creating policy. It follows that policymakers engage and argue with one another over the facets of any given policy. An overview of how policy is made in the United States reveals that this lack of consensus is hardly a new feature of the process. The debate surrounding the proposal of SDI can be compared to the one over how best to organize America's institutional response to 9/11 and the planned creation of the Department of Homeland Security (DHS).

An Undefined National Interest

Inherent in the problem of a lack of consensus at the policy formation stage is the problem of defining the "American interest". There is no one factor that characterizes this concept, and it sometimes seems that there are as many different "American interests" as there are policymakers in the United States. Joseph S. Nye Jr. suggests that, "The national interest is broader than private interests, though it is hardly surprising that various groups try to equate their interests with the national interest. And despite what self-proclaimed realists say, the national interest is broader than protection against geopolitical threats. The strategic interest is part of, but not necessarily identical to, the

national interest."[12] Thus, Nye proposes that, "In a democracy the national interest is what a majority, after discussion and debate, decides are its legitimate long-run shared interests in relation to the outside world."[13] Arriving at a version of the American interest that is palatable to a majority of decision makers involves compromise on the issues that individual policymakers view as most important to the majority of Americans. Harvey M. Sapolsky, Eugene Gholz, and Caitlin Talmadge note that, "When the democratic process works well, even those on the losing side of the debate 'buy into' the selected option and offer its implementations time and resources to make their vision work."[14] Conflict over given policies is unavoidable since individual political actors have different conceptions of the best course of action to take in a given situation. Indeed, those involved in legislating national security generally agree that they should speak up and assert their beliefs when it is in the interest of advancing security to do so. The problem is that there are as many opinions about what constitutes the national security interest as there are people speaking up.

What is clear today is that general conceptions of the "American interest" in the wake of 9/11 include the notion that future terrorist attacks should be prevented. Yet, as the Mueller/ Flynn debate demonstrates, there are different ideas of how best to achieve this very general goal. As a result, the national interest of the United States remains a

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[12] Joseph S. Nye. "Why the Gulf War Served the National Interest." *The Atlantic Monthly.* (July 1991, V. 268), p. 57

[13] Ibid

[14] Harvey M. Sapolsky, Eugene Gholz, and Caitlin Talmadge. *US Defense Politics: The Origins of Security Policy.* (New York: Routledge Taylor and Francie Group, 2009), p. 11.

concept that is determined by the way in which a policy is developed to meet a given threat, and the perception of that threat by policymakers.

Donald Snow notes that, "Defense policy does not arise from nor exist in a vacuum; rather, it is conditioned by factors inherent in this context."[15] Who are the political actors who influence the creation of security and defense policy? One of the institutions concerned with this undertaking is Congress, which is divided into two separate houses, and run by committees. While this body is heavily involved in the policy formation process, it is unclear how powerful a role it plays in influencing foreign affairs and defense policy. While the Constitution and political convention have given Congress the ability to form and shape policy, this body is also responsible for protecting civil rights and liberties from the executive branch of government in conjunction with the courts. While Congress is often the most visible source for policy formation, many other political actors also influence the genesis of security and defense legislation.

The lack of consensus over how best to shape a given policy often results from different forces seeking to assert their own policy aims. Indeed, as Charles E. Lindblom correctly notes, "Of many different kinds of participants, each plays a specialized role: ordinary citizens, interest-group leaders, legislators, legislative leaders, party activists, party leaders, judges, civil servants, technical experts, and business managers."[16] It seems that there are as many versions of the "American interest" as there are political

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[15] Donald M. Snow. *National Security: Enduring Problems of U.S. Defense Policy.* (New York: St. Martin's Press, 1987), p. 1.
[16] Charles E. Lindblom. *The Policymaking Process – Second Edition.* (Engelwood Cliffs: Prentice-Hall, Inc., 1980), p. 2.

actors striving to present their own vision of that ideal. Policies are frequently the result of political compromise among policymakers. Therefore, legislation often responds to a different problem than the one each legislator initially envisioned. While all policymakers assert that they act in the interest of the general public, the "national interest" remains an abstract, undefined ideal. John D. MacCartney suggests that, "...government is unbelievably complex and "the national interest" is a matter of intense debate among not-so-neutral bureaucrats. There are multiple competing power centres, factions, individuals, and organizations within government, each striving to achieve their own goals."[17] The dynamic of policy direction often meets resistance by individual interpretation about how to best achieve the nation's interest. This dilemma influences the policy decisions of both the legislative and executive branches of government. The national interest of the United States does not just "jump out" at policymakers. Instead, national interest develops as the result of debate in Congress. Consequently, it is impossible to say that there is a discernable national interest that is recognized by all citizens. It follows that national interest is something that is only made visible at the end of the day when the debates are over and when it is necessary for policy makers to reach a compromise. An examination of the breakdown of consensus following the Vietnam War and of President Reagan's proposed Strategic Defense Initiative serve as examples of policymakers grappling with how best to respond to threats to American homeland security.

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[17] John D. MacCartney in John E. Endicott and Roy Stafford, Eds. "American Defense Policy, 4th Edition", p. 204.

A Historic Lack of Consensus

Congressional consensus on national security broke down steadily following the Vietnam War. Prior to this period, it was more common for members of Congress to agree on the general direction of a given policy. Richard A. Melanson notes that, "Post-Vietnam presidents lacked this important resource, for warring counter-elites had replaced the cohesive old establishment. In this atmosphere the achievement of consensus in foreign policy initiatives became an exceedingly rare event."[18] Members of Congress struggled with the issue of how best to respond to the country's failure in the Asian country. Over the course of the Vietnam conflict, 55000 American lives were lost, enormous amounts of money were spent to finance the war effort, and there was a deep draw-down of supplies. Members of the House and Senate were disheartened by the fact that this massive expenditure had ultimately resulted in what the United States had deemed utterly unacceptable – a unified Communist Vietnam in league with the Soviet Union.[19] By the early 1970s, the American failure in Vietnam ended the period of general consensus that followed World War II. This breakdown of Congressional consensus resulted from differing views relating to the containment of the Soviet Union outside of Europe. Jeffrey T. Berger noted that, in that period, "With the exception of Afghanistan, there was no consensus whatsoever on the use of force to resist the creation of governments friendly to the Soviet Union. Concomitantly, there is no consensus on the degree of latitude to be granted to the President to oppose Soviet and Soviet-

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[18] Richard A. Melanson. *American Foreign Policy Since the Vietnam War: The Search for Consensus From Nixon to Clinton.* (New York: M.E. Sharpe Inc., 2005), p. 24.
[19] Jeffrey T. Bergner. "Organizing the Congress for National Security." *Comparative Strategy.* V. 6, N. 3 (1987), p. 285-286.

supported efforts."[20] In the post-Vietnam period, the sense of a single, identifiable "national interest" further fractured and gave rise to competing views over how best to contain the Soviet threat. Terry L. Deibel agrees, noting, "This fragmentation of opinion after Vietnam might well persuade the strategist that public opinion is in fact quite unstable, even fickle."[21] The lack of consensus seen in the post-Vietnam era over how best to protect the country dominated the debate over the creation of policies aimed at protecting the United States from future attack. This debate was especially evident following President Ronald Reagan's announcement of his Strategic Defense Initiative policy.

Reagan's SDI Policy

President Reagan announced the Strategic Defense Initiative (SDI) in a speech given on March 23, 1983. He explained that SDI was, "...a program of vigorous research focused on advanced defensive technologies with the aim of finding ways to provide a better basis for deterring aggression, strengthening stability, and increasing the security of the United States and our allies. The SDI research program will provide to a future president and a future Congress the technical knowledge required to support a decision on whether to develop and later deploy advanced defensive systems."[22] This policy was to use ground and space-based missile systems to protect the American homeland from attack by Soviet nuclear ballistic missiles. SDI was intended to focus on strategic

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[20] Ibid

[21] Terry L. Deibel. *Foreign Affairs Strategy: Logic for American Statecraft.* (Cambridge: Cambridge University Press, 2007), p. 92.

[22] Ronald Reagan. "Forward Written for a Report on the Initiative December 28, 1984." *Weekly Compilation of Presidential Documents.* V. 21, N.1 (January 7, 1985) p. 8-9.

defense of the homeland rather than the long-standing strategic offensive policy of mutually assured destruction (MAD).

Quickly dubbed "Star Wars" by its critics (after the popular science fiction movie of the time), controversy surrounded the effectiveness of Reagan's policy proposal at its inception. Robert Tucker noted at the time that, "No military program has had such a wide-ranging technological content. None has impinged so dramatically upon so many basic issues of arms competition, military strategy, and arms control. In governments and among defense and arms-control specialists, SDI has ignited an explosion of technological assessments, strategic calculations, and arms control prescriptions."[23] The debate over how best to guard against nuclear attack was well established at the time the SDI was introduced. Policymakers and scholars alike have struggled with the question of how best to respond to the threat posed by nuclear weapons since the 1950s, when the United States first feared a potential bomber attack by the Soviet Union.

The preponderant opinion before Reagan's strategy was that there could be no defense in a nuclear war. At the dawn of the nuclear age, Bernard Brodie set the contours of the debate. His 1946 seminal work, *The Absolute Weapon: Atomic Power and World Order*, outlined the basis of nuclear deterrence as the only rational strategy to defend against the new weapon.[24] As Kenneth Waltz argued, deterrence entails, "...no ability to

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[23] Robert W. Tucker, George Liska, Robert E. Osgood, and David P. Calleo. "SDI and US Foreign Policy." (Washington: The Johns Hopkins Foreign Policy Institute, SAIS Papers in International Affairs 15, 1987), p. xii.
[24] Bernard Brodie, et. al. *The Absolute Weapon: Atomic Power and World Order."* (Harcourt, Brace and Company, 1946).

defend; a deterrent strategy promises not to fend off an aggressor but to damage or destroy the things the aggressor holds dear."[25] Thus the practicality of a deterrent strategy depends on, "...what one can do, not on what one will do. What deters is the fact that we can do as much damage to them as we choose and they to us. The country suffering the retaliatory attack cannot limit the damage done. Only the retaliator can do that."[26] Caitlin Talmadge noted "...deterrence by punishment threatened to impose costs on the adversary if he committed a proscribed action."[27]

Although there was a general consensus that offensive deterrence was the best strategy to guard against the threat posed by a potential Soviet nuclear strike, there was never an absolute agreement over the best means of achieving a credible deterrence. Throughout the Cold War, there were policy disagreements over the right mix of strategic nuclear weapons and what the capabilities of these weapons should be.[28] Seen in this context, the debate over SDI was yet another example of the expanded role the military played in post-war American foreign policy.

Reagan's SDI policy went beyond earlier debates about the best means of achieving deterrence in that they challenged the very idea that the threat of massive retaliation was the only defense in the nuclear age. At issue was the whole logic of MAD,

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[25] Kenneth N. Waltz, "Nuclear Myths and Political Realities," in Robert J. Art and Kenneth N. Waltz, eds. *The Use of Force.* (New York: Rowman and Littlefield Publishers Inc, 2004), p. 103.
[26] Ibid, p. 105.
[27] Caitlin Talmadge, "Deterring a Nuclear 9/11" *The Washington Quarterly* V. 30. N. 2, p. 22.
[28] For further discussion refer to Adam Garfinkle. "Culture and Deterrence." *E-Notes.* (August 25, 2006), p. 1-3.

the assumption that, "...in the event of an all-out Soviet nuclear attack, no US defense could limit the penetration of offensive strategic nuclear forces (such as Ballistic missiles and bombers) enough to prevent catastrophic destruction."[29] It saw deterrence as having two separate types: deterrence by punishment and deterrence by denial. If MAD worked on the principle of deterrence by punishment, SDI sought to create deterrence by denial. It initially seemed to envision a vast system of ground, air and space-based anti-ballistic missile capabilities that offer the United States and its allies a credible defence against nuclear attack.

The problem was that the terms of Reagan's SDI strategy were not entirely clear and as the debate wore on, it was evident that his conception of SDI was not static and seemed to evolve as controversy over the proposal mounted. Initially, SDI was meant to research the feasibility of a missile defense capable of breaking up a determined Soviet nuclear attack on the United States that could conceivably consist of thousands of weapons. Later discussions suggested that SDI could preserve the opportunity to strike back against the aggressor, while at the same time preventing a full attack upon the US, by protecting American offensive capabilities instead of the population. It involved denying the Soviets a first strike capability, but allowed the United States to preserve enough missiles so that they could strike back if a retaliatory attack was launched. Eventually, after Reagan left office, this focus changed completely, and by 1991, SDI had come to involve the ability to protect US citizens from limited strikes originating

[29] Talmadge, p. 5

anywhere in the world.[30] Ultimately, the debate over SDI came down to the question of whether or not, "...the United States (should) provide its citizens with some level of defense against ballistic missile attack. Or should the United States make a 'virtue' of its vulnerability?"[31]

Consistent with American strategic culture of a lack of consensus in policy formation, even on issues of the highest importance, and given the lack of clarity in Reagan's initial statements, SDI (not surprisingly) spawned a vigorous, often polarized debate.

Supporters of SDI agreed with the need to establish a method of homeland defense that went beyond the principle of MAD so that the Soviets would refrain from launching a nuclear attack against the United States for fear of retribution. Stressing the need for a new model of defense, James M. Lindsay and Michael E. O'Hanlon argued that, "A national security policy that deliberately leaves the American people vulnerable to attack when technology makes it possible to protect them is immoral and unacceptable. Not only does it fly in the face of common sense to leave the nation undefended, but it could hamstring America's role in the world."[32] Advocates further argued that without an effective defense system in place, hostile governments could supply terrorist

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[30] Refer to Lester H. Brune and Richard Dean Burns. *The Quest for Missile Defense, 1944 – 2003."* (Regina Books, 2004), Chapter 4. And Vasilis Zervos. "The Impact of the US Strategic Defense Initiative on the Space Race." *Defence and Peace Economics.* V. 15, N.4 (August 2004), p. 365 – 377.

[31] K. Scott McMahon. *Pursuit of the Shield: The US Quest for Limited Ballistic Missile Defense.* (Lanham: University Press of America, Inc., 1997), p. xvii.

[32] Richard Dean Burns and Lester H. Brune. *The Quest for Missile Defenses*, p. 3.

organizations with ballistic missiles to use against American targets. This would circumvent the fear of assured destruction, since the United States would not necessarily know where the missiles had originated.[33] SDI supporters often asserted a moral imperative to protect American citizens at home. They claimed that it was in the "American interest" to do everything possible to make sure its citizens would not be susceptible to annihilation on their own home soil. The scholarly literature suggests that supporters of ballistic missile defense believed that defensive technologies had evolved to the point where it was possible to challenge the offensive – a concept that had previously been believed to be impossible.[34] What emerged was a moral imperative to establish a defense system to protect the homeland and all of its citizens.

On the other hand, opponents of SDI argued that its ends were unattainable and the very means of trying to construct a missile defence system would be destabilizing and even dangerous. Critics feared that the establishment of such a defense system would provide false security to the American populous. They argued that Reagan was misleading the public by failing to acknowledge all of the potential technological setbacks confronting the creation of such a missile system.[35] Technology experts refused to support claims that such a system would be effective in the event of a nuclear attack. Scientist Rebecca Slayton notes that, "Few presidential initiatives have attracted more public ridicule from scientists and engineers than 'Star Wars', Ronald Reagan's 1983

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[33] Bhupendra Jasani. *Space Weapons and International Security.* (Oxford University Press, 1987).
[34] For more information refer to McMahon, p. 5.
[35] Richard Dean Burns and Lester H. Brune. *The Quest for Missile Defenses 1944- 2003.* (Claremont: Regina Books, 2003).

proposal to build a missile defense system that would render the Soviet nuclear arsenal impotent and obsolete."[36]

Arguments against SDI were further bolstered by the projected cost of building such a system. Opponents argued that the cost of the program was too high given the questionable effectiveness of projected US ballistic missile defenses. Congressional Democrats spoke out against the policy. Congressman Jim Moody (D-Wis.) proclaimed that, "The President is asking our nation to embark on a highly technical, problematic, and expensive weapon system. This runs directly counter to the majority of Americans who support cuts in our Defense budget, particularly in the area of exotic weapon procurement."[37] In general, Congressional support and opposition to SDI seems to have been centered on party affiliation, with Republicans generally supporting the Initiative, and Democrats rejecting it.

Critics also charged that the effort to develop missile defenses would only undermine American security by potentially serving to destabilize relations with both US allies and adversaries alike. As even Reagan acknowledged, the combination of a growing ballistic missile defence system and the retention of increasingly accurate offensive strategic nuclear weapons would be viewed as an American effort to obtain a first strike capability. Opponents pointed to the Soviet Union's fears about SDI possibly giving the United States a clear technological edge and forcing Moscow to respond. They

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[36] Rebecca Slayton. "Discursive Choices: Boycotting Star Wars Between Science and Politics." *Social Studies of Science.* V. 37, N. 1 (February 2007), p. 27.
[37] Larry Pressler. "Star Wars: The Strategic Defense Debates in Congress." (1986), p. 5.

contended that such a situation could result in, "...an enemy considering launching the first strike, in stimulating an arms race in outer space or in the proliferation of ballistic missile and weapons of mass destruction."[38] It was widely argued that the establishment of such a system would lead to the weaponization and militarization of space. It was feared that this would, in turn, destabilize the nuclear balance of power.[39] The Reagan Initiative was also viewed as a threat to arms control efforts because it went against the 1972 Anti-Ballistic Missile Treaty and the Soviets viewed SDI as means to give the US a technological advantage.

