



NATIONAL SECURITY COUNCIL

Homeland Security

By Laura Dean

Introduction

Soon after the devastating attacks of September 11, 2001, an entirely new vocabulary entered the American lexicon. Color-coded alerts, warnings to stock up on duct tape, and stringent airport security were among the more popularly known federal responses to the unprecedented terrorism. In the interest of mobilizing a federal force to protect the American people from both internal and external security threats, President George W. Bush authorized the formation of a new cabinet agency devoted to this homeland defense. It has become imperative that the American government address safety concerns that arise within its own borders.

History

Following the terrorist attacks on the United States on September 11, 2001, former US President George W. Bush founded the **Department of Homeland Security (DHS)**. Domestic security concerns had theretofore been under the jurisdiction of an assortment of **Executive offices** charged with monitoring national security threats. However, 9/11 provoked a national cry for improved prevention and protection.

The DHS, officially established on November 25, 2002, is charged with protecting the security and well-being of the American people in conjunction with the President's Homeland Security Council—which is, in turn, related to the **National Security Council**. With a looming threat of increased terrorist activity against the US, several Executive Branch offices related to issues of homeland security were consolidated in order to more efficiently and proactively address domestic security concerns. In mobilizing those offices into a single Cabinet agency, the President was forced to delineate those federal responsibilities that were to fall within its domain. The Homeland Security Act of 2002 excluded the **Central Intelligence Agency (CIA)** and **Federal Bureau of Investigation (FBI)** from the jurisdiction of the DHS and established the following founding goals: “(A) prevent terrorist attacks within the United States; (B) reduce the vulnerability of the United States to terrorism; and (C) minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States.” Led by Secretary Michael Chertoff, the DHS strives for strategic goals in the interest of leading a “unified national effort to secure America.” Those goals are awareness, prevention, protection, response, recovery, service, and or-

Department of Homeland Security (DHS)—*the executive department that coordinates defense offices against terrorist threats.*

Executive offices—*the governmental departments that fall under the authority of the President's office.*

National Security Council—*a committee that advises the President on matters of domestic and international security.*

Central Intelligence Agency—*federal institution responsible for conducting all overseas intelligence collection; the CIA does not have jurisdiction within US borders.*

Federal Bureau of Investigation—*the federal police and investigatory force.*

ganizational excellence.

This mission expanded to cover immigration concerns following the DHS's absorption of the now defunct United States Immigration and Naturalization Service. Since that merge and in the midst of a raging national debate about the status of foreign aliens and illegal immigrants, the DHS has been leading the Executive agenda to secure American borders against what the Bush administration had feared was an over-influx of illegal immigrants. In his 2008 State of the Union Address, former President Bush pointed to the necessity of securing America's borders against those intending harm against the US, lawfully accepting and supporting foreign workers, and catching and deporting illegal immigrants entering the US in skyrocketing numbers. One fear that the DHS has identified in conjunction with its efforts against illegal immigration is the threatening cesspool of discontent and unrest that could conspire with or inspire domestic terrorism. This fear stems from both the threat of terrorists entering the country with malicious intent and also from concern about illegal immigrants who feel terrorized themselves by an allegedly unwelcoming government.

Protect American Act (PAA) of 2007

Building off of legal precedents set by the Patriot Act and the Intelligence Reform and Terrorism Prevention Act, the **Protect America Act (PAA)** of 2007 seeks to promote security and help to implement 9/11 Commission and Weapons of Mass Destruction (WMD) Commission recommendations while protecting fundamental civil liberties. These recommendations particularly stress implementing more stringent border control that operates at all entrance points to the United States and checks every person, including those entering from Canada (which has historically not been required). The PAA was authorized to modernize the **Foreign Intelligence Surveillance Act (FISA)**. Its methods include expanding the jurisdiction for intelligence collection now made possible by technological advances and suspending the requirement for court approval to do foreign surveillance on foreign soil. By eliminating certain legal barriers to intelligence surveys, the PAA—just a year old—has opened up new avenues for international surveillance that have translated to shifts in domestic policy, including, for example, the government declaring its right to unwarranted wiretapping of suspicious individuals under the 2001 USA PATRIOT Act.

Immigration Reform

The Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 (H.R. 527/S. 9) stands as the most comprehensive approach to immigration policy in American history. It compresses many separate issues, such as a border fence, illegal immigration, and lawful immigrant labor, into one piece of legislation. The bill would

Protect American Act (PAA)—2007 amendment to FISA that lifts the requirement that a warrant be obtained in order to investigate targets; makes government surveillance of individuals easier.

FISA—1978 Act of Congress authorizing means for surveillance and collection of “foreign intelligence information” among suspicious characters within the intelligence community; American citizens are also subject to surveillance under the law.

have established legal status and a series of steps to legal citizenship for the approximately 12 million illegal immigrants living in the United States. Although hailed as a compromise between immediate legalization and more stringent border control, the bill died in both houses of Congress.

Encompassing the entirety of the previous attempt at immigration reform, this bill would have permitted undocumented immigrant minors to attain citizenship if attending college or serving in the US military. Conservatives argued that providing amnesty for illegal aliens merely rewards them for disregarding US immigration laws, while liberals expressed concern that the allocations and support for citizenship were unfair and introduced too many convoluted regulations for those trying to become citizens. These liberal opponents specifically criticized the guest worker program reform, which mandated that each guest worker return to his/her home country for a year after the work visa has expired and before returning to the US. Although the bill failed, it heralded a new era in immigration policy and introduced new concerns in homeland security: who is American, who can come into the United States, and how can the government effectively protect itself from potential threats stemming from undocumented immigration?

Domestic Concerns

While the United States is constantly aware of the challenges presented in securing itself in the international scene, homeland security concerns have received increasing attention as the nation realizes that many of its recent global challenges stem from a shaky foundation at home. The following are two case studies in destabilizing and threatening domestic security issues.

Immigration

As discussed earlier, comprehensive immigration reform has become a major focus of American policy. While the waters surrounding the issue can be tricky to navigate—especially as policy decisions walk the line between domestic and international issues—it has become imperative for the United States to declare a clear and concise policy regarding immigration and illegal alien status. The Bush administration was adamant in improving border control measures. In October 2006, former President Bush declared, “Ours is a nation of immigrants. We’re also a nation of law...We have a responsibility to enforce our laws... [and] secure our borders.” In this vein, he signed into law the **Secure Fence Act of 2006**, a bill authorizing the construction of hundreds of miles of additional fencing along the southern border of the United States, in addition to vehicle barriers, checkpoints, lighting, and employment of advanced technology by the DHS to reinforce basic infrastruc-

Secure Fence Act—bill authorizing the construction of hundreds of miles of additional fencing along the southern border of the United States, in addition to vehicle barriers, checkpoints, lighting, and employment of advanced technology by the Department of Homeland Security to reinforce basic infrastructure.

ture. The long-standing strategy in the Bush administration was to more firmly implement preexisting immigration laws—which adamantly oppose unqualified amnesty—although this is likely to change under President Obama’s administration.

Proposed legislation would have introduced a new “Z” class of visas, given to all illegal immigrants in the United States as of January 1, 2007. The “Z” visa would grant immigrants legal right to remain in the United States indefinitely and access to a Social Security number. These persons would be eligible for a Permanent Resident Card (so-called “green card”) upon paying a \$2000 fine and back taxes on their period of employment. The bill, however, complicated the process by stipulating that green card applicants apply from their home country. Further concerns were those of “chain migration,” in which naturalized citizens bring any family members into the country, and employer-sponsored immigration. The replacement system for the latter was a points-based merit system, under which prospective guest workers tally “points” for qualifications like education and English proficiency and gain admission to the country based on their score.

In addition to considerations of citizenship, immigration policy reform also addresses guest and temporary worker programs. Many conservatives oppose guest workers increasing presence in the American job market at all, arguing that such immigrant workers take away jobs from Americans. The logic behind this argument is that foreign workers, particularly those from poorer countries, are accustomed to working for lower wages and thus take jobs from American workers. However, despite these complaints, the most recent attempts at immigration reform have included provisions for guest workers, specifically the “Y” visa. Under its regulations, guest workers are granted temporary residence (two years) and then required to return to their home country for a year before reentering the United States. Preference would not be granted to family members of Y visa workers in considering green card applications.

At this point, immigration reform has come to a standstill in the Congressional realm. The incoming president, however, is eager to address immigration concerns. Of particular concern from a national security standpoint is monitoring the persons that enter the nation and to what extent they are granted asylum/citizenship. It is imperative to balance the American promise of democracy and civil freedoms with domestic security and a sense of nationhood.

Domestic Terrorism

While international terrorist threats have dominated American—and global—consciousness for years now, the threat of internal, or domestic, terrorism in the United States is one that has been fermenting for much longer. The most extreme act of domestic terrorism in recent his-

“Z” visa—a document that grants immigrants the legal right to remain in the U.S. indefinitely.