The debate over SDI demonstrates that, even when there is general agreement over the nature of the threat faced by the United States, there will be political wrangling over the appropriateness of the policy response to best guard against that threat. Even in the face of the threat of nuclear attack, as seen in the case of SDI, there was continued debate over how to protect the American homeland. In the case of SDI, the debate was over the nature of nuclear deterrence. Nuclear deterrence can be described as a method of coercive bargaining. Given the potential for Mutually Assured Destruction, there was a general consensus that deterrence was the best policy for preventing the consequences of an all-out nuclear war. Yet the debate focused on how best to deter. Members of Congress argued over what was in the nation's best national interest: deterrence by denial, or deterrence by punishment.

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[38] Burns and Brune, p. 4.

[39] For further discussion see, Edward Reiss. *The Strategic Defense Initiative.* "Chapter 2: The History of Strategic Defense in the USA." (Cambridge University Press, 1992).

President Reagan's proposal of SDI served as a means of challenging the strategy of MAD. Although a Soviet nuclear attack on the United States was never realized, the threat was ever-present, and the government felt the need to continually address this matter in order to reassure the American public that steps were being taken to guarantee its security. The debates over whether or not to adopt SDI were part of a wider debate over the continued reliance on nuclear weapons that continued throughout the Cold War and beyond.

The terrorist attacks in New York and Washington on September 11, 2001, necessitated an immediate government response to demonstrate to the public that the administration was addressing the threat of additional attacks on the American homeland. While a Soviet nuclear strike never occurred, the 9/11 terrorist attacks seemingly happened without warning. While these shocking attacks required a quick policy response, an examination of the controversies over the creation of the Department of Homeland Security reveals that there was as much debate over how such an institution would be formed and would function, as there was over the formation and mode of action of SDI. The debate over homeland security was touched off by an actual attack. One might think that it would have been easier for members of the House and Senate to reach a consensus over how best to tackle this issue. This, however, was not the case as the iron logic of American strategic culture dictates that policymakers will seek to assert their own versions of the national interest, even in times of crisis.

Post-9/11 Lack of Consensus

In his June 6, 2002, television address, U.S. President George W. Bush proposed the creation of an institution to deal with the need for homeland security. On November 25, 2002, Bush signed into law the Homeland Security Act of 2002 and announced that Tom Ridge, former Governor of Pennsylvania, would lead the new Office of Homeland Security (OHS). In existence for only a few months, the new Department of Homeland Security (DHS) replaced this institution on March 1, 2003. Marcus J. Ranum argues that, "Initially, the creation of the DHS was cast as a reorganization of existing capabilities...The timing of this announcement coincided with increasing criticism of the Bush administration for not acting on the homeland security issue, since appointing Tom Ridge as head of the Office of Homeland Security (before the 2002 Homeland Security Act was passed) in November 2001."[40] The Office of Homeland Security was to serve as an executive level organization within the White House, but the DHS was a Congress level institution that was responsible to Congress as a whole. A few months following its inception, the Office of Homeland Security was found to be ineffective at meeting the challenge of guarding against the renewed terrorist threat. Thus, after considerable Congressional entreatment, President Bush gave impetus to the creation of a Department of Homeland Security when, on June 6, 2002, he proposed the establishment of such an entity. Jentelson notes that,

> The creation of a new Cabinet department charged with principal responsibility for homeland security was compared with the late-1940s creation of the national security state for the scope and significance of the changes in the foreign policy side of the executive branch. That was when, in

[40] Marcus J. Ranum. *The Myth of Homeland Security."* (Indianapolis: Wiley Publishing, Inc., 2004), p. 32.

response to the threat of the onset of the Cold War, the Department of Defense, the CIA, the National Security Council, and other agencies were created by the 107th Congress.[41]

Bush's Creation of DHS

President Bush transmitted his department proposal to the House of Representatives on June 18th, where it was subsequently introduced by request (H.R. 5005).[42] The largest federal government reorganization since Harry Truman, the DHS is charged with, "...a threefold mission of protecting the United States from further terrorist attacks, reducing the nation's vulnerability to terrorism, and minimizing the damage from potential terrorist attacks and natural disasters."[43] This sweeping reorganization joined together more than 179,000 employees from twenty-two existing federal agencies under the auspices of a single, cabinet-level organization.[44] Although there was a general consensus in Congress that a policy response to 9/11 was needed immediately, the sheer number of changes needed to establish this department resulted in Congressional debates over how best to institute them.

Several inconsistencies in Bill HR 5710, establishing the DHS generated Congressional debate over this legislative initiative.[45] The idea of establishing a new

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[41] Jentelson, p. 404 (The creation of these entities will be discussed in more detail in the following chapter.)
[42] Harold C. Relyea. "Homeland Security: Department Organization and Management – The Implementation Phase." *CRS Report for Congress.* (January 3, 2005), p. 1.
[43] Jane A. Bullock, George D. Haddow, Damon Coppola, et al., *Introduction to Homeland Security.* (New York: Elsevier Butterworth, Heinemann, 2005), p. 60.
[44] Michael E. O'Hanlon et. al. *Protecting the Homeland: A Preliminary Analysis.* (Washington: Brookings Institute Press, 2002), p. 15.
[45] Congressional Research Service. *Homeland Security: A Topical Comparison of HR 5710 and HR 5005.*

institution to manage issues relating to the protection of the homeland was initially proposed by one of President Bush's opponents in the previous presidential election, Senator Joseph Liebermann, who was then believed to be a likely candidate against Bush in the 2004 election. The proposal of such a department from a political opponent forced the president to create his own policy response to the terrorist threat. Liebermann's proposal also established the basis for debate over how best to reorganize America's institutional response to 9/11. Bush's creation of the Office of Homeland Security by executive decision meant that, "...The president was able to act immediately without congressional approval. Yet many in Congress voiced concern that the newly appointed Homeland Security Director, Tom Ridge, would have limited power effectiveness unless he was given Cabinet rank and the budget authority that went with it."[46] Although Ridge himself contended that his proximity and access to the President allowed him sufficient authority to carry out his new mandate, some critics argued that it would be more efficient to restructure the Office of Homeland Security with a permanent, statutory mandate that would include explicit responsibilities and powers. Other critics asserted that it would be better to create a new institution that would consolidate relevant programs and hierarchical administrative authority into one entity.[47] Once the OHS was found to be ineffective, and it was decided that the creation of a new congressional level institution was necessary, debate about what to do began in both Houses.

<http://opencrs.com/document/RL31639>

[46] American Association for the Advancement of Science Research and Development Funding Update November 2, 2002. "Congress Finalizes Creation of Department of Homeland Security, p. 225.

[47] Refer to Harold C. Relyea, p. 2 for more information.

Marcus J. Ranum notes that, "...the first version of the Homeland Security Act (H.R. 5710) was thirty-five pages long. By the time everyone had thrown his or her interests into the balance, it finished weighing in at 485 pages."[48] Pork-barreling - adding additional clauses to popular pieces of legislation in order to maximize support for a given policy - is nothing new in American politics.[49] It was primarily the extra clauses added to Bill 5710 that sparked the initial debate over the creation of the DHS. As was the case with SDI, the debate was largely partisan, with Democrats facing off against Republicans. It appeared that the main sticking points centered on three important issues: first, liability protection for drug companies against litigation related to drugs produced or deployed for anti-terror activities, second, liability protection for technology companies producing anti-terror products that have been approved by the Secretary of the Department of Homeland Security, and finally, $500 million in funding for Homeland Security Advanced Research directed towards Texas A&M University and other Texas universities.[50] An American Association for the Advancement of Science Research and Development Funding Report suggests that, "While initial reaction on Capitol Hill was mostly favourable, turf battles erupted over various provisions of the proposal, which affects as many as 88 committees and subcommittees that have jurisdiction over one element or another of domestic security."[51] For the most part, debates over the legislation seemed to follow party lines. In an interview with Connie Chung from CNN, Paul Light, a scholar from the Brookings Institute, noted that, "This would have been a difficult

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[48] Ranum, p. 42.
[49] For a more in-depth discussion of American pork-barrel politics refer to Chapter 4
[50] See Ranum, p. 43 – 44.
[51] American Association for the Advancement of Science Research and Development Funding Update, p. 227.

reorganization under the best of circumstances. But the partisan disputes, the debates over labour, the disputes between Democrats and Republicans, the lack of funding for the new department, these all create a situation which is arguably the worst of circumstances."[52]

While there was general agreement over the need to establish a new institution to respond to the terrorist threat following 9/11, there was no agreement over how to accomplish this goal. It is interesting to note that the biggest disagreement between the President and Congress involved President Bush's insistence on having greater authority to hire or fire workers in the newly merged institution. The President sought the power to merge, reassign, or eliminate redundant agencies or offices without the approval of Congress. Ultimately, it took six months of intense political debate to resolve the issue of whether or not the President alone should have this authority.[53] What was at stake was the status of approximately 170 000 Federal workers whose jobs would be directly affected by these proposed changes. President Bush and his Republican supporters were adamant that the legislation mandating the creation of the DHS would include, "... 'flexibility' in hiring, firing, transferring, and rewarding employees performing the sensitive work of frightening terrorists..."[54] Eventually this stumbling block was overcome, and the legislation was able to go forth.

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[52] Paul Light, Brookings Institute in Interview with CNN's Connie Chung Nov. 19, 2002.
[53] Ranum, p. 52.
[54] Congressional Digest, "How to Protect the Nation: Proposed Department of Homeland Security" Oct. 2002, p. 225.

What Does The Lack of Consensus Mean?

The fact that the debate over the creation and mandate of the DHS was significantly blurred by the President's ability to hire and fire workers (among other disagreements) points out that there was no real consensus over the nature of the terrorist threat. While it was recognized that there was a renewed threat of terrorist attack, there was no agreement over the likelihood of immediate future attacks. If the threat was widely recognized to have been imminent, then there would have been no debate over the right of the President to reorganize workers as he saw fit. Even after the Department of Homeland Security was created, there was still debate in Congress over what exactly had been created. The debate in Congress over the ability of the President to hire and fire workers is essentially a debate over labour rights. Even at a time when America was seen to be in peril, Democrats and Republicans were arguing about the rights of individuals employed by the government. This partisan debate is reflective of how America generates national security policy. There will always be political wrangling over how best the broad conception of the national interest will be served by the creation of any serious legislation.

Lack of Consensus and the Debate

The issue of a lack of consensus during the policy formation process can be related back to the Flynn/ Mueller debate discussed earlier. Flynn and Mueller both address the issue of the debate over the creation of the DHS in their respective works. Flynn argues that during the policy formation process, "Inevitably, clashes among competing US interests that could have been anticipated and minimized by good upfront

coordination turn into bureaucratic brush fires that consume the time and energy of top officials who must endeavour to extinguish them."[55] He concludes that the DHS is inefficient because, "... too many barriers remain for the private sector to cooperate fully with government entities to enhance homeland security...The Department of Homeland Security is struggling to fulfill the lofty expectations that accompanied its creation after 9/11. It suffers from high management turnover and inadequate staffing."[56] In contrast to Mueller's position, Flynn's assessment of the effectiveness of the DHS is in keeping with his belief that the government can always do more to ensure the security of American citizens. He stresses the need for businesses to become involved in the homeland security process because he believes that private corporations will be better able to address security threats.

In contrast to Flynn, Mueller, argues that, "...Bush's hastily assembled and massively funded Office, then Department of Homeland Security seeks to stoke fear by officially intoning on the first page of its defining manifesto, "today's terrorists can strike at any place, at any time, and with virtually any weapon."[57] Mueller posits that the creation of what he deems unnecessary "security" measures serves only to incite public panic. He disagrees with Flynn's argument that the creation of the DHS increased public safety, and instead suggests that, "Threat exaggeration is additionally encouraged, even

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[55] Stephen Flynn. *America the Vulnerable: How Our Government is Failing to Protect Us from Terrorism.* (New York: Harper Perennial, 2004), p. 141.
[56] Stephen Flynn and Daniel P. Prieto. *Neglected Defense: Mobilizing the Private Sector to Support Homeland Security.* (Council on Foreign Relations Special Report # 13, March 2006), p. 9.
[57] John Mueller. *Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats, and Why We Believe Them.* (New York: Free Press, 2006), p. 37.

impelled, because politicians and terrorism bureaucrats have an incentive to pass along vague and unconfirmed threats to protect themselves from criticism should another attack take place."[58]

The debate over the creation of DHS is similar to the one surrounding the establishment of SDI. Each policy sought to respond to a recognizable threat, Soviet nuclear attack in the case of SDI, and another terrorist attack in the case of the creation of DHS. In both instances, Congress grappled with how best to serve the "national interest" of the United States. In the case of SDI, the policy debate reflected disagreement over how best to deter the Soviet nuclear threat. There was a lack of consensus over how to respond and whether deterrence by denial or deterrence by punishment, or a new combination of the two, would be more effective. It was not clear what SDI involved, and therefore critics feared that this strategy would prove to be destabilizing. The debate over the creation of the DHS focused primarily on similar, petty disagreements on the President's ability to hire and fire workers; however, this issue is indicative of how national security policy is created in the United States as members of the House and Senate and the executive branch struggle to determine how best to serve the national interest given the circumstances at the time. Policy is created to respond to specific interests; however, it is clear that there is no one discernable "national interest" that can be seen to determine the best overall course of action. In keeping with Joseph Nye's assertion, what is clear in American politics is that, "The national interest is broader than private interests, though it is hardly surprising that various groups try to equate their

[58] Mueller, p. 37.

interests with the national interest."[59] The national interest depends on long-term interests and can be adjusted to respond to specific incidents. While Americans have a general desire to reduce disaster both within and beyond their borders, there will always be debate over how best to achieve this very general, undefined goal. The need for additional homeland security measures may have been obvious after 9/11, but there was no consensus on how to achieve this objective. Thus even the new Department of Homeland Security became enmeshed in partisan politics and reflected political compromise.

[59] Joseph S. Nye Jr. *The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone.* (Oxford: Oxford University Press, 2002), p. 57.

A STRATEGIC CULTURE OF OFFENSE AND FORWARD DEFENSE

Following the September 11, 2001 terrorist attacks on the United States, the country launched military campaigns in both Afghanistan and Iraq as part of the so-called "War on Terrorism". While some critics argued that the decision to launch an offensive attack was an inappropriate response to a renewed homeland security threat, this response was actually in keeping with American strategic culture. Since the founding of the Republic, the United States has favoured an offensive strategic culture characterized by a preference for forward defense. This desire for power projection by means of "taking the fight to the enemy" instead of waging a war on American soil became especially pronounced in the post-World War II period with the creation of institutions meant to manage the complex issues of national security. This facet of American strategic culture has also been evidenced by the Cold War defense strategy, the creation of institutions to organize defense planning, and the reluctance of the Department of Defense to participate in homeland security measures within the United States.

Both Mueller and Flynn agree that, in the post-9/11 period, the United States has retained its preference for a continuation of a forward defense strategy. Flynn sees this continued preference for combating terrorism at its source as problematic, and inefficient for stopping terrorist attacks at home. He calls for a reexamination of the policy of combating threats abroad, and urges the government to implement further measures to fight threats that have already reached the continental United States. Mueller, on the other hand, accepts that this is the way the United States has always approached threats to

the homeland. He disagrees with Flynn that enacting further protective measures at home would actually bolster security within the state.

The Dominance of the Offense

What is meant by the concept of an American "offensive strategic culture"? The notion of an offensive strategic culture refers to the American desire to maintain their military capabilities at a level that allows the country's armed forces to strike at countries that pose a risk to American security before those hostile states can launch a direct attack on the United States. This is not to suggest that the United States wishes to invade other countries, but rather indicates the American preference to fight wars away from the nation's homeland. One of the reasons for the development of this offensive strategy was the fact that America's enemies have historically been based overseas. As a result, even when the United States became vulnerable to nuclear attack, the solution was deemed to be deterrence by offense and forward defense by containment of the USSR. Inherent in the concept of an offensive strategic culture is the idea of maintaining preemptive capabilities, whereby the military is able to foresee security threats and act before those threats can be realized.

One of the basic notions behind the American desire to maintain an offensive strategic culture is articulated in a report written by Ivo Daadler, published by the Brookings Institute that concludes that, "...a sound homeland security strategy should focus first and foremost on prevention – by ensuring that would-be terrorists and their materials do not enter the United States, identifying would-be terrorists already here, and

securing dangerous materials so that they cannot be used for attack."[60] In keeping with the idea of a general "American interest" as discussed in the previous chapter, is the idea that it is in the interest of the United States to fight terrorism abroad, before terrorist threats happen on American soil. Richard H. Kohn suggests that there is a sense in American defense culture that, "...regular armed forces need to face outward, against American enemies, rather than inward, where a military force can become an institution acting on behalf of one part of the community against another."[61] Thus, the decision to invade Afghanistan and Iraq following the 9/11 terrorist attacks should not come as a surprise. This decision was in keeping with a tradition of waging war away from the homeland.

This line of thinking has been prevalent in American defense culture since the Second World War when the United States began to view the rise of Soviet communism as an external threat to American national security. Scholars and policymakers alike came to see Soviet communism as the key problem facing the United States. This thinking dominated US foreign policy decision-making during the Cold War. A deficiency of defense organization following the Second World War, and the threat of a Soviet attack precipitated the creation of new institutions for national security that served to further engrain the idea of an offensive strategic culture in the American psyche.

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[60] Ivo Daadler, et. al., *Assessing the Department of Homeland Security.* (Washington, D.C.: Brookings Institute, 2002), p.7.
[61] Richard H. Kohn, in Bolt et al. p. 449

The Creation of National Security Institutions

Following the Second World War, the United States' new international responsibilities were drawn into a sharper focus, and it was determined that proper organization of America's defense organizations and institutions was needed. David Jablonsky asserts that, "US grand strategy involves the use of national power in peace and war to further a strategic vision of America's role in the world that will achieve the nation's core interests. Out of the post-1945 vision of national security emerged a grand strategic consensus for US global involvement to contain the Soviet Union on the Eurasian landmass."[62] There was widespread recognition that America might have to take an offensive stand in order to resist the spread of communism in the post-war period. As a result, a massive reorganization was needed to structure the country's defense assets.