“Y” visa—a document that grants guest workers a temporary residence of two years before they are required to return to their home country; after a year in their home country, they are allowed to reenter the U.S.

tory was the Oklahoma City Bombing of 1995, perpetrated by Timothy McVeigh. Historically, domestic terror threats have come from neo-Nazi and anarchist groups disenchanted with the American government. The social theory behind the practice stems from a drive to delegitimize the state, to undermine its authority and reveal its apparent weaknesses and/or failings to the rest of the nation and the world.

Recent legislation enacted primarily in the name of protecting the United States from international terrorists has contributed to significant progress in monitoring and limiting all anti-American activities within the country's borders, putting potential domestic terror threats in the sights of the DHS. The most controversial law as of late has been the **Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act** of 2001. Signed into law by former President Bush in October 2001, the Patriot Act expands federal authority to fight terrorism by granting law enforcement agencies the right to search communication, medical, and financial records. In addition, the Act opens avenues of foreign surveillance, deportation, and domestic surveillance of foreign individuals. Although approved by wide margins in both houses of Congress, a number of Federal courts have struck down unconstitutional provisions, and the public has widely criticized alleged violations of civil liberties. In July 2005, the US Senate passed a reauthorization bill, which was later modified by the House and eventually ended up changing very little in the original bill.

The Patriot Act addresses surveillance, anti-money-laundering, border security, terrorism investigation, treatment of victims and families of victims, information sharing (especially among federal agencies), and improved intelligence. Under constant scrutiny is the federal employment of the liberties allotted to the government under the Patriot Act's provisions. Take, for example, the wire tapping scandal that swept the United States during December 2005. It came to the attention of the public that the US National Security Agency (NSA) had authorized mass monitoring, without warrant, of phone calls, e-mails, Internet activity, and text messaging among persons believed to be "of interest" to foreign surveillance. The so-called "terrorist surveillance program" was defended to the media outcry by the Bush administration as part of foreign intelligence, a method authorized under the Foreign Intelligence Surveillance Act of 1978. The issue, however, was that the Bush had authorized the NSA to proceed with warrant less surveillance without the required permission of the **Foreign Intelligence Surveillance Court**. Although the controversy has moved out of the public eye, federal agencies are still grappling with Constitutional issues of civil liberties, the adequacy of such surveillance as a tool in the war on terror, and the legality of leaking and publishing classified information gleaned from this surveillance.

USA PATRIOT ACT—*controversial law passed in response to the September 11 attacks that intended to provide the U.S. intelligence community with more information by allowing them to monitor people within the country.*

Foreign Intelligence Surveillance Court—*US federal court established under the FISA of 1978 that has jurisdiction over surveillance warrants and charges against foreign intelligence agents operating within the FBI.*

Conclusion

Homeland security has become a major **buzzword** in the American consciousness over the past eight years, as the possibility of terrorism constantly threatens the security that Americans had so long enjoyed up until the attacks of 9/11. The relatively new Department of Homeland Security has been instrumental in mobilizing federal agencies to target threats to domestic well being. In the years following 9/11, however, the US has come to confront an entirely new array of terror threats, particularly those that stem from residents housed within its borders, whether legally or illegally. At the attention of the President right now is how best to protect American from itself, as well as whom the federal government should consider to be American.

Buzzword—a word or phrase, often sounding authoritative or technical.

Bibliography

Comprehensive Immigration Reform Commission Act of 2007 <<http://thomas.loc.gov/cgi-bin/query/D?c110:3:./temp/~c110WHjPmK::>>

Department of Homeland Security <<http://www.dhs.gov/xabout/laws/>>

“Fact Sheet: Ending Chain Migration.” *The White House* <<http://www.whitehouse.gov/news/releases/2007/06/20070601-22.html>>

“Fact Sheet: The Protect America Act of 2007.” *The White House* <<http://www.whitehouse.gov/news/releases/2007/08/20070806-5.html>>

“Legal Authorities Supporting the Activities of the National Security Agency Described by the President.” *Department of Justice* <<http://news.findlaw.com/hdocs/docs/nsa/dojnsa11906wp.pdf>>

“National Security Council.” <<http://www.whitehouse.gov/infocus/nationalsecurity/>>

President Bush Signs Secure Fence Act. The White House <<http://www.whitehouse.gov/news/releases/2006/10/20061026.html>>

“The USA PATRIOT Act: Preserving Life and Liberty.” *Department of Justice* <<http://www.lifeandliberty.gov/highlights.htm>>