The enactment of the 1947 National Security Act served as a response to America's changed role in the world following the end of WWII. This Act created new institutions to better manage the business of national security. It established a new national military establishment – including a Department of Defense with a Cabinet-ranked Secretary, three armed services (the Army, Navy, and Air Force), a National Security Council, and a Central Intelligence Agency. Even in the period following World War II, this new organization was not without flaws. Harvey M. Sapolsky explains that, following the enactment of the National Security Act, "Nearly everything depended on committees with rotating chairs and no budget control. The secretary of defense was one

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[62] David Jablonsky. "The State of the National Security State." *Parameters* V. 32, N. 4 (Winter 2002), p. 17.

among equals, because the secretaries of the services, including the newly created secretary of the Air Force, had independent power and cabinet seats of their own."[63] Organizational flaws are symptomatic of the rushed creation of new institutions for national security, as was evidenced in the previous chapter's discussion of the DHS. Although there were flaws in the initial incarnation of the Act, ultimately the goal was to address what was viewed by many legislators to be a "chaotic national security policymaking process" during World War II.[64]

One of the initial bodies formed by the National Security Act of 1947 was the National Security Council. Initially, the NSC was intended to serve as a formal body that would bring together the president's principal foreign policy makers. The main function of the National Security Council is to advise the president on issues of foreign policy and national security. The NSC was meant to ensure coordination among the three branches of the military so that they would be able to work together to respond to issues of American national security. Jentelson explains that, "The standing members of the NSC were the president, the vice president, the secretary of state, and the secretary of defense. The national security advisor, the CIA director, and the Chair of the Joint Chiefs of Staff were technically defined as advisors. Depending on the issue at hand, other Cabinet officials such as the attorney general and secretary of the treasury may also be included in NSC meetings. The same has been true for political officials such as the White House

[63] Harvey M. Sapolsky, Eugene G. Holtz, and Caitlin Talmadge. *US Defense Politics: The Origins of Security Policy.* p. 4
[64] Rosati and Scott, p. 118.

Chief of Staff."[65] The NSC was established to resolve the lack of coordination among military and civilian agencies that had become evident during the Second World War. Thus, the NSC was to be led by a director who would serve as a principal advisor to the president, and who would be assisted by a small staff. As Vincent A. Auger notes, "Unlike almost every other executive branch agency dealing with foreign policy and national security issues, the NSC and its staff are extremely malleable."[66] Ultimately, the NSC was to serve three main functions: (1) advise the president, (2) act as a vehicle for long-range planning, and (3) promote the coordination and integration of the national security process.[67]

Following the establishment of institutions for national security created by the National Security Act of 1947, the Department of Defense and the Joint Chiefs of Staff were created to further organize America's defense system. Jentelson explains that,

> The Department of Defense was created in 1949 to combine the formerly separate Departments of War (created in 1789) and the Navy (separated from the Department of War in 1798). During World War II, the Joint Chiefs of Staff had been set up to coordinate the military services. In 1947 the position of secretary of defense was created, but each military service still had its own Cabinet-level secretary...But even this proved to be inadequate coordination and consolidation, and DOD was established with the Army, Navy, and Air Force and a newly created chair of the Joint Chiefs of Staff all reporting to the secretary of defense, who by law had to be a civilian.[68]

The Department of Defense became a Cabinet-level institution that is tasked with coordinating and supervising all agencies and functions of the government relating directly to the military and national security. The DOD coordinates the Department of

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[65] Ibid.
[66] Vincent A. Auger. "The National Security Council System After the War." In Randall P. Ripley and James M. Lindsay, Eds., *US Foreign Policy After the Cold War.* (Pittsburgh: Pittsburgh Press, 1997), p. 44.
[67] Rosati and Scott, p. 117.
[68] Jentelson, p. 117.

the Army, the Department of the Navy and the Department of the Air Force. Prior to the creation of this umbrella institution, a separate Department of War and Department of the Navy (both of which were established in 1789) coordinated the military establishment. Cynthia Clark Northrop notes that, "The Department of Defense coordinated military planning efforts for the first time during the Korean War, which lasted from 1950 to 1953."[69] While this organizational model was found to be more effective than the previous Department of War, following the Cold War, the Department of Defense evolved into a large national bureaucracy that was characterized by specialization, hierarchy, and routinization. Following its enlargement, the DoD operated within a top-down structure with three levels. The individual military services carry out the policies that have been laid out by their superiors – the Joint Chiefs of Staff. This body is comprised of the senior military officers of the various services, and the Office of the Secretary of Defense, which represents the president and civilian control, as stipulated in the constitution.[70]

The post-World War II expansion of the State Department also reflected a preference for forward defense. This institution was supported by the creation of a number of intelligence-gathering organizations developed in the late-1940s. The Central Intelligence Agency (CIA), was formed to complement the National Security Agency and the Defense Intelligence Agency. Jentelson notes that, as part of the reorganization of American defense institutions, "The State Department itself was vastly expanded. It

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[69] Cynthia Clark Northrop. *The American Economy: A Historical Encyclopedia"*. (ABC-CLIO, 2003), p. 292.
[70] Ibid.

grew from pre-World War II levels of about 1000 employees in Washington and 2000 overseas to about 2000 and 23000 respectively. It also added new bureaus and functions, notably the Policy Planning Staff established in 1949 with George Kennan as its first director, charged with strategic planning."[71] The State Department is a Cabinet-level institution administered by the Secretary of State to coordinate foreign policy initiatives. The Chief Executive Officer of the Department of State is answerable directly to the President. The CIA is a civilian-led intelligence organization charged with collecting and analyzing information about foreign governments, companies, and individuals in order to assist in making foreign policy decisions. The CIA is not involved in the collection of domestic intelligence but rather deals only with intelligence concerns originating outside of the United States.

Why New Institutions Were Needed

The creation of specific institutions concerned with administering national security served as a response to America's changed role in the world. It was widely recognized that, following the Second World War, America would become globally engaged as it sought to fulfill its new responsibility in international affairs.[72] America's experiences during the Second World War and the early years of the Cold War served to shift foreign policy thinking away from notions of isolationism and saw the country prepare to adopt a more outward looking stance on international affairs. The creation of the National Security Council to manage the services was necessary for the enactment of

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[71] Jentelson, p. 117.

[72] For further reading see: Jean-Christophe Agnew and Roy Rosenzweig, eds., *A Companion to Post-1945 America.* "Part III: Politics and Foreign Policy." (Wiley-Blackwell, 2006).

defense policies that would see the United States armed forces deployed all over the world. The creation of the Department of National Defense and the Joint Chiefs of Staff were required in order to guarantee cooperation among the services and to facilitate planning for America's participation in foreign conflicts. The creation of the Central Intelligence Agency allowed the United States to gather information about security threats beyond its own borders. The creation of these new institutions and departments marked a shift towards the use of a forward defense strategy which would seek to "bring the fight to the enemy" before threats could materialize and jeopardize American security at home.

Presidential Doctrines and Forward Defense

The development of America's offensive strategic culture can be traced over different administrations following World War II. In many ways, the Truman Doctrine served as a precursor to the so-called "Bush Doctrine" which was articulated following the 2001 terrorist attacks in the United States. This antecedent strategy established many of the principles that were later reaffirmed by Bush's policies. Truman articulated this doctrine in a speech delivered before a joint session of Congress on March 12, 1947. The speech was Truman's response to an announcement made by the British Parliament that, following March 31, that country would no longer provide economic or military support to the government of Greece in its civil war against the Greek Communist Party, and that military and financial aid to Turkey would also be stopped. His speech called for congressional support to be given to Greece and Turkey; however, this support signaled a shift in American strategy towards a more active global role in preventing the spread of

Communism. As Dennis Merrill explains, "...the doctrine addressed a broader cultural security regarding modern life in a globalized world."[73] This indicates that America was willing to become more globally engaged in order to combat the spread of communism in other parts of the world.

Some recent scholarship has compared the Truman Doctrine to the so-called "Bush Doctrine".[74] There are certainly similarities that warrant such a comparison. Both strategies recognized the United States' unique position in the world to be able to intervene in conflicts around the globe. President Truman's famous assertion, "I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures,"[75] officially did away with American isolationism and heralded a period of interventionist foreign policy. The Truman Doctrine's emphasis on nation-building activity, its organization of alliances, its advocacy of regime change, and its resort (at times) to limited war against armed insurgencies resemble the principles of the Bush Doctrine which will be discussed in more detail later.

Like the Truman Doctrine, the Reagan Doctrine also espoused a forward-thinking foreign policy involving the use of forward defense, and the containment of communism,

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[73] Dennis Merrill. "The Truman Doctrine: Containing Communism and Modernity." *Political Science Quarterly.* V. 36, N. 1 (March 2006), p. 27.
[74] For more on this comparison refer to: M. Kent Bolt. *US Foreign Policy and International Politics.* (Peason/ Prentice Hall, 2004), Chris J. Dolan. *In War We Trust: The Bush Doctrine and the Pursuit of Just War.* (Ashgate, 2005), and Dennis Merrill. "The Truman Doctrine: Containing Communism and Modernity." *Political Science Quarterly.* V. 36, N. 1 (March 2006), pp. 27 – 37.
[75] Quoted in Jentelson, p. 100.

that allowed for intervention on foreign soil when necessary. In his 1985 State of the Union address, Reagan noted, "We must stand by our democratic allies. And we must not break faith with those who are risking their lives – on every continent, from Afghanistan to Nicaragua – to defy Soviet-supported aggression and secure rights which have been ours since birth."[76] Reagan's strategy sought to stop the tide of Soviet Communist territorial gains in the developing world. Central to Reagan's Doctrine was that it would be prudent for the United States to take a harder line on the global containment of communism. It also called for an aggressive "rollback" strategy whereby the US would seek to oust communist regimes that had already come to power. The relationship between previous presidential doctrines and the Bush Doctrine reveals an evolution of a long-established trend in foreign relations towards an outward-looking approach to conflict. Indeed, the Bush administration used terms like "defense of the homeland" in its war on terrorism. The suggestion was that the best defense was a good offense by means of waging war away from the American homeland.

Post-9/11: The Primacy of the Away Game

While the creation and evolution of a national security administration demonstrated the willingness of the United States to become involved in global conflicts – particularly during the Cold War – the development of the so-called "Bush Doctrine" following the 9/11 terrorist attacks serves to reaffirm America's commitment to global engagement. Following the September 2001 terrorist attacks in New York City,

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[76] Quoted in US State Department. *Reagan Doctrine, 1985.*
<http://www.state.gov/r/pa/ho/time/rd/17741.htm>
last accessed on January 16, 2009.

Washington DC, and the United 93 plane crash in Pennsylvania, the Bush administration advocated a more unilateralist foreign policy strategy. This doctrine was first articulated in the 2002 National Security Strategy (NSS) of the United States, and was further elaborated in the 2006 NSS. David Hastings Dunn notes that, "From the outset, President Bush characterized the nature of the conflict as a "war" and declared that the enemy was "terrorism". He also declared that the nature of the conflict would be unlike any other that America had faced."[77] The 2002 and 2006 NSS documents reveal a preference for preemption and, what Bush terms, the option of preventive war. These preferences demonstrate the continuance of an offensive strategic culture in the United States.

It is important to differentiate between the terms, "preemption" and "prevention," since they are often used interchangeably, and yet hold different meanings and connotations. The right of a country to strike a potential threat "preemptively" is permitted by international law. Preventative strikes - strikes against targets that have not been verified to pose an immediate threat - are not permissible by international law.[78] There has been much debate over whether or not the strategy advocated by President Bush in the 2002 NSS was one of preemption or preventative war. Harvey Sapolsky argues that, "... the so-called preemptive strategy might more accurately have been called a strategy of preventative war, because it sought to limit even latent capabilities to attack

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[77] David Hastings Dunn, "A Doctrine Worthy of the Name?" *Diplomacy and Statecraft.* V. 17 (2006), p. 4.

[78] For further discussion on the differentiation between "preemption" and "prevention" refer to: Alan M. Dershowitz. *Preemption: A Knife That Cuts Both Ways.* (W.W. Norton & Company, 2007) and Cynthia Ann Watson. *US National Security: A Reference Handbook.* (ABC-CLIO, 2008).

the United States..."[79] Preemption requires hegemony: the nation intending to strike first needs to have the power to do so. While preemption refers to the notion of employing force only when it is apparent that the enemy is on the verge of striking, preventative war seeks to strike targets before they become imminent threats. Both strategies involve a first use of force; however, preventative war utilizes force to avert a more remote threat. Preemption is not to be confused with a strategy of deterrence. Unlike deterrence, "a preemptive strategy relies not on the threat of force, but its actual use against an enemy that has demonstrated the intent and the capability to carry out an attack. It is a strategy of striking first, where the initiative is taken by the intended victim."[80] The distinction between these two terms still does not negate the fact that first strike capability is needed in both strategies so that the United States is taking the fight to the perceived enemy.

The 2002 National Security Strategy was the first document to outline the parameters of what was later to be called the Bush Doctrine. The basis of this document originated in a speech delivered by President George W. Bush at West Point in June of 2002.[81] The actual National Security Strategy (NSS) document itself was released on September 20, 2002. A national security strategy serves to articulate a given administration's defense strategy. The annual production of this document allows a president to define his conception of the nation's national interest and foreign policy

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[79] Sapolsky, p. 18.
[80] Refer to Russel D. Howard, et. al. *Terrorism and Counterterrorism.* (Dubuque: McGraw Hill, 2004), p. 302.
[81] President George W. Bush. *Graduation Speech at Westpoint.* (Office of the Press Secretary, June 1, 2002). <://74.125.95.132/search?q=cache:Vgl1rBJPD8QJ:www.nti.org/e_research/official_docs/pres/bush_wp_prestrike.pdf+bush+speech+at+west+point&cd=12&hl=en&ct=clnk&gl=ca>

objectives for the year. According to Sanjay Gupta, the 2002 NSS, "...represents a set of foreign policy guidelines outlining a new phase in US foreign policy that would henceforth place a greater emphasis on military pre-emption, military superiority, unilateral action, and a commitment to 'extending military democracy, liberty, and security to all regions."[82] The strategy is outlined in forceful language, and is meant to demonstrate the nation's resolute will to counter future terrorist threats to the country. The document states, "...given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture as we have in the past...We cannot let our enemies strike first. As a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed."[83]

The 2002 National Security Strategy was particularly important given the timing of its release. The United States was still reeling from a devastating terrorist attack on its own soil. Policy analysts looked to the strategy as a means of ascertaining the direction American defense policy would take in response to the renewed terrorist threat. What the new document suggested was that there was a recognized need for the United States to 'deter and defend' against threats such as the proliferation of Weapons of Mass Destruction (WMD), rogue states, and future terrorist attacks. John Lewis Gaddis asserts that, "The first major innovation (of the 2002 NSS), is Bush's equation of terrorists with tyrants as sources of danger, an obvious outgrowth of September 11."[84] This declaration of terrorists being viewed as the major threat to US national security precipitated a shift

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[82] Sanjay Gupta, "The Doctrine of Preemptive Strike: Application and Implications." *International Political Science Review.* V. 29, N.2 (2008), p. 182.
[83] CRS Report, Washingston 2002, p. 14
[84] John Lewis Gaddis, "A Grand Strategy of Transformation." In Bolt, p. 36.

towards the concept of military preemption. This was seen by some as a severe departure from previous American defense policies.

President Bush's argument outlining the need for military preemption in the wake of the terrorist attacks on the United States forms the bulk of the 2002 National Security Strategy. Harry S. Laver argues that, "The specifics of preemption, outlined in the NSS, declare that the United States, 'will not hesitate to act alone, if necessary, to exercise our right to self-defense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country.'"[85] The idea of preemption centers on the notion that it is better to fight the enemy away from the United States than to wait for a future attack on its homeland. Preemptive military force, or simply preemption, as set out in the 2002 NSS, involves adopting a first-strike policy towards targets that are feared to pose an 'imminent and ominous' threat to national security.[86] The NSS called for the American military to retain its position of global primacy so that the nation could act immediately against potential threats. To this end, the document urges the use of preemption to address national security threats before they arrive on America's doorstep. It seems that in formulating his doctrine, Bush feared that rogue states could not be dissuaded from launching future attacks by means of the deterrent defense strategy that had been employed during the Cold War. During the Cold War, nuclear weapons of mass destruction were viewed as weapons of last resort; whereas, in the present security environment, the NSS points out that, "Today our enemies see weapons of mass

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[85] Harry S. Laver, "Preemption and the Evolution..." *Parameters* V. 35, N. 2 (Summer 2005), p. 111.
[86] Chris J. Dolan. *In War We Trust: The Bush Doctrine and the Pursuit of Just War."* (Burlington: Ashgate Publishing Company, 2005), p. 6.

destruction as weapons of choice."[87] Gaddis asserts that this belief, "...elevates terrorists to the level of tyrants in Bush's thinking, and that is why he insists that preemption must be added to – although not necessarily in all situations replace – the tasks of containment and deterrence. In the words of the 2002 NSS, "We cannot let our enemies strike first."[88] Implicit in this thinking is the variable of unpredictability and a total disregard for consequences on the part of these rogue states.

American global primacy is inherent in the idea of adopting a preemptive military strategy. John Lewis Gaddis explains, "Preemption in turn requires hegemony. Although Bush speaks in his letter of transmittal of creating a 'balance of power that favors human freedom' while forsaking 'unilateral advantage,' the body of the NSS makes it clear that 'our forces will be strong enough to dissuade potential adversaries from pursuing a military build-up in hopes of surpassing, or equaling, the power of the United States."[89] Ensuring that the United States remains unrivaled militarily allows the country to fight the terrorist threat away from the homeland. Thus, the military plays a crucial role in this strategy by allowing the United States the ability to strike a potential threat, unilaterally if necessary, before that potential enemy can strike first.[90] Therefore, the NSS calls for the United States to focus on capabilities rather than just on threats. This policy of "taking the fight to the enemy" before threats to national security can be realized on American soil is consistent with the tradition of US interventionism. By

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[87] In Gaddis in Bolt, p.36.
[88] Ibid.
[89] John Lewis Gaddis, in Bolt, p. 36.
[90] Arthur M. Schlesinger Jr. *War and the American Presidency.* (New York: W.W. Norton & Company, 2004), p. 21.

employing an offensive strategic culture, the United States can demonstrate to the world that it is taking an aggressive stand against terrorism, while at the same time minimizing any inconvenience to its civilian population.

This strategy of preemption was reaffirmed by the release of the 2006 National Security Strategy (NSS 2006) on March 16, 2006. Although the NSS is required by law to be issued by the President to Congress on a yearly basis, NSS 2006 was the first National Security Strategy issued after NSS 2002. Michael A. Weinstein notes that, "The delay was due to the Iraq intervention, which embroiled the administration in responding to immediate situations and rendered the direction of future policy uncertain."[91] Susan E. Rice of the Brookings Institute argues that the NSS 2006 is notable, "... for its belated recognition of the important opportunities and challenges posed by globalization and its appropriate insistence on the need for a multifaceted approach to security, the 2006 National Security Strategy was a continuation of the need for a sustained US leadership in the world."[92] While the NSS 2006 paid lip-service to the idea of democratizing an increasingly globalized world, Christine Gray stresses that, the 2006 National Security Strategy was a continuation of the 2002 NSS and retained the policies of that document.[93] The 2006 NSS repeatedly cites provisions outlined in the 2002 NSS. Indeed, in his letter

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[91] Michael A. Weinstein. Power and Interest News Report.
[92] Susan E. Rice. *Statement on the 2006 National Security Strategy.* (The Brookings Institute: March 16, 2006).
<http://www.brookings.edu/opinions/2006/0316terrorism_rice.aspx>
accessed on November 10, 2008
[93] Christine Gray. "The U.S. National Security Strategy and the new Bush Doctrine on Pre-Emptive Self-defence." *Chinese JIL*, V.3, N.437 (2002).

introducing NSS 2006, President Bush wrote, "We fight our enemies abroad instead of waiting for them to arrive in our country."[94]

Thus, the 2006 National Security Strategy makes a continuing strong commitment to pre-emptive action. It asserts that, "The place of preemption in our national security strategy remains the same (as in the NSS 2002)."[95] In discussing the potential for a terrorist attack on US soil employing WMD, the 2006 NSS states, "Under long-standing principles of self-defense, we do not rule out the use of force before attacks occur, even if uncertainty remains as to the time and place of the enemy's attack. When the consequences of an attack with WMD are potentially so devastating, we cannot afford to stand idly by as grave dangers materialize. This is the principle and logic of preemption."[96] The proposal that 'traditional concepts of deterrence will not work against a terrorist enemy whose avowed tactics are wanton destruction and the targeting of innocents,' reaffirms the rationale for the preemptive doctrine that is articulated in both the 2002 and 2006 National Security Strategies. Following the invasion of Afghanistan and Iraq, the NSS 2006 makes clear the United States' support of the doctrine of launching preemptive interventions in hostile states.

Both the 2002 and 2006 National Security Strategies issued by the Bush administration represent a continuation of post-World War II American defense policy strategies. An examination of the first Persian Gulf War demonstrates Americas'

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[94] NSS 2006, p. 24.
[95] Ibid.
[96] Quoted in Richard B. Doyle. "The US NSS: Policy, Process, Problems" *Public Administration Review* (July/August 2007), p. 627. And NSS 2006, p. 23.

preference for forward defense. The country's success in this war counteracted the remnants of the so-called "Vietnam Syndrome" and paved the way for a renewed use of the military in securing American national interests. The American strategy used during the first Gulf War was predicated by the Weinberger-Powell Doctrine. This doctrine was first articulated by former Secretary of Defense, Caspar Weinberger as a response to the military's concern over the potential for future conflicts like that in Vietnam. Weinberger asserted that four conditions must be met before the American military could be deployed. These conditions included insuring: 1) That there is dominant force powerful enough to guarantee victory, 2) that there are clearly defined political and military objectives in advance, 3) that there is a clear end point for terminating the operation, and 4) that there is strong support from American public opinion.[97] As Chairman of the Joint Chiefs of Staff, Colin Powell extended this doctrine by adding the concept of overwhelming force – the principle that American forces should be deployed only when they hold a distinct advantage in firepower.[98] The development of the Weinberger-Powell Doctrine, and the United States' success in the first Gulf War demonstrated the effectiveness of the country's preference for forward defense.

Scholars have grappled with the question of whether or not the Bush Doctrine as articulated by the 2002 and 2006 National Security Strategies signified a seismic shift in defense policy thinking by the United States. While the language used by the Bush administration was more forceful in advocating a policy of preemption, this concept is in

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[97] David M. Abshire. *Triumphs and Tragedies of the Modern Presidency: Seventy-Six Case Studies in Presidential Leadership."* (Greenwood Publishing Group, 2001), p. 229.
[98] Robert J. Pauly and Tom Lansford. *Strategic Preemption: U.S. Foreign Policy and the Second Iraq War.* (Ashgate Publishing Ltd., 2004), p. 108.

keeping with the militarism[99] inherent in American strategic culture. While America has not always favoured militarism, such a policy preference is not a new phenomenon. It was a well-established feature of American political culture before George W. Bush ascended to the presidency.

Andrew Bacevich traces the rise of American militarism all the way back to Woodrow Wilson's desire to "...end all wars by eliminating the conditions that produced them". A central argument in Bacevich's text is that Wilsonian idealism took on new meaning during the Reagan administration and has been pursued by successive presidents. He notes that, "The habitual use of imperial methods over the space of forty years became addictive. It ultimately transformed the role of the defense establishment and vastly enlarged the size and scope of the role played by military forces in the political and economic life of the nation."[100] Following the anti-Vietnam backlash by the American public, military leaders became intent on reaffirming the importance of warfighting, thereby ensuring an important role for themselves. Reform of the military following the Vietnam War involved restoring the bond between military personnel and civilians and shifting more authority for the actual conduct of war towards military professionals.[101] This trend has influenced defense policy-making in the post-9/11 period.

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[99] The term "militarism" refers to the political orientation of a people or a government to maintain a strong military force and to be prepared to use it aggressively to defend or promote national interests.
[100] Bacevich, p. 65
[101] Ibid, p. 143

Scholars such as Andrew Bacevich and Chalmers Johnson make the case that American militarism has been on the rise since the Vietnam War. The sheer size of the American military has served to perpetuate militarism. The call for a preemptive defense strategy following the 9/11 terrorist attacks necessitated that the American military be maintained at a size that allows for intervention in countries which may pose a threat to the United States. Many would argue that with the collapse of the USSR, the United States was seen as being the last existing superpower and that the United States saw this as a new mission to promote democracy by protecting itself and other democratic countries.

The interventions in Afghanistan and Iraq did not herald the advent of a preference for preemptive action in dealing with threats to American homeland security. David Hastings Dunn notes that, "In the 1980s, the Reagan administration sought in its nuclear policies pre-emptive contingencies for fighting a limited nuclear war with the Soviet Union. Similarly, Reagan's enthusiasm for both his Strategic Defense Initiative, and later for radical arms control proposals, reflected his desire to escape US reliance on nuclear deterrence."[102]

Ambiguity About the Home Game

The military establishment has always demonstrated a certain reluctance to involve US military force in domestic security issues – including issues of homeland

[102] David Hastings Dunn, p. 5

security.[103] Indeed, while the United States' military has participated in expeditionary warfare overseas since the beginning of the Republic - its participation in domestic operations has focused primarily on response to national disasters, and has been intermittent at best. The Homeland Security Act of 2002, which established the Department of Homeland Security, "...prohibits the new agency from engaging in the military defense of the United States, and reaffirmed that warfighting activities were strictly the responsibility of the Defense Department."[104] One of the explanations given for the disengagement of the military in issues of domestic security is the differentiation made by the Defense Department between the concepts of "homeland security" and "homeland defense". In a report for the Congressional Research Service, Steve Bowman notes that, "homeland security" is defined as a concerted national effort to prevent terrorist attacks within the United States, reduce the vulnerability of the United States to terrorism, minimize the damage and assist in the recovery from terrorist attacks. But, "homeland defense" is defined as the military protection of the United States territory, domestic population, and critical defense infrastructure against external threats and aggression. It also includes routine, steady state activities designed to deter aggressors and to prepare US military forces for action if deterrence fails.[105]

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[103] In keeping with the American preference for forward defense, even domestic agencies such as the Treasury Department, the FBI, and the Coast Guard have operations overseas as part of Homeland Security.

[104] James Jay Carafano. "Citizen-Soldiers and Homeland Security: A Strategic Assessment". *Leamington Institute* (March 2004), p. 9.

[105] Steve Bowman. "Homeland Security: The Department of Defense's Role." *Report for Congress, Congressional Research Service, Library of Congress.* p. 1.

Carafano explains that this distinction between "homeland security" and "homeland defense" is important because, "The Defense Department has sought to spell out responsibilities by developing doctrinal distinctions to prescribe and limit its tasks in the domestic realm."[106] Thus, the DoD maintains that its primary responsibility in the realm of homeland *security* is to provide support to civilian authorities when *directed* to do so. Chris Seiple questions this distinction between "homeland security" and "homeland defense". He suggests that defense experts need to ask further questions such as, "Is homeland security a subset of national security, pertaining only to issues and events within the United States?" And, secondly, "Does national security include everything foreign, especially the application of force overseas?"[107] Seiple argues that these questions are important because, "Our semantic choices frame our conception of the threats we face and accordingly how we respond to them."[108] From his perspective, the debate over the effectiveness of homeland security can be seen to correspond to the debate over whether "homeland security" is more important than "homeland defense".

Following the 9/11 terrorist attacks, the Department of Defense created a new combatant command to oversee the defense of the American homeland. This new command was named Northern Command (NORTHCOM). The NORTHCOM mission is to, "Conduct operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories, and interests within the assigned area of responsibility, and, as directed by the President or Secretary of Defense, provide military assistance to

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[106] Carafano, p. 9
[107] Chris Seiple. "The New Protracted Conflict: Homeland Security Concepts and Strategy." *Orbis.* V. 46, N. 2 (Spring 2002), p. 261.
[108] Ibid, p. 262.

civilian authorities, including incidence management operations."[109] The creation of NORTHCOM was of importance because it established the first military command structure that would oversee the defense of the continental United States since 1945. According to its website, NORTHCOM's area of responsibility (AOR) includes, "...air, land, and sea approaches and encompasses the continental United States, Alaska, Canada, Mexico, and the surrounding water out to approximately five hundred nautical miles. It also includes the Gulf of Mexico and the straits of Florida."[110] The commander of NORTHCOM is responsible for theatre security cooperation with Canada and Mexico. Setting up the command was seen by the United States at the time, as a necessary organizational issue that would strengthen national security. NORTHCOM is commanded by a four-star general who is in charge of all troops deployed as part of air patrols flying over the United States, naval vessels patrolling U.S. coasts, and emergency responses in the case of another terrorist attack.[111] According to Michael E. O'Hanlon, The new command, "...(took) over control of the Joint Task Force Civil Support, which is responsible for assisting local first responders in case of ... attack on U.S. territory. And it is in charge of U.S. military assistance in case of natural disasters."[112]

While the establishment of NORTHCOM paved the way for the involvement of the military in homeland security operations, the Department of Defense continues to allocate its finances and personnel to homeland defense tasks that take place outside of

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[109] Testament of Assistant Secretary of Defense for Homeland Security before the House Armed Services Subcommittee on Readiness, March 13, 2003in Bowman, p. 4.
[110] U.S. Northern Command. <http://www.northcom.mil/About/index.html>
[111] O'Hanlon et al., 123
[112] Ibid, 120

the NORTHCOM AOR. In order to justify this strategy, the DoD uses the antiquated rationale found in the principle of "Posse Comitatus." The Posse Comitatus Act of 1878 is, "Post-Reconstruction legislation that prohibits military forces from engaging in domestic law enforcement activities, unless explicitly authorized by the Constitution or an act of Congress."[113] This Act was originally enacted to prevent Southern Sheriffs and US Marshals and local constabulary from conscripting military personnel into their posses. It was intended to enforce federal law in the post-bellum South after the U.S. Civil War. Jeffret H. Norwitz notes that, "In passing the Posse Comitatus Act, Congress conceded the use of military troops for police actions when authorized by the President or Congess." He further argues that, "...Erroneous interpretation (of the Act) has resulted from a general Pentagon desire to avoid domestic unrest quagmires... Much of the twisting of Posse Comitatus was by persons averse to any role for military forces in law enforcement including the military itself."[114] The Act was initially designed to prevent the enforcement of desegregation. In order to avoid getting entangled in the business of homeland security, the Department of Defense and the military in general have hidden behind this Act. Indeed, it was only after September 11 that Americans began hearing about the Posse Comitatus Act of 1878.

An article titled, "Pentagon to Detail Troops to Bolster Domestic Security" in the Monday, December 1, 2008 edition of the Washington Post by Spencer S. Hsu and Ann Scott Tyson discusses the reluctance of the DoD to take part in domestic security

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[113] John B. Noftsinger Jr., et al. *Understanding Homeland Security: Policy, Perspectives, and Paradoxes.* (New York: Palgrave Macmillan, 2007), p. 51.
[114] Jeffrey H. Norwitz. "Combating TerrorismL With a Helmet or a Badge?" in Bolt, p. 429.

initiatives. Argue the authors, "...But the Bush administration have pushed for a heightened homeland military role since the middle of this decade, saying the greatest domestic threat is terrorists exploiting the proliferation of weapons of mass destruction."[115] This newspaper example is but a small indicator of the fact that it has taken seven years for the Department of Defense to consider making the move to train and allocate troops for homeland security initiatives reinforces the unwillingness of the military to accept a role in domestic security.

The Primacy of the Offensive in Strategic Culture

The United States has long espoused an offensive strategic culture. Historically, there have been no direct military threats on its borders, instead, hostile states (such as Germany, Japan and Russia, in the Second World War period), were located across the ocean, away from American approaches. Indeed, even when the US became vulnerable to a nuclear attack, the solution was deemed to be deterrence as part of the active containment of the USSR. The preference for fighting the enemy away from the homeland is evidenced by successive presidential doctrines including the Truman Doctrine, the Reagan Doctrine, and, most recently, the Bush Doctrine. The military has been historically reluctant to get involved in domestic operations, even though homeland defense has long been recognized as an important objective. The existence of a large, ever ready military is testament to the importance placed on the idea of being able to fight wars away from American soil. The maintenance of this fighting force serves to sustain

[115] Spencer S. Hsu and Ann Scott Taylor, "Pentagon to Detail Troops to Bolster Domestic Security." *The Washington Post* (Monday, December 1, 2008).

the American defense industry, an entity that will be discussed in detail in the next chapter.

MAXIMIZING THE BENEFITS OF DEFENSE POLICY TO THE COUNTRY, REGIONS, AND PRIVATE INSTITUTIONS

The Current Debate

A central element of the debate over the effectiveness of homeland security measures is the issue of how effective spending on homeland security initiatives has been. Funding for projects purporting to improve homeland security increased drastically following the 9/11 terrorist attacks as politicians sought to demonstrate their desire to bolster the safety and security of the American populous. The Mueller/ Flynn debate over the effectiveness of funding projects that enhance homeland security efforts demonstrates a third element of American strategic culture – the desire for both politicians and private corporations to utilize defense policies to maximize the economic benefits of these policies. In times of crisis and heightened awareness of threats to the homeland, politicians in the United States are more willing to fund defense initiatives to demonstrate to their constituents that they are approaching the threat seriously.[116] At the same time, these same politicians are also keen to support strategies that bring jobs to the areas they represent. Thus, pork barreling[117] is common as incumbents seek to use heightened security threats as the rationale to increase spending within their districts.

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[116] Peter J. Dombrowski, Eugene Gholz, and Andrew L. Ross. "Selling Military Transformation: The Defense Industry and Innovation." *Orbis.* (Summer 2002), p. 523 – 536.

[117] The term, "pork barreling," refers to the appropriation of government money for initiatives that are intended to benefit a specific group of constituents.

How Defense Funds Are Allocated

The most important factor in the formation of defense policies is the availability of resources. Resources are allocated through the annual federal budget. The Department of Defense submits its own budget to Congress for consideration. The DoD issues documents that are meant to inform the budget process. One of these documents is the Defense Planning Guidance (DPG), an internal set of military guidelines generally prepared every few years and distributed to military and civilian defense department heads in order to provide them with a geopolitical framework for assessing their force level and budgetary requirements. The DPG is not a definitive assessment of what the military needs to be able to function effectively. Bolt notes that, "...the DPG often fails to list objectives – let alone prioritize them."[118] While the DPG is a useful indicator of defense budget priorities, there is no branch wide, executive-level national security document that can be looked to in order to guide budget requests. The bi-annual National Security Strategy is simply too broad a document to serve as a planning and programming guide for the administration. The DPG and the NSS are too broad in scope to ensure that strategic objectives will be satisfied when putting together budgetary requests. Further, the documents do not have adequate provisions for constantly changing specific priorities that arise on a regular basis.

The process surrounding the creation of the defense budget has not significantly changed over the past forty years. In 1969, President Lyndon Johnson proclaimed that, "...faced with a costly war abroad and urgent requirements at home, we have to set

[118] Bolt. "National Resource Allocation" in Bolt et. al., p. 192.

priorities. And "priority" is but another word for "choice". We cannot do everything we wish to do. And so we must choose carefully among the many competing demands on our resources."[119] Such remarks could easily have come from President Bush to explain the Fiscal Year 2003 budget following the terrorist attacks and the commencement of the war in Afghanistan. Politicians often employ what can be termed, "crisis strategies" in the budgeting process.[120] By this reckoning, the tendency is to push one's own legislative initiative by suggesting that the implications of not supporting such a bill would have a severe negative impact on the security of the nation. Too often a number of seemingly unrelated interests are tied together in umbrella-like security legislation that relies on the mantra of national defense.

It is common practice for members of the House and Senate to seek preferential treatment in legislative initiatives involving defense contracts to ensure favourable treatment and monetary benefits to their congressional districts. This notion of "spending by district" means that representatives seek to generate income for their constituencies by advocating that weapons systems or infrastructure be manufactured or based in their states. In an attempt to "take care of their own", representatives often employ pork-barrel politics to get money to flow to their districts. Michael Alvarez explains that, "Attending to the district back home can take many forms: voting the district's interests on policy issues; being an ombudsman for constituents fighting the Washington bureaucracy; or

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[119] President Lyndon Johnson in the transmittal of the FY 1969 budget. In Philip G. Joyce, "Federal Budgeting After 9/11" *Public Budgeting and Finance.* (Spring 2005), p. 15.

[120] Aaron Wildavsky. *The Politics of the Budget Process, 4th Ed.* (Boston: Little, Brown, and Company, 1984), p. 121 – 122.

bringing distributive benefits to the district."[121] One way that politicians bring distributive benefits to their districts is by encouraging defense contractors to manufacture parts of their weapons systems in their cities. These quid-pro-quo arrangements involve politicians who support the acquisition of these systems in Congress. This is not a new phenomenon. Following the 1992 Presidential election, the Pentagon decided to cancel the $2 billion Seawolf submarine project, arguing that it was no longer needed following the collapse of the Soviet Union. Two politicians who had initially opposed the Reagan administration's arms build up, Senator Christopher J. Dodd and Representative Sam Gejdenson, both of Connecticut, fought desperately to keep the Seawolf project. They feared that a cancellation of the project would result in the loss of thousands of jobs in Groton, Connecticut where the submarines were being built.[122] Incumbents are vigilant of the need to keep their constituents content in order to enjoy repeated success at the ballot box - especially in election years.

Pork-Barrel Politics and Defense Dollars

The phenomenon of adding additional clauses to a piece of legislation in order to see it passed is nothing new in American politics, particularly when dealing with matters of homeland security or national defense. Pork-barreling was a common practice in the 1980s during the Reagan presidency. Michael Alvarez notes, "Whether measured by awards or the dollar value of those awards, incumbents who obtained federal largesse were rewarded by the electorates to whom they were responsible. This finding suggests

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[121] Alvarez, p. 809.
[122] This example is discussed in further detail in Jeffrey R. Gerlach. "Politics and the National Defense: the 1993 Defense Bill." *The Cato Institute,* p. 2.

that neither the 1974 congressional budget reforms nor the exploding budget deficits of the 1980s served to eliminate pork barrel politics."[123] The budgetary strategies have changed since the reforms made in 1974, yet even though restraints were placed on discretionary spending, House incumbents have changed their tactics and have found ways to carry on their pork barrel politics.

There have been legislative attempts to control, if not stop, pork-barreling. One such attempt was the introduction of the Congressional Budget Impoundment Act of 1974.[124] This Act tried to remedy problems in congressional procedures surrounding the production of the annual budget. With this legislation, Congress sought to recapture some of the power held by the President with respect to allocating funds within the annual budget. Separate House and Senate Budget Committees were created which were responsible for setting overall tax and spending levels. The Act required Congress to establish yearly levels of expenditures and revenues and prescribed procedures for arriving at those spending and income levels. The Congressional Budget Impoundment Act of 1974 contained three important elements: (1) a timetable establishing deadlines for action on budget-related legislation, intended to ensure completion of the budget prior to the start of each new fiscal year; (2) a requirement to adopt concurrent budget resolutions – which do not require presidential approval – for total budget authority, budget outlays,

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[123] R. Michael Alvarez and Jason L. Saving. "Deficits, Democrats, and Distributive Benefits." *PRQ* V. 50, N.4, p. 827.

[124] A copy of this Act can be found at: <http://74.125.95.132/search?q=cache:LjGCER3_te4J:www.access.gpo.gov/congress/house/hd106-320/pdf/hrm89.pdf+Congressional+budget+Impoundement+Act+1974&cd=4&hl=en&ct=clnk&gl=ca>

and revenues for the upcoming fiscal year; and (3) a reconciliation process to conform revenue, spending, and debt legislation to the levels specified in the budget resolution.[125] There is a general consensus among academics that this Act was intended to expedite decision-making on the annual budget and to decrease the President's control over the budget process. Members also expected that the new procedures would help Congress manage internal conflicts over the budgetary process. Ultimately, the Act was deemed insufficient at meeting these lofty expectations and further revisions were introduced by the 1985 Balanced Budget and Emergency Deficit Control Act (Public Law 99-177).[126] While these legislative initiatives were intended to control spending, this goal was not accomplished. Members of Congress continue to lobby for heightened defense budgets when it is in their electoral district's interest to do so.

Engaging in pork-barrel tactics is a bipartisan pursuit, carried out by both Democrats and Republicans hoping to keep their electoral seats. It has become a political game that is played by all parties. It involves the creation of a need, a rationalization of that need backed by the overriding goal of national security and voicing that concern loud

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[125] James A. Thurber. "The Consequences of Budget Reform for Congressional-Presidential Relations." *The Annals of the American Academy AAPS.* V. 499 (September, 1988), p. 103.

[126] Congressional Research Service. *Explanation of the Balanced Budget and Emergency Deficit Control Act of 1985 – Public (The Gramm-Rudman-Hollings Act.* (December 1985). <http://74.125.95.132/search?q=cache:fcG1dWoITngJ:digital.library.unt.edu/govdocs/crs/permalink/meta-crs-8715:1+1985+Balanced+Budget+and+Emergency+Deficit+Control+Act&cd=5&hl=en&ct=clnk&gl=ca>.

enough so that "the squeaky wheel gets the grease".[127] The result is lucrative defense contract spending that has more of an overall affect in that it serves as a social program for the awarded district. In 1999, Republican Senate Majority leader, Trent Lott of Mississippi, added $94 billion to the budget for a space-based laser program based in his home state as well as a $50 million down payment on a $1.5 billion helicopter carrier that was to be built in his hometown of Pascagoula, Mississippi. The year before, in 1998, Democrat Representative John Murtha of Pennsylvania joined with his Republican counterparts, Representatives Joseph McDade and Curt Weldon to obtain additional funding for Pennsylvania-based defense initiatives including $25 million for the Q-70 radar system, and $78 million for the V-22 "tiltrotor" Marine aircraft. In the same year, Senate Armed Services Committee member, Daniel Inovya added 31 separate defense projects for his home state of Hawaii to the defense budget. [128]

Elected representatives are quick to support programs that will generate revenue for their electoral districts and keep their constituents happy. They are aware that defense contracts provide hundreds of millions of dollars each year; therefore, they recognize the need to support defense initiatives that will benefit their own interests. For their part, defense contractors are keenly aware in the role they play in helping representatives secure reelection by generating jobs for their regions. Indeed, it is interesting to note that when some Congressmen pushed for the cancellation of the B-2 bomber, Northrup Corporation, the prime contractor, published data showing that thousands of jobs and

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[127] Peter Kobrak. *Cozy Politics: Political Parties, Campaign Finance, and Compromised Governance.* (Lynne Rienner Publishers, 2002), p. 139 – 148.
[128] William D. Hartung. "Corporate Welfare for Weapons Makers." *Policy Analysis.* (August 12, 1999), p. 20-21.

millions of dollars of profit were at risk in 46 states and 383 congressional districts.[129] Needless to say, these congressmen backed down, and the project continued. The game of pork-barrel politics involves a convincing argument, an eloquent spokesperson, and obvious positive cause-effect consequences to the politician's district.

Planning-Programming-Budgeting System

In his first State of the Union address, President John F. Kennedy stated that, "...in the past, the lack of a consistent, coherent military strategy, the absence of basic assumptions about our national requirements, and the faulty estimates and duplications arising from inter-service rivalries have all made it difficult to assess how adequate – or inadequate – our defenses really are..."[130] In 1961, President Kennedy appointed Robert McNamara as his Secretary of Defense, and charged him with enacting reforms which would address the deficiencies in the defense budget process. McNamara sought to develop a more general concept of institutional interest for the military establishment as a whole instead of relying on the interests and preferences of the various individual military departments when drawing up the defense budget. McNamara and his comptrollers, Robert Hitch and later Robert Anthony, designed and installed the Planning – Programming – Budgeting System (PPBS) in an attempt to make decisions on a more

[129] Jeffrey R. Gerlach. "Politics and the National Defense: the 1993 Defense Bill." *The CATO Institute.* p. 4.
[130] Quoted in Harvey M. Sapolsky, et al.

systematic basis using analytical criteria and quantitative methods to compare decision alternatives.[131]

By 1964, PPBS was fully operational within the DoD. This process was based on six principles: (1) Decisions should be based on explicit criteria of national interest, not on compromising among institutional forces, (2) Needs and costs must be considered simultaneously, (3) Major decisions should be made by choices among explicit, balanced, feasible alternatives, (4) The Secretary should have an active analytic staff to provide him with relevant data and unbiased perspectives, (5) Open and explicit analysis, available to all parties, must form the basis for major decisions, and finally, (6) a multi-year force and financial plan is required to project the consequences of present decisions into the future.[132] Francois Melese explains that PPBS was originally intended to, "...assist senior defense officials to establish activity/output (or capability) priorities within the budget, and to shift financial resources and to guide investments among defense programs – and across the military services – from less to more productive uses in response to changes in the national security environment."[133] Had it proven effective, PPBS would have greatly reduced redundant defense purchases, and defense

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[131] L.R. Jones and Jerry L. McCaffery. "Reform of the Planning, Programming, Budgeting System and Management Control in the US Department of Defense: Insights from Budget Theory." *Public Budgeting and Finance.* (Fall 2005), p. 5.

[132] DoD's Planning, Programming and Budgeting System (PPBS): A Historical Perspective. <http://74.125.95.132/search?q=cache:gA6hP4TkZNEJ:www.mors.org/meetings/cbp/presentations/Gordon_PPBS-Mon.pdf+PPBS+a+historical+perspective&cd=1&hl=en&ct=clnk&gl=ca>

[133] Francois Melese. "Applying a New Management Model in the Joint Staff: An Executive Summary." *The Quarterly Journal.* (Summer 2006), p. 93.

expenditures, that did not serve the general interest of the whole of the military institution.

Over the passage of time, it became apparent that the enactment of PPBS did not curb unnecessary military expenditures promoted by the individual services. Instead, after a few years, the military departments were fully engaged in learning how to compete with each other in the new PPBS process. Thus, "Congressional pork-barrel interests and the complexity of modern security needs made the planning process a lot less scientific than planning advocated concede."[134]

National Interest vs. Constituent Interest

The practice of using legislative initiatives to obtain preferential treatment for specific districts has been superficially challenged over the years. For example, in 1991, Senator John Warner of Virginia launched a public campaign to spend more responsibly on defense projects by moving away from the practice of employing pork-barrel tactics. He stated publicly, "At a time when declining defense budgets are forcing the administration and the Congress to make difficult choices, I find it completely unacceptable that defense dollars are diverted to projects that have not been reviewed or requested by the Defense Department."[135] But instead of heralding a change in the way that defense decisions are made, Warner took a contradictory position when, in 1993, he added $60 million to the defense budget without discussion or debate, in order to fund

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[134] Harvey Sapolsky, et al. p. 102.
[135] Comments found in, Jeffrey R. Gerlach. "Politics and the National Defense: the 1993 Defense Bill." *The Cato Institute,* p. 2-3.

night-vision goggles for the National Guard which were produced in his home state of Virginia. When asked to explain his actions, Warner declared, "Look, any lawmaker thinks in terms of his state and industrial base. Obviously that influenced my thinking."[136] Legislators generally think in terms of their own self-interest when it comes to matters that would affect their re-election. Simply put, there is too much at stake not to pursue the interests of one's district in legislative drafting in a preferential way – especially when it is the common practice of many others.

Lawmakers are expected to pursue policies that are in the best interests of their electoral districts. Senator Warner was chair of the Senate Armed Services Committee and was considered an expert on defense issues. However, at the same time he was also an elected representative of Virginia. The state of Virginia has an extensive military establishment including the naval base at Norfolk and several large Army bases, including the home of the Airborne at Fort Bragg. Thus, while Senator Warner was recognized as an expert on defense issues, he was also responsible to his electorate. Senators from states with large military establishments try to get on those Committees that deal with the military. Lawmakers regarded as experts on defense are also most likely to press for specific initiatives that that would benefit their states. For example, Senator Henry Martin "Scoop" Jackson, from the state of Washington was known as the "Senator from Boeing". While he was considered to be a major player on defense issues such as arms control, he always pressed for funding for aircraft made by Boeing which was headquartered in his state.[137]

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[136] Ibid.
[137] Biographical Directory of the United States Congress. <http://bioguide.congress.gov/scripts/biodisplay.pl?index=j000013>

A key role of defense contractors is to ensure that they are handsomely compensated for the work rendered by their firms working on security initiatives. As a result, according to scholars such as William Paul Rogerson, they too seek to manipulate the security environment in order to maximize profit.[138] Defense contractors operate in a unique environment. For the most part, the sole consumer of the companies' products is the government. Harvey Sapolsky best explains how, since the early days of the Cold War, the defense industry has developed mechanisms to operate within the confines of this exclusive relationship. He has suggested that, "...the successful firms became very good at adapting to their military customers' requirements – to the point that they always seemed to have a product on offer that the military wanted to buy."[139] This means that more areas will benefit from the construction of a single aircraft, armored vehicle, or other piece of military equipment. The three largest weapons manufacturers, Raytheon, Boeing, and Lockheed Martin receive more than $30 billion per annum in Pentagon contracts.[140] These companies are adept at anticipating what the military and the government will want and then developing products to meet these perceived needs. Since defense-orientated companies operate in a business environment that is separate from their commercial counterparts, government procurements determine the success or failure of a given company.

In order to gain broader support for their products, defense manufacturers might outsource the pieces of a given system to different sub-contractors spread throughout the

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[138] William Paul Rogerson. *Profit Regulation of Defense Contractors and Prizes for Innovation.* (Rand Corporation, 1992).
[139] Sapolsky et. al. p. 69
[140] Hartung, p. 2.

country. Big corporations use the political pork-barreling tactics to ensure their commercial advantage. Hartung explains that military pork increases the revenues of major contractors by extending the production of weapons systems that the Pentagon had hoped to terminate. He notes that, "Corporate profits are particularly high when a 'mature' production line can be kept open – production costs have been reduced over time."[141] This is a mutually beneficial arrangement for both the corporation and legislators whose regions benefit from the production of these systems. The corporations continue to benefit from the production of existing systems and therefore, the competition for new contracts is minimal. Meanwhile, legislators benefit by being able to claim credit for keeping high-profile contracts that produce jobs. Politicians also benefit from hundreds of thousands of dollars in campaign contributions from defense contractors. In politics, perception is reality. The politician seen by his constituents to be working for national security by securing government contracts for his district and in the process, bringing jobs to the local community is a person doing the job of political representation effectively.

The American defense industry has changed significantly as a result of mergers and acquisitions that took place during the 1990s. Since this period, the number of prime defense contractors in the United States fell from twenty to four.[142] One explanation for this consolidation is that, in the period following the Cold-War, there has been a transformation of US defense strategy away from reliance on traditional conventional

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[141] Ibid, p. 21.
[142] Stephanie G. Neuman. "Defense Industries and Global Dependence." *Orbis.* (Summer 2006), p. 429.

weapons towards systems that take advantage of microprocessors that emphasize threats such as networkcentric warfare. This new model of war fighting involves, "...sensors, communication systems, and weapons systems in an interconnected grid designed to provide an integrated picture of the battlefield to all levels of command and control down to the individual soldier."[143] This new strategy will require technology that can be used in both a commercial and military setting. The line between traditional defense and internal security has become increasing blurred in the post-9/11 security environment. This phenomenon will create new opportunities for companies that were not previously involved in the American defense industry as evidenced by the creation of defense-based start-up companies discussed later.

Defense spending has a spill-over affect on civilians who live in areas where military bases are located. In the post-Cold War period, the Department of Defense sought to maximize efficiency by closing military bases that were no longer deemed necessary. This undertaking was termed the "Base Realignment and Closure" process (BRAC).[144] This process was introduced in the 1980s in order to bring facility infrastructure in line with troop levels and operations. Military bases and installments play a unique role in the local economies of communities across the United States. These institutions grow the populations of small communities by moving military personnel and

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[143] IBID, p. 431.

[144] For a further discussion of the BRAC Process refer to: Meredith Hill Thanner and Mady Wechsler Segal. "When the Military Leaves and Places Change: Effects of the Closing of an Army Post on the Local Community." *Armed Forces and Society.* V. 34, N. 4 (July 2008), p. 662 – 681 and Government Accountability Office. *Military Bases: Analysis of DOD's 2005 Selection Process and Recommendations for Base Closures and Realignments.* (July 2005).

their families into these designated areas. This, in turn, generates income for businesses located in these areas. The BRAC process was developed by Congress to overcome traditional political resistance to closing unneeded military facilities. BRAC seeks to de-politicize the process by having the military services submit to the secretary of defense their candidate bases for closing. The secretary then culls through the list and submits his choices to the independent and ostensibly nonpolitical BRAC commission for review.[145] Citizens living in areas where a base has been proposed for closure have an interest in lobbying to keep the base open. The departure of a major employer from the area creates an incentive for the public to lobby to retain the military facilities in their area. The military, however, has an interest in closing redundant bases in order to preserve support for private defense contractors.[146]

The federal budget and the defense spending in it, will always be affected in fundamental ways by the country's current security environment. Cuts to the defense budget were common in the first decade of the post-Cold War era, with its allocations falling from a peak of $304 billion in FY1989, to $270 billion in FY1998. Accounting for inflation, this was a thirty percent drop in resources allocated for defense initiatives.[147] While defense spending rose slightly during the Clinton years, it was the September 11 terrorist attacks that sparked the major increases in the defense budget. Philip G. Joyce agrees with this assertion, further noting that, "In particular, the events of September 11 have created an environment where spending on national and homeland

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[145] For additional information, refer to George C. Wilson. *This War Really Matters: Inside the Fight for Defense Dollars.* (Washington D.C.: CQ Press, 2000), pp. 146 – 147.
[146] See Sapolsky, p. 67.
[147] Jentelson, p. 268.

security is considered much more important than it was prior to that date, and budgets since FY2002 have been crafted consistent with this shift."[148]

Post-9/11 Allocation of Defense Dollars

Following the creation of the Office of Homeland Security and later the Department of Homeland Security, funding for these initiatives increased by 180 percent between FY2001 and FY2005. Politicians concerned with reassuring the public that measures were being taken to improve security meant that funds were used to implement measures to protect airports, seaports, border crossings, government buildings, and critical infrastructure. Agencies associated with the Department of Homeland Security experienced annual funding increases following the establishment of this institution. Frank P. Harvey notes that, "The 2007 Federal Budget Authority for Homeland Security was $58.3 billion – which represents an impressive 185 percent increase over the $20.3 billion allocated in October 2002 when the DHS was established by presidential executive order."[149] The 2002 American National Strategy for Homeland Security clearly states, "In recent years, the federal government has allocated considerable resources to homeland security. Introducing supplemental funding, the federal budget allocated $17 billion to homeland security in FY2001. This amount increased to $29 billion in FY2002. In FY 2003, the President budgeted $38 billion for homeland security activities. These budget allocations must be viewed as down payments to cover the more

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[148] Philip G. Joyce. "Federal Budgeting After 9/11" *Public Budgeting and Finance.* (Spring 2005), p. 21

[149] Frank P. Harvey. "The Homeland Security Dilemma." *Canadian Journal of Political Science.* V. 40, N.2 (June 2007), p. 289.

immediate security vulnerabilities."[150] There is a genuine interest in funding so-called "security" initiatives in order to demonstrate to the public their representatives' desires to address the perceived heightened security threat. This notion was affirmed by former White House budget director, Mitch Daniels, who stated that, "If there was any proposal linked to defeating terrorism or to making Americans more safe at home that had even a reasonable case for it, we agreed and rolled it into the budget."[151] As total spending on homeland security increased, the door opened for lobbying on specific initiatives.

Post-9/11 Pork-Barreling

The practice of pork-barreling found in defense funding and done in the name of security has escalated in the post-9/11 period. The entire process for examining and passing legislation involving homeland security receives preferential treatment and is accelerated to ensure swift passage when it is under the auspices of national security. Following the terrorist attacks, legislation that is directed towards enhancing security is more likely to be passed by Congress. The threat of an imminent terrorist attack is used to justify spending on questionable initiatives (discussed later) whose contribution to homeland security is suspect or of little value, and which may have little or no direct relationship to the terrorist threat. Legislation that is affiliated with the Department of Homeland Security or with the idea of improving homeland security in general is more likely to be rushed through the debate process because of its supposed urgency. William D. Hartung suggests that, as with military spending, representatives realize that they are

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[150] National Strategy for Homeland Security: Office of Homeland Security 2002.
[151] In Anthony H. Cordesman, "The New American Approach to Defense: The FY2003 Program. "

more likely to secure funds for their legislative proposals if they tie them to the concept of improving security. Even in 1999, before the terrorist attacks, expenditures for defense were at about fifty percent of federal discretionary spending.[152] Once entitlement programs such as Medicare and Social Security are factored out, the Pentagon is still at the 'top of the heap' with regards to deferral spending. Members of Congress tack on additional clauses to existing legislative proposals that will benefit their own electoral districts. Now, they can add on DHS initiatives to the security pork-barrel agenda. The massive amounts of money involved in fighting the "War on Terror", has meant that politicians have sought to justify that their states too require homeland security dollars. For example, Iowa's homeland security administrator, David L. Miller, noted that, "Because of the amount of money at stake, some leaders felt they ought to list at least one threat for their region, even if it was just the risk of a terrorist passing through the area."[153] The surge in security spending in the name of 'homeland security' as well as the increase to the Pentagon budget following the events of 9/11 have served as an opportunity for lawmakers to direct new funding to their states and districts, some unrelated to homeland security per say.

The Fiscal Year 2004 Homeland Security Bill was ripe with examples of pork-barreling. Some of the clauses tacked on to this piece of legislation included:[154]

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[152] William D. Hartung. "Corporate Welfare for Weapons Makers." *Policy Analysis.* (August 12, 1999), p. 19.
[153] Quoted in Alice Lipowicz. "Apples to Oranges: State Assessments of Terror Threats Are a Study in Subjectivity," *Congressional Quarterly.* (October 12, 2004).
[154] Department of Homeland Security Appropriation Act of 2004, Public Law 108-90

- $200000 for project Alert, a school-based drug prevention program for middle grade youth.
- $100000 to the Child Pornography tip line
- $3000000 to Child Labour Enforcement
- $70000000 for the Homeland Security Fellowship Program for students and universities
- $50000000 to the National Exercise Program to provide an exercise program that meets the intent of the Oil Pollution Act of 1990
- $6400000 for the Intellectual Property Rights Center. The center's focus is to combat intellectual property right crime – a long time FBI project.

None of these initiatives would have a direct impact on homeland security; yet, they were included as "pork" additions to the FY2004 Homeland Security Act. Legislators are keen to utilize federal funds earmarked for the fight against terrorism in order to further their own agendas. This is a common practice in American strategic culture. Members of Congress are expected to promote their districts and states, a goal that is often best accomplished by likening these parochial needs to the idea of enhancing "security". It becomes evident that, votes must be bought in states where terrorism may be a minimal threat, to support funding for places like New York City, where the danger is really apparent. Legislators link their own interests to the concept of security in order to promote their own agenda. This process of political exchange means that while some remote locality might get some new fire trucks that may not be essential to the security of

the nation, this act serves to 'grease the proverbial pork barrel' in order to ensure that essential legislation is passed and money is received for essential services.[155]

The Homeland Security Industrial Complex

Following the September 11, 2001 terrorist attacks, the United States is still purchasing big conventional weapon systems and platforms, such as aircraft carriers. What has changed is that there is now demand for defense-related products manufactured by smaller contractors. The increased threat of homeland security has generated demand for products such as Hazmat ™ suits and body armour. The demand for such products extends the reach of the defense industry across the country, and has led to the creation of various new companies hoping to cater to the increased demand for personal security items.[156] The creation of these new companies has changed the structure of the defense industry, but has allowed it to grow despite the recent consolidation of several companies making conventional defense-related products.

The post-9/11 era has witnessed an increase in public demand for "security" products. This demand, in turn, has spurred the creation of a multitude of businesses that have been started following the 9/11 terrorist attacks to "sell security" to the masses. The creation of these companies is also a matter of debate. Some authors, such as Nick Turse, argue that these companies are preying on the unwarranted fears of a misinformed

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[155] R. Morris Coats, Gokan Karahan, Robert D. Tollison. "Terrorism and Pork-Barrel Spending." *Public Choice.* V. 128 (2006), p. 275 – 276.

[156] For a further discussion of the Homeland Security Industrial Complex refer to: Nick Turse. *The Complex.* (Metropolitan Books, 2008), and Stephanie J. Hartnett and Laura Ann Stengrim. *Globalization and Empire.* (University of Alabama Press, 2006).

public,[157] while others believe that they should have the right to have access to security products that may or may not reduce the risk of perishing in a terrorist attack.[158] Nonetheless, small, start-up businesses and larger, established corporations alike have sought to capitalize on heightened public fear.

One has only to search the internet to find proof of the existence of these start-up "security" companies. GTI Risk Management is a prime example of a company that has positioned itself to increase its revenue by aligning the company with the fight against the "War on Terror". The company's website proudly proclaims that it is a, "...Private intelligence agency available to clients on demand."[159] Having registered with the Homeland Security Industries Association (HSIA)[160], GTI has situated itself to grow its business by selling its services to citizens concerned about the threat of terrorism. Another such company, which is also a member of HSIA, is "SecureTeq"[161]. SecureTeq bills itself as, "A developer and provider of leading edge CBRNE (Chemical, Biological, Radiological, Nuclear, and Explosive) threat detection software, sensors, and solutions." This company is another example of a business that has been developed purely to profit from heightened security concerns. Is it a coincidence that SecureTeq was registered as a business in 2001 following the 9/11 attacks? The company's website advises the public that, "Recent terrorist events and continuing global threats challenge homeland security,

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[157] Nick Turse, *The Complex.*
[158] Stephen Flynn. *The Edge of Disaster.* (New York: Random House, 2007).
[159] http://gtriskmanagement.com/
last accessed on January 5, 2009
[160] http://hsianet.org/
last accessed on January 5, 2009
[161] http://www.secureteq.com/
last accessed on January 5, 2009

law enforcement, and corporate security personnel to take on an even greater role in the protection of their country, citizens, employees and assets. SecureTeq threat detection solutions are designed to target these emerging threats using the most advanced detection tool available". The marketing strategy of this company is to utilize the fear of terrorism to push its service.

It is not only new companies that have sought to generate profit by linking themselves to the current security environment. Well-established companies, such as American International Group (AIG), have also attempted to reach new clients by responding to the threat of terrorism. On March 7, 2007, AIG announced the formation of AIG Homeland Security Solutions (SM). According to a press release, the new specialty unit will, "...provide access to insurance, risk management security products and services to help companies work to prevent, mitigate and recover from terrorist incidents and other potentially catastrophic events."[162] (AIG is one of the companies that required a "bail-out" package from the federal government, so one has to question their "risk management" strategy.)

The question of whether or not the products and services offered by these companies in the name of security are necessary is part of the current debate over homeland security articulated by John Mueller and Stephen Flynn. What the creation of these businesses and business divisions shows, however, is that the corporate world does

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[162] Business Wire. *AIG Homeland Security Solutions Formed to Help Manage Terrorism Exposure and Risks.* (Wednesday, March 7, 2007). <http://www.allbusiness.com/services/business-services/4538546-1.html>

respond to the defense environment in order to promote business and maximize profit across the board. They also provide services to governments, corporate firms, and private citizens in the name of homeland security.

Apart from defense-orientated corporations, pressure groups and lobbyists also seek to profit from defense dollars. In the wake of the terrorist attacks and increased spending on national defense, "homeland security pressure groups" have emerged. These groups include first responders, state officials and industries such as airlines, who have an incentive to lobby lawmakers for funding allocated to homeland security initiatives. Veronique de Rugy is correct in her assertion that, "Agencies, including the DHS, are often aggressive advocates of the expansion of their own budgets and protect vigorously their statutory mandates."[163] Interest groups such as those in the environmental lobby have become more involved in the funding allocation process as they seek resources to support their own programs. For example, environmental groups have become more involved in the Army's Corps of Engineers' budget dealing with control and protection of inland waterways.[164]

The Public/ Private Debate

Businesses and government departments seek to maximize their share of defense dollars. Yet many of these same and private businesses are unwilling to spend on defense-related initiatives when they are unlikely to see a return on their investment.

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[163] Veronique de Rugy. "What Does Homeland Security Spending Buy." *AEI Working Paper # 107*, p. 7.
[164] Michael D. Kanner. "Show Me the Money." *APSA.NET* (January 2004), p 105-106.

This dilemma relates to the public/ private debate over whether or not companies and businesses should be compelled to pay for increased security. While it is recognized that security serves as a public good, some scholars argue that private enterprises should also bear the burden of additional security measures - especially if the government mandates these measures. Stephen Flynn examines this line of thinking in his book, "America the Vulnerable." He notes, "The only way to prevent the tragedy of the commons is to compel all the private participants to abide by the same security requirements. When these standards are universal, their cost is equally borne across the sector."[165] This public/ private debate over paying for mandated security is a complex issue. Are these measures of real public benefit, or are they meant to help individual corporations? US port security serves as an example of this dilemma. Some American ports are operated by private companies - forcing them to pay for increased security could have the affect of making them uncompetitive and may lead shippers to seek out other ports. But, at the same time, this raises the question of whether or not taxpayers should have to pay for increased security at ports that are run by publicly owned port authorities. The high fees associated with increasing security mean that the ports become less competitive resulting in business moving elsewhere.

Conclusion

During the Cold War, money was spent to guard against a Soviet nuclear attack on the United States and (in keeping the America's offensive strategic culture) to protect US interests abroad. It was difficult to determine how effective these government-

[165] Stephen Flynn. *America the Vulnerable* p. 56

spending initiatives were because the ultimate goal was deterrence. Today, America finds itself in a similar situation. There is increased spending on homeland security programs and policies, yet debate continues over the effectiveness of these plans. Whether or not national security policies can be deemed effective is really a matter of conjecture without additional intelligence. It is impossible to know how many would-be terrorist plots have been failed.

Regardless of how effective or ineffective spending on homeland security initiatives proves to be, it is clear that it is in the interest of government departments and private companies alike to maximize their share of dollars for defense. As a result, individual services within the military compete for budget funds, politicians engage in pork-barrel tactics to bring defense money to their electoral districts, and new and established companies seek to respond to the security environment in order to maximize profits. While everyone is seeking to maximize their own bottom line, none of the partners wants to spend on initiatives that will not prove profitable. Hence, there is a debate over whether security should be funded by public or private spenders. This debate will be further examined in the next chapter, which deals with the concept of "security without sacrifice" or providing security to the American public without causing unnecessary inconvenience to everyday life.

MINIMIZING THE COSTS: SECURITY WITH MINIMAL SACRIFICE

Security Without Sacrifice: A Balancing Act

Joseph S. Nye famously noted that, "Security is like oxygen. You tend not to notice it until you begin to lose it."[166] Following the September 11, 2001 terrorist attacks on the United States, homeland security policies were enacted in order to increase the security of American citizens. Immediately following the attack, the populace was quick to embrace new measures designed to prevent future attacks from happening. Fearing that they too would succumb to a terrorist plot, people initially welcomed these sometimes extreme "terror prevention" practices. As time went on, however, and another terrorist attack on the United States was not forthcoming, it became evident that there was a limit to how much inconvenience the public was willing to accept in the name of "security". Thus, while all citizens proclaimed their support for measures to guard against future terrorist attacks, it is not evident that a majority are willing to submit to security checks just to go to the mall or the movies. This point illustrates the fourth facet of American strategic culture illustrated by the Mueller-Flynn debate: the desire for "security without sacrifice". Thus, homeland security initiatives must strike a balance between increasing perceived security, and not unduly inconveniencing citizens and imposing costs on businesses. This principle is evident in the enactment of policies concerning port security, border security, and personal travel. This is further demonstrated by the growing backlash to legislation such as the Patriot Act, that restricts

[166] Joseph S. Nye. "Strategy for East Asia and the U.S.-Japan Security Alliance." *Defense Issues.* V. 10, N. 35 (1995).

civil liberties and in legislation passed during the Cold War, which sought to limit the rights of citizens labeled "communists".

The concept of achieving "security without sacrifice" is all about balance. In the case of homeland security, it involves finding the balance between measures that can be seen by the public to reduce the risk of a future terrorist attack, and not causing seemingly unnecessary costs and delays for people going about their day-to-day lives. For government officials, another type of balance is also required – the balance between demonstrating that this issue of security is being taken seriously by legislators, and not paralyzing the public by enacting excessive policies which raise their expectations about the effectiveness of homeland security measures to impractical levels. Frank P. Harvey explains, "...we typically perceive a greater loss in security from a minor failure than a corresponding gain in security from news that a major attack was prevented or that a significant counterterrorist success was achieved..."[167] This concept of security without sacrifice involves reassuring the public that security is an important concern, but allowing daily life and commerce to function normally. Policies and practices aimed at keeping potential threats out of the country cannot serve to keep business from entering the country. The American populous is galvanized by large-scale catalytic threats that shock the public into accepting a military response to a threat. This was especially true after such an attack was realized on 9/11.

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[167] Frank P. Harvey. "The Homeland Security Dilemma: Imagination, Failure, and the Escalating Costs of Perfecting Security." *Canadian Journal of Political Science.* V. 40, N. 2 (June 2007), p. 294.

During the Cold War, the threat of Soviet nuclear attack led to public acceptance of a draft. Citizens were willing to accept this measure until the conflict in Vietnam, when the cost of containment became too high. Richard A. Melanson notes that, "The Vietnam War shattered the domestic foreign policy consensus so painstakingly constructed by presidents Truman, Eisenhower, and Kennedy..."[168] While the public may support a military reaction to a threat against national security, few individuals are willing to enlist in the armed forces themselves. Vincent Davis explains that, in the post-Cold War period in particular, this phenomenon has gotten more severe. He notes that, "A fundamental fact seems clear: Americans do not personally like to fight in wars, especially and most particularly in ground forces. Americans have strongly and often passionately, sometimes even violently, resisted personal participation in combat, and have used various means, including political efforts, to avoid circumstances that could require such participation."[169]

Scholars such as Davis note that while American citizens often generate patriotism in times of crisis, there has always been a corresponding resistance and controversy over the decision to go to war. Since the Second World War, the American willingness to volunteer for active service has diminished. Davis explains this phenomenon by recounting an experiment he once conducted in one of his classes. In 1962, during the Cuban Missile Crisis, Davis asked his students to put up their hands if they thought the United States should go into Cuba and get rid of Fidel Castro. He noted

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[168] Richard A. Melanson. *Reconstructing Consensus: American Foreign Policy Since the Vietnam War.* (New York: St. Martin's Press, 1991), p. iii.
[169] Vincent Davis. "Sources of American Conduct in the Post-Cold War World." *American Diplomacy.* V. II, N. 3 (1997), p. 2.

that almost all of his students' hands went up. Then he asked the class to raise their hands if they were personally willing to enlist in the military and deploy to Cuba. That time, no hands went up.[170] A key facet of American strategic culture is the desire to balance between patriotism and support for the armed forces, and individualism and the reluctance of individuals to volunteer to go to war.

The balance between increased security and public sacrifice extends into the realm of civil liberties. While citizens want to ensure that the government is taking steps to guarantee security, there is debate over whether or not the government has the right to curtail civil liberties in the name of safety. While most people are in favour of the government tracking down terrorists, they are not willing to submit to random searches in public locations, or allow the government to listen in on their private phone conversations. American citizens, who are used to being protected by the Constitution, become fearful of the government's "big brother" tactics when they think that their rights are being eroded by government activities.

Past Restrictions on Civil Liberties

In the United States, citizens have often been asked to accept limits on their civil liberties in the name of heightened security measures. The rationale behind this concept is that civil liberties must be balanced with security initiatives, especially in times of crisis. During the Civil War, President Lincoln suspended habeas corpus and declared martial law in Maryland to restore order to Baltimore and to enable Union forces to

[170] Davis, p. 5.

protect Washington. Lincoln declared that this restriction of civil liberties was necessary to ensure public safety.[171] Fearing the dissolution of the Union and the wanton destruction of Washington, there was no widespread public outcry to Lincoln's decision to suspend habeas corpus. Citizens decided that the sacrifice of this right was an acceptable measure in order to protect the capital. This lack of public discontent set a precedent for the acceptance of heightened security measures in times of crisis.

Following the United States' entrance into World War I, the public once again accepted restrictions placed upon their civil liberties in the name of security.[172] In 1917, Congress enacted the Espionage Act, which made it a crime for any person in the United States to willfully, "cause or attempt to cause insubordination, disloyalty, or refusal of duty in the military forces of the United States or to willfully obstruct the recruiting or enlistment service of the United States."[173] The Espionage Act of 1917 imposed limits on American freedom of speech, but was accepted by the public as a necessary war-time measure. This legislation was followed in 1918 by the Sedition Act that criminalized the "...utterance, printing, writing, or publishing of any disloyal, profane, scurrilous, or abusive language intended to cause contempt or scorn for the form of government of the United States, the Constitution, or the flag or to utter any words supporting the cause of

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[171] Col. Daniel Smith. "Spying and Lying in 21st Century America." *Foreign Policy in Focus.* (January 26, 2006), p. 2.

[172] 1917 Espionage Act. A Copy of the Act is available online: <http://74.125.95.132/search?q=cache:NIbMzGLMq_0J:1stam.umn.edu/archive/historic/pdf/Espionage%2520Act%2520of%25201917%2520and%2520current%2520version.pdf+1917+espionage+act&cd=4&hl=en&ct=clnk&gl=ca>

[173] Quoted in Geoffrey R. Stone. "Civil Liberties in Wartime." *Journal of Supreme Court History.* p. 225.

any country at war with the United States or opposing the cause of the United States."[174] These restrictions on freedom of speech were accepted when they were initially adopted, but were later repealed as the public came to view them as unnecessary obstructions of civil liberties.[175]

The "Red Scare" of 1919-1920 resulted in the restriction of American civil liberties. Following the Russian revolution, citizens in the United States feared the expansion of communist ideas into their country. US Attorney General, A. Mitchell Palmer created the General Intelligence Division (GID) within the FBI, and appointed J. Edgar Hoover to route out information about potential communists. Between November 1919 and January 1920, the GID conducted a series of raids on supposed communist "hot spots" in thirty-three cities. More than 5000 people were arrested in these raids and detained on suspicion of "radicalism".[176] Far from outraged, at least initially, the public supported these raids as a necessary tool for containing the spread of communism and the supposed threats that ideology would bring to American society.

Fear of communism was also used to justify the raids on supposed communists that were carried out during the "McCarthy period" in the United States. Senator Joseph McCarthy tried to sell the national security implications of communism as an electoral platform. Inciting fear in the public that radical communists had infiltrated the

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[174] Ibid, p. 227.
[175] Howard Ball. *The USA Patriot Act of 2001.* (ABC-CLIO, 2004).
[176] Federal Bureau of Investigation. "Investigative Programs: Counterintelligence Division."
<http://www.fbi.gov/hq/ci/cihistory.htm>

government, McCarthy triggered five major congressional investigations between 1950 and 1954, which sought to uncover treasonous behaviour at home.[177] Even Hollywood got caught up in the search for communists. This led to writers, actors, and directors all getting blacklisted as communists and being denied work in the industry. Jentelson notes that this suspicion spread into all aspects of civil society, "Scientists who held jobs requiring security clearances lost their positions. The country was consumed with paranoia."[178] The House Un-American Activities Committee, the Senate Internal Security Committee, and the Senate Permanent Subcommittee on Investigations carried out 109 investigations into supposed subversive activities.[179] Even notably liberal universities and colleges were not free from the grasp of McCarthyism. In 1954, Reed College Philosophy professor Stanley Moore was fired for his overt Marxist beliefs.[180]

Eventually, the public determined that the severe restrictions placed on civil liberties as a result of McCarthyism were not warranted. After attempting to go after the Army, McCarthy was censured by the Senate. A series of Supreme Court Cases in which the court ruled against McCarthy's policies signaled the end of this repressive system. The Court ultimately served as a check on Congressional power by repealing legislation that had gone too far in limiting civil liberties. Today, parallels are often drawn between the repressive measures of McCarthyism and policies enacted following the 9/11 terrorist

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[177] Jerel A. Rosati and James M. Scott. "The Politics of United States Foreign Policy, 4th Edition." (Belmont, California: Thompson, 2007), p. 315.
[178] Jentelson, p. 122.
[179] Richard M. Fried. *Nightmare in Red: The McCarthy Era in Perspective.* (Oxford: Oxford University Press, 1990), p. 150.
[180] Michael Munk. "Reversing the Verdicts: The Case of Reed College." *Monthly Review.* V.43, N.10 (March 1992), p. 1.

attacks. The debate over how far the government can go to enact legislation that limits civil liberties is one that repeats itself following every major threat to national security. This debate is part of the wider Mueller-Flynn debate over the effectiveness of homeland security measures enacted following the September 11, 2001 attacks.

Post-9/11 Security Without Sacrifice: Securing Critical Infrastructure

One of the foremost goals of all legislation passed immediately following the 9/11 terrorist attacks was the protection of "critical infrastructure" within the United States. Section Two of the Homeland Security Act of 2002 defines "critical infrastructure" as, "...systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health and safety, or any combination of those matters."[181] Homeland Security Presidential Directive 7 (HSPD-7) outlined seventeen critical infrastructure sectors that must be considered when writing security policies. These seventeen sectors include[182]:

- Agriculture and food
- Banking and finance
- Chemical commercial facilities
- Commercial nuclear reactors
- Materials and waste
- Dams

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[181] Justia.com. "Homeland Security: Critical Infrastructure." <http://law.justia.com/us/cfr/title06/6-1.0.1.1.9.0.1.2.html>

[182] Government Accountability Office. "Critical Infrastructure Coordination Issues." (October 2006), p. 2.

- Defense industrial base
- Drinking water and treatment systems
- Emergency services
- Energy
- Government facilities
- Information technology
- National monuments and icons
- Postal and shipping
- Public health and healthcare
- Telecommunications
- Transportation systems

Measures aimed at protecting critical infrastructure also seek to protect "key resources", "...publicly or privately controlled resources essential to minimal operations of the economy or government, including individual targets whose destruction would not endanger vital systems but could also create a local disaster or profoundly damage the nation's morale or confidence."[183] Critical infrastructure and key resources allow the United States to function normally. People use these services everyday; yet, rarely do they think about how best to protect these assets until they are threatened.

The 2002 Homeland Security Act gave the Department of Homeland Security primary responsibility for critical infrastructure protection in the United States. However, since eighty-five percent of the country's infrastructure, including banking, and

[183] Government Accountability Office. "Critical Infrastructure Coordination Issues." (October 2006), p. 2.

financial institutions, telecommunications networks, and energy production and transmission facilities are owned by the private sector, businesses have a vested interest in this pursuit as well. The precedent for government-industry cooperation was established by the May 1998 Presidential Decision Directive 63 (PDD-63), which stated that critical infrastructure protection was a national goal that both the government and the private sector had to work towards in order to secure physical and cyber-based systems critical to the minimum operations of the government and economy.[184] Following the 9/11 attacks, HSPD-7 dictated that DHS is responsible for the coordination of national critical infrastructure protection efforts and for creating uniform policies, approaches, and methodologies for integrating federal infrastructure protection and risk management activities within and across sectors. HSPD-7 outlined two roles for DHS: (1) to produce plans for sharing information with state and local governments and the private sector, and (2) to develop procedures for disseminating security information with other departments and agencies and the private sector.[185] While the DHS is the lead agency in formulating homeland security policies, this institution must work with private businesses to ensure that security policies do not place unreasonable constraints on business.

One of the first areas of critical infrastructure protection that was addressed following 9/11 was that of port security. Every day millions of shipping containers arrive in the United States. The use of commercial airliners as missiles on September 11, created concern that commercial shipping containers could also be used as weapons. The

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[184] Government Accountability Office. "Critical Infrastructure Coordination Issues." (October 2006), p. 2.
[185] Ibid.

Commissioner of the Department of Homeland Security's Customs and Border Protection Agency articulated this fear stating, "The sum of all fears is a nuke in a box."[186] The fear of nuclear weapons arriving undetected in the United States in a shipping container and then being detonated in a major city was a primary concern for policymakers. Standardized shipping containers transport ninety-five percent of U.S. imports and exports by tonnage, with many companies employing a "just-in-time" shipping model that requires parts to arrive in a speedy fashion.[187] Therefore, measures implemented to address the fear of shipping containers being used as bombs had to take into account the need for a quick turnover rate of these containers to companies requiring that the their contents be delivered on time.

A Port Security War Game, sponsored by the global management technology and consulting firm, Booz Allen Hamilton, and The Conference Board took place on October 2-3, 2002. This simulation was attended by eighty-five leaders from various government and industry organizations with an interest in port security. The war game scenario involved the accidental discovery of a radioactive explosive device located in a shipping container on a truck leaving Los Angeles. Further in the simulation, suspected terrorists were detained at the Port of Savannah and another bomb was detected in Minneapolis, which had been routed through the Port of Halifax.[188] Finally, a third bomb was

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[186] Quoted in Eric Lipton. "Loopholes Seen in U.S. Efforts to Secure Overseas Ports." *The New York Times.* (May 25, 2005), p. A6.
[187] Lawrence M. Wein, Alex H. Wilkins, Manas Baveja, and Stephen E. Flynn. "Preventing the Importation of Illicit Nuclear Materials in Shipping Containers." *Risk Analysis.* V. 26, N. 5 (2006), p. 1377.
[188] Mark Gerencser, Jim Weinberg, and Don Vincent. *Port Security War Game.* (Washington, D.C.: Booz Allen and Hamilton, Inc., 2003), p. 1.

exploded in Chicago. This simulation sought to force policymakers and port security stakeholders to consider all of the consequences of a terrorist attack on the United States involving commercial shipping containers. Since millions of cargo containers are delivered to the country each year, the feasibility of such an attack was considered realistic by the war game organizers.

What the war game participants discovered, was that while a port could easily be closed in the event of a major disaster, the financial fallout of such a closure would make things extremely difficult. Further, they determined that, although several agencies had unilateral authority to close a port in the event of a terrorist attack, there were no clear guidelines established for reopening that port and resuming commercial activity.[189] The importance of striking a balance between allowing trade to function while increasing security at the same time was demonstrated by a government estimate which revealed that, "a 10 to 20 kiloton nuclear weapon detonated in a major seaport would kill between 50 000 to 1 million people, and would result in direct property damage of $50 billion to $500 billion, losses due to trade distribution of $100 million to $200 million, and indirect costs of $300 billion to $1.5 trillion."[190] In keeping with the desire for security without sacrifice, this war game clearly demonstrated the need for port security initiatives to achieve an equilibrium that would function in such as way as to decrease the risk of a terrorist attack, but that would still allow for commerce to flow at a relatively uninterrupted rate. While there is concern over the possibility of the loss of American

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[189] Ibid, p. 2

[190] Transcript of Senate Homeland Security and Governmental Affairs Subcommittee on Permanent Investigations Hearing on Security of Ocean Shipping Containers. (CQ Homeland Security News, May 26, 2005).

lives as a result of a terrorist attack, there is still concern over how much security initiatives will cost.

The United States Bureau of Customs and Border Protection (CBP) launched the Container Security Initiative (CSI) in 2002. This initiative was designed to increase security of shipping containers and contain the risk of such a container being used as a weapon by terrorists. CSI is intended to accomplish three primary goals: first, to identify high-risk containers based on advanced intelligence; second, to evaluate and prescreen containers at their point of departure so as to detect at-risk containers as early in the supply chain as possible; third, to prescreen containers using X-ray and gamma ray technology and radiation detectors to identify suspicious containers without slowing down trade.[191] Ports that opt to become part of the CSI program must meet specific requirements set by CBP: they must process a considerable volume of U.S.-bound imports, and they must invest in container scanning devices. In return for following these guidelines, containers originating at CSI compliant ports are expedited through U.S. customs. This program is currently operational at fifty-eight ports in North America, Europe, Asia, Africa, the Middle East, and Latin and Central America.

The Container Security Initiative was designed to "...address the threat to border security and global trade posed by the potential for terrorist use of a maritime container to deliver a weapon."[192] The fact that CSI was designed to enhance security by preventing a

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[191] CBP.org. "CSI in Brief." <http://cbp.gov/xp/cgov/trade/cargo_security/csi/csi_in_brief.xml>
[192] Ibid

trade slow down means that the program's effectiveness has often been called into question. While CSI aims to "target" containers that are deemed to be suspicious, due to time restraints, not every at-risk container gets inspected. The security without sacrifice tradeoff dictates that the inspection of questionable containers cannot hold up an entire shipment of goods. Indeed, the hourly waiting cost of a container ship arriving at its US destination port is tens of thousands of dollars.[193] While most policymakers and industry professionals alike are in favour of increased security, there is a financial interest in making sure that CSI does not become too costly by unnecessarily slowing down trade.

Another initiative that was launched to increase port security was the Custom-Trade Partnership Against Terrorism (C-TPAT). This program was launched in November of 2001. C-TPAT, like CSI, requires that companies follow certain criteria for securing their supply chains in order to participate in this endeavor. Companies that agree to follow these regulations are granted benefits. They include: fewer CBP inspections, priority processing for CBP inspections, assignment of a C-TPAT Supply Chain Specialist to work with the company to improve security, eligibility for the CBP Importer Self-Assessment Program, and the eligibility to attend security seminars organized by C-TPAT.[194] This program demonstrates the government's attempt to reconcile the desire for security without sacrifice by forging government-private company partnerships. The need for security measures that do not hinder trade can also be seen by attempts made to make the U.S. border more secure.

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[193] See Joe Charlaff. "Containers: The Next Port Call for Terrorism?" *Homeland Security and Resilience Monitor.* V.5, N.5 (June 2006), p. 14 – 15.
[194] CBP.gov. "C-TPAT Overview."
<http://www.cbp.gov/xp/cgov/trade/cargo_security/ctpat/what_ctpat/ctpat_overview.xml>

A Border Closed to Terrorism but Open to Trade

In its new heightened security environment, the United States has sought security measures that open the borders for trade, but, at the same time, close them to would-be terrorists. This can be clearly seen with border security initiatives aimed at the Canada-United States border. Daniel Drache notes that, "Post September 11, the border is expected to operate like a Kevlar vest, stopping everything in its path, without hindering the free movement of goods and services."[195] The Smart Border Agreement saw the establishment of the Fast and Secure Trade program (FAST) and the NEXUS program. These two initiatives demonstrate that in the post-9/11 world where security is of heightened importance, the United States has sought to create programs and policies that serve to facilitate cross border trade, while at the same time create institutions that further strengthen border security.

The Smart Border Declaration was signed on December 12, 2001. The drafters of the Declaration structured the agreement around three pillars: technical and policy cooperation, bureaucratic cooperation and high-level political attention, and implementation across a defined issue area.[196] The programs created as a result of these initiatives have sought to demonstrate that improved cross border trade practices and increased security are not necessarily irreconcilable foreign policy objectives.

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[195] Daniel Drache. *Borders Matter: Homeland Security and the Search for North America."* (Black Point, Nova Scotia: Fernwood Publishing, 2004), p. 88.
[196] Foreign Affairs and International Trade Canada. *The Canada-US Smart Border Declaration.* (February 7, 2003).
<http://www.dfait-maeci.gc.ca/anti-terrorism/declaration-en.asp>

One of the United States-Canadian bilateral initiatives undertaken as part of the Smart Border Declaration is the Free and Secure Trade Program. FAST was established in December of 2002 when President Bush and Canadian Prime Minister Chrétien met on the Detroit side of the Ambassador Bridge to launch this initiative. This program is, "...a joint Canada-US initiative involving the Canada Border Services Agency and the United States Customs and Border Protection. FAST supports moving pre-approved eligible goods across the border quickly by verifying trade compliance away from the border."[197] Like C-TPAT, the FAST system allows goods to flow across the border without being delayed at the port of entry for a lengthy inspection. FAST works by dividing shippers and carriers into two categories: those who have agreed to enhanced security measures, and those who have not. This program speeds up freight shipment by using truck lanes designated for pre-approved drivers and cargo. Since freight is pre-checked before arriving at the border, shippers who use a just-in-time system of cross-border trade will have an incentive to integrate customs pre-screening into their supply chains. In this way, it becomes a joint government-private sector initiative with the goal of benefiting the two interests.

Another institution created to sustain the flow of people across the border was the NEXUS program. Although this initiative was developed in November of 2000, before the terrorist attacks, it was expanded as a result of the Smart Border Declaration.[198]

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[197] Government of Canada: Canadian Border Services Agency. "NEXUS Lanes to Open Across Canada." (Press Release, 2002).
<http://www.cbsa-asfc.gc.ca/media/release-communique/2002/0308ottawan-eng.html>
[198] Customs and Border Protection. *NEXUS Program.*
<http://www.cbp.gov/xp/cgov/travel/trusted_traveler/nexus_prog/>

NEXUS recognizes the high volume of cross-border movement of citizens from the United States and Canada. It serves as a clearance system that employs high-tech ID cards which allow individuals, specifically business travelers, to cross the Canada-U.S. border more quickly.[199] This program serves the public's desire for security without sacrifice by allowing low-risk individuals to bypass lengthy wait times at high-traffic border crossings, and allows officials from both Canada and the United States to spend more time investigating individuals who might pose more of a security threat.

The Secure Border Initiative (SBI) is a third institution aimed at securing America's borders against terrorists while at the same time balancing trade and commerce interests. SBI is unique in that it is the United States' first unilateral border security initiative that was undertaken without consultation with Canada and Mexico. DHS Secretary, Michael Chertoff, announced this program on November 2, 2005. SBI is a technologically advanced, multi-year plan to secure America's border approaches and reduce illegal immigration through comprehensive upgrading of technology used in controlling the border, including improved communications assets, expanded use of manned and unmanned aerial vehicles (UAVs), and state-of-the art detection technology.[200] This program seeks to partner state and business actors in order to secure the border. Private companies will provide the technology that will be used in monitoring compliance with the initiative. SBI's security measures place emphasis on the use of new technology and improved infrastructure to increase border security. This

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[199] Elinor Sloan, p. 62.

[200] The White House, President George W. Bush. "Comprehensive Immigration Reform." (2005).
<http://www.whitehouse.gov/infocus/immigration/>

use of technology such as UAVs and improving infrastructure will increase security with minimum upset to citizens who have to cross the border.

Former United States Ambassador to Canada, Paul Celucci, once stated that in the case of the Canada-United States border, "Security trumps trade".[201] However, time has shown that this is clearly not the case. Closing the border to trade has proven to be too great a sacrifice. In order to keep commerce flowing, the border needs to permit the swift passage of goods and people from one country into the other. The Smart Border Declaration was a Canadian initiative but the US, especially in border states, and US business that are engaged with trade with Canada were receptive notwithstanding the statement by former US Ambassador Celucci that, for America, "security trumps trade." The enactment of the Smart Border Declaration demonstrates that when it comes to seriously inconveniencing US citizens or seriously disrupting trade, American strategic culture dictates that efforts will be made to minimize adverse affects of security measures.

Following the 9/11 terrorist attacks, the U.S. government adopted legislation that put restrictions on personal rights in order to increase security. Some of these acts, such as the US Patriot Act were accepted initially, but were later called into question in the years following the attack. At issue was the question of how far was too far with regards to the government limiting individual rights and freedoms in the name of security. This phenomenon of an administration limiting civil liberties following a security crisis is

[201] Paul Cellucci. *Unquiet Diplomacy.* (Key Porter Books, Ltd., 2007).

nothing new. It seems that Congress and the public at large are willing to accept more limiting measures in a period immediately following a threat. Yet as time elapses, they begin to question whether or not the erosion of these rights is too great of a sacrifice.

Post-9/11 Restrictions on Civil Liberties

The USA Patriot Act (henceforth the Patriot Act) was signed into law on October 21, 2001.[202] The statute's title is an acronym for: Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorists. Enacted by President Bush just forty-five days after the 9/11 terrorist attacks on the United States, this act expanded the definition of terrorism to include domestic terrorism, and enhanced federal authorities' abilities to conduct surveillance and detain non-citizens. This law also expanded the power of the Secretary of the Treasury to regulate the activities of U..S financial institutions, and it created new crimes, procedures, and penalties pertaining to both domestic and international terrorists. Section 214 of the Act increased the power of the FBI to allow it access to both criminal and foreign intelligence cases so long as a judge ruled that the information would be 'relevant' to an ongoing investigation. Similarly, Section 215 of the Act changed the law surrounding record checks so that third party holders of financial, library, travel, video rental, phone, medical, church, synagogue, and mosque records can be searched without the knowledge or consent of the target.[203] The Patriot Act was passed by wide margins in both the House of

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[202] Public Law 107-56 (October 26, 2001). Available for download online: <frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ056.107.pdf>

[203] Jill Hills. "What's New? War, Censorship, and Global Transmission." *The International Communication Gazette.* V.68, N. 3 (2006), p. 206

Representatives and the Senate; however, many of the components of the Act were subject to a sunset clause whereby they would have to be renewed by Congress in 2005.

In the years following the terrorist attacks, opposition arose around the terms of the Patriot Act. Some scholars, such as Christopher Finan, thought that the terms were too severe, and imposed unjustifiable limits on civil rights.[204] The most controversial measures involved information sharing from criminal investigations between the FBI and intelligence agencies, and the use of roving wiretaps across multiple communications devices, facilitated government access to business records, and "sneak and peek" search warrants that allowed authorities to search homes and businesses without prior notice.[205] Critics were concerned that information about domestic criminal activity would be labeled a matter of "national security" in order to legitimate search and seizure of evidence for those criminal cases without a warrant. Those in favour of continuing to limit civil liberties argue that these measures are a small price to pay for security. They cite the sacrifice made by soldiers in arguing that giving up some peacetime freedoms to increase security is a minimal sacrifice. Others who oppose the surrender of civil liberties in the name of security argue that while it might be necessary for soldiers to risk their lives to fight a war successfully, it is never 'necessary' for civilians at home to give up their freedoms since freedoms that are surrendered are difficult to win back. Scholars at the Migration Policy Institute have summed up this debate noting that, "It is too easy to say that if we abandon our civil liberties the terrorists win. It is just as easy to say that

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[204] Christopher M. Finan. *From the Palmer Raids to the Patriot Act.* (Beacon Press, 2007).
[205] Congressional Digest. "Civil Liberties in Times of War: 2005-2006 Policy Debate Topic." (September 2005), p. 193.

without security there will be little room for liberty. What is hard is to take both arguments with equal seriousness and to integrate them within a single framework."[206] This debate has carried on throughout American history as politicians and citizens have sought to balance civil liberties with security measures following threats to national security.

Implications for the Debate

The Mueller-Flynn debate also raises the question of how best to achieve a balance between ensuring public safety and not causing unnecessary inconvenience to the public that doesn't accomplish anything. Mueller suggests that the port security and container policies enacted by the United States serve only to frustrate trade and cause delays in the supply chain. Flynn agrees that these initiatives are not yet effectual, but unlike Mueller, he argues in favour of a more aggressive infrastructure protection plan. Flynn suggests that, "The carrot of facilitation that comes from participating in these programs is not matched by a credible stick."[207] Flynn supports expanded measures in the name of security, regardless of the trade delays these measures would cause. It seems that reaching a consensus on what constitutes the "balance" between "security and sacrifice" is an impossible goal.

In the wake of national security disasters, the government acts quickly to respond to renewed threats by enacting new measures and policies aimed at increasing public

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[206] Migration Policy Institute. "America's Challenge: Domestic Security, Civil Liberties, and National Unity After September 11." (2003).
[207] Flynn, America the Vulnerable, p. 107.

security. While the public may be initially willing to accept seemingly extreme measures in the name of security, eventually they will resist the burden of so-called security measures that do not seem to be immediately effective at guarding against future threats. Few wars that America has been involved in have not generated domestic opposition because of the sacrifice they require. The government must enact policies that achieve the requisite balance between "security and sacrifice" if these measures are to be accepted by the public. In the wake of the 9/11 attacks, citizens were willing to accept extreme measure to ward against the potential for additional terrorist attacks. A few years after these attacks, these measures came under increased scrutiny, and people became weary of the loss of their civil liberties.

Looking Forward

Homeland security remains an important challenge in the United States today. Although there have been many changes in American politics since the September 11, 2001 terrorist attacks, the four key characteristics of American strategic culture demonstrated by the Mueller – Flynn debate remain constant. While the formulation of defense policy still lacks consensus during the policy making phase, the United States continues to favour an offensive strategic culture by means of forward defense. There is a general desire to maximize the benefits of defense policies to regional and national state and non-state actors, and defense policies still need to balance the dual goals of increasing security and minimizing public inconvenience.

Eight years after 9/11, the political landscape looks different from how it was viewed in 2001. Republican President, George W. Bush has been replaced by a Democrat, President Barack Obama. There have been three different secretaries of the Department of Homeland Security, with Obama appointee, Janet Napolitano currently filling this position. In addition, an economic crisis has gripped the United States over the past year. Despite all of these changes, an examination of the key tenets of American strategic culture makes it clear that President Obama has the debate in mind as he begins his first term in the White House.

A Lack of Consensus

The first characteristic of American strategic culture demonstrated by the Mueller-Flynn debate is the lack of consensus that is inherent in the policy formation

stage of any given piece of security legislation. While the authors disagree over the effectiveness of homeland security measures, members of the House and Senate disagree over how best to respond to national security threats. The lack of a clear, easily discernable "national interest" by which to set national security policy results in politicians arguing with one another about how best to enact legislation that will protect the public from threats facing the United States. This lack of consensus was present during the Cold War when President Reagan proposed his Strategic Defense Initiative. It was seen again in the post-9/11 period during the creation of the Department of Homeland Security, and this practice continues today following the inauguration of the Obama administration.

Upon taking office, President Obama was faced with a crippling meltdown of the American economy. He promised that swift action would be taken in order to facilitate economic recovery.[208] While it was agreed that action was needed in order to address this dire situation, there was once again a lack of consensus over how best to tackle this problem. Following the announcement of Obama's proposed economic stimulus package Republicans, "...slammed Obama's blueprint, finding creative ways to express how devastating they say the proposal will be to the nation's financial standing."[209] This lack of consensus over how best to approach the economic problem extended to the Democratic Party as well. Another news report indicated that, "Democratic leaders are also scrapping Mr. Obama's plan to direct more money to the financial sector bailout and

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[208] Susan Milligan and Sasha Issenberg, The Boston Globe. *Obama Promises Better Days, Calls For Nation to Pull Together.* (February 25, 2009).
[209] FOXNews.com. "Obama Tries to Break Down Rising Resistance Over Budget." (Tuesday, March 24, 2009).

restore some of the money-saving budget moves the president said he eliminated last month when he unveiled his $3.6 trillion request for the fiscal year that begins in October."[210] What seems to be at issue for both Republicans and Democrats is the large projected deficits over the next several years. While policymakers seem to agree that a healthy economy is in the "national interest", there is a lack of consensus over whether or not running a deficit would help to achieve this goal.

An Offensive Strategy Featuring Forward Defense

The preference for an offensive strategy is the second feature of American strategic culture demonstrated by the debate. The United States favours a strategy that sees wars fought away from the American homeland. The period following the Second World War saw the creation of institutions meant to guide national security. The creation of these institutions prepared America to become increasingly and globally engaged and allowed the military to prepare to fight wars overseas. Successive presidential doctrines including the Truman Doctrine, the Reagan Doctrine, and more recently, the Bush Doctrine have further entrenched the preference for forward defense. The 2002 and 2006 National Security Strategy documents written as a response to the terrorist attacks on the United States reinforced this preference for an offensive strategic culture, as did the military's decision to concentrate on campaigns that took place away from the continental United States instead of participating in homeland security activities.

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[210] PBS.org. "Democrats Plan to Cut Billions From Obama's Budget Request." (Wednesday, March 25, 2009).

This preference for an offensive strategic culture has been continued by the Obama administration. In his inaugural address the incumbent President stated that American security, "emanates from the justness of our cause; the force of our example; the tempering qualities of humility and restraint."[211] He further noted that the United States would, "...begin to responsibly leave Iraq to its people and forge a hard- earned peace in Afghanistan."[212] While budgetary pressures may curtail America's involvement in Iraq, the preference for forward defense is seen in the continuation of the mission in Afghanistan.

Maximizing the Benefits of Defense Policy

There is a tradition in the United States of seeking to enact profitable defense policies that will garner politicians favour with their constituents. This phenomenon has led to the prominence of pork-barreling related to defense policies, whereby politicians seek to link unrelated legislation to bills meant to enhance national security. Politicians pander to their electoral districts by supporting defense legislation that will generate profit and income for their home regions. Although successive administrations have sought to enact policies to curb these practices, they remain common in today's political environment.

With regards to the practice of pork-barreling, President Obama stated that, "Congress's practice of adding last-minute pet projects to legislation was a recipe for

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[211] Barack Obama's Inaugural Address. (Published: January 20, 2009.) <http://www.nytimes.com/2009/01/20/us/politics/20text-obama.html?_r=1&adxnnl=1&pagewanted=2&adxnnlx=1238594484-981bLGN2qGVCm1BivvwXqw>

[212] IBID

ongoing "waste, fraud and abuse".”[213] While Obama has stated his desire to curtail this practice he also signed a $140-billion omnibus spending bill that was, “...laden with more than 9,000 of the controversial "earmarks".”[214] Given the current economic crisis, there will, without a doubt, be pressure from both parties to use homeland security spending as part of the stimulus package.

Security With Minimal Sacrifice

Finally, an important element of American strategic culture is the necessity of creating policies that seek to balance the goals of increasing national security while at the same time minimizing the inconvenience of such initiatives to the general public and private businesses. Citizens are more willing to accept limitations on their personal freedoms in the name of security immediately following a terrorist attack or a terrorist attempt on American soil. Yet, as time goes on, if another attack or a renewed threat of attack is not forthcoming, then the populous is likely to question these restrictions and call for amendments. The concept of “security without sacrifice” also refers to the balance that must be sought between guarding against homeland security threats and allowing trade to function normally. Policy must achieve equilibrium with the seemingly contradictory goals of increasing security while imposing only minimal inconvenience on business and the general public.

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[213] National Post. “Obama promises greater scrutiny of pork-barrel projects” (March 11, 2009).
<http://www.nationalpost.com/story.html?id=1377897>
[214] Leader-Post. “More scrutiny of pork-barrel projects: Obama”. (March 11, 2009).
<http://www.leaderpost.com/business/fp/More+scrutiny+pork+barrel+projects+Obama/1377844/story.html>

The US PATRIOT Act has been a contentious issue in the United States since it was passed following 9/11. There has been debate over whether or not such a piece of legislation is necessary to increase American security. While he has expressed concern over this Act, President Obama has recognized the need to balance enhanced security measures with the preservation of civil liberties. In response to questions regarding his stance on legislation such as the PATRIOT Act, Obama's website contains the heading, "Obama Has Consistently Said He Would Support A Patriot Act That Would Strengthen Civil Liberties Without Sacrificing The Tools That Law Enforcement Needs To Keep Us Safe."[215] The new administration will seek to achieve a balance between security measures and minimizing inconvenience.

Conclusion

While the election of the Obama administration has brought change to the American political landscape, American strategic culture has remained static. The debate over how best to approach the economic crisis demonstrates that there remains a lack of consensus inherent in the policy formation process. The re-emphasis placed on the war in Afghanistan demonstrates the continued preference for an offensive strategic culture that utilizes forward defense. The continued practice of pork-barreling and the continuation of the "homeland security industrial complex" indicates that politicians and businesses alike will continue to maximize the benefits of defense policies. Finally, Obama's stance on the PATRIOT Act indicates that there is a continued need to achieve

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[215] Obama/ Biden. "Fact Check: Obama's Consistent Position on the Patriot Act". (January 5, 2008). <http://factcheck.barackobama.com/factcheck/2008/01/05/fact_check_obamas_consistent_p_1.php>

a balance between enhancing security and minimizing any ill-effects of that objective to the public and to private business. These policy objectives are entrenched in American strategic culture and are unlikely to change regardless of successive administrations, or future threats to the homeland of the United States.

The question of whether or not the United States' approach to homeland security has worked is moot because it is bound up in the wider debate. It is impossible to determine whether or not the absence of another terrorist attack on US soil is the result of the success of forward defense efforts in Afghanistan, Iraq, and now Pakistan. If another attack were to occur in the United States tomorrow the Mueller/ Friedman side of the debate would argue that the attack could not have been prevented by increased spending on homeland security. At the same time, the Flynn side would posit that the attack was proof that further spending on homeland security was necessary. It is not possible to determine which side of the debate is "right" because what is important is that, together, the two sides of the debate demonstrate that American strategic culture serves as an indicator for how the United States responds to threats to national security.

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Curriculum Vitae

Born in Toronto, in 1985, Sara McGuire is currently a Master of Arts Candidate in the War Studies program at the Royal Military College of Canada in Kingston, Ontario. She completed her Bachelor of Arts Honours Degree in Political Studies at Queen's University in 2007, where she graduated on the Dean's Honour List. Sara has presented papers at a number of academic conferences including: the Sixth Annual REGIS Graduate Student Conference in Montreal, the Northeastern Political Science Association's 40th Annual Meeting in Boston, this year's Fourth Annual Dalhousie Graduate Conference in Halifax, and the Eleventh Annual Strategic Studies and Security Consortium Student Conference in Calgary, Alberta. She currently serves as the civilian student representative for the War Studies Department at RMC. Sara will begin her PhD in Political Science at McMaster University in Hamilton, Ontario in September of 2009.