Reform, Reorganization, and the Renaissance of the Managerial Presidency: The Impact of 9/11 on the Executive Establishment

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In the wake of 9/11, realigning the human and financial resources of the executive branch to fight the war on terrorism quickly became the defining mission of George W. Bush’s transformed presidency. This article assesses the ways in which 9/11 impacted on the executive branch of the U.S. government, using a framework of “punctuated equilibrium” to posit that the terrorist attacks on New York and Washington added considerable force to trends already in motion. September 11 proved a catalyst for significant institutional changes, such as the enhanced role of the vice president in policy making and the reorganization of the federal government and intelligence apparatus. Organizational reforms, driven in a top-down fashion by the White House, reflect President Bush’s confidence in the managerial presidency: the notion that preventing future terror threats is effectively a problem of executive control, bureaucratic coordination, and adequate funding.

On September 11, 2001, the extensive death and destruction heretofore perpetrated by terrorists elsewhere finally reached the American homeland. On the evening of those atrocities in New York and Washington, President George W. Bush (2001a) sought to reassure the public and prepare the way for a war campaign unlike any other in U.S. history. Two days later, in a phone call to Mayor Rudolph Giuliani and Governor George Pataki of New York, Bush reiterated his “steady and strong” determination “about winning this war that has been declared on America.” “It’s a new kind of war. And I understand it’s a new kind of war. And this Government will adjust” (Bush 2001b). Realigning the human and financial resources of the executive branch to fight this war on terror quickly became the defining mission of Bush’s transformed presidency.

In a time of war, the presidency becomes the pivot point in the American constitutional order. Not surprisingly, the unprecedented scope of the terror attacks on New York and Washington and U.S.
intelligence sources’ failure to foresee and prevent the attacks fundamentally redirected Bush’s policy focus and decisions. Bush’s war on terror reoriented the work of the entire “presidential branch” (Hart 1987) comprising the White House, the Executive Office of the President (EOP), and cabinet departments and prompted the president to take unilateral actions through executive and other orders. The role and policy-making influence of the vice president was significantly enhanced. Dick Cheney has arguably become the most prominent vice president in U.S. history, whether operating in the public spotlight or, more frequently, behind the scenes. Organizational changes reverberated through the federal bureaucracy, and for myriad departments budgetary priorities shifted to counterterrorism activities. The massive reorganization of agencies into the Department of Homeland Security (DHS), the internal reforms of the Federal Bureau of Investigation (FBI), and the creation of the new post of Director of National Intelligence (DNI) were directly aimed at solidifying and coordinating federal counterterrorism efforts and emergency response management. Despite sporadic congressional resistance or inertia, the White House drove these changes and others in a top-down fashion.

Which paradigms offer insights to explain these post-9/11 dynamics surrounding the presidency and executive branch? This article posits “punctuated equilibrium” as a useful theoretical lens through which to view how America’s deadliest confrontation with terrorism impacted upon the executive branch. Indeed, the terrorist attacks added considerable force to several trends already underway before Bush’s presidency. While 9/11 bolstered the vice president’s influence in national security, the policy-making role exercised by Cheney’s predecessors had grown considerably in the last several decades, thereby providing a firm foundation for an even more significant advisory relationship and policy-making role in the White House. With respect to the massive reorganization of the federal bureaucracy, as a consequence of the creation of the DHS, the creation of new entities (e.g., the DNI), and the renovation of others (e.g., the FBI), 9/11 stimulated the requisite political will to accomplish many reforms that had been recommended previously by various commissions and the Congress but which had previously failed to garner consensus in the absence of crisis.
Bush’s leadership on the resultant functional changes, bureaucratic reforms, and reorganizations is best understood from the perspective of the “managerial presidency”—the notion that implementation of the president’s policy objectives is essentially a problem of effectively managing the White House and permanent bureaucracy (see Pfiffner 1991, 1-16). Although rare in recent decades, successive post-World War II presidents’ attempts to restructure the federal government represent “a changed conception of the role of the presidency in administration” unique to the modern office (Arnold 1998, 3). In the post 9/11 context, for Bush to signal his resolve as commander-in-chief and to win the war on terrorism required asserting optimal control over agencies with counterterrorism responsibilities.

Previous presidents have tended to approach the comprehensive reorganization of executive functions cautiously. Bush’s administrative strategy immediately after 9/11 was to centralize functions in the White House. Following the lead of many of his recent predecessors, he bypassed congressional approval and circumvented the career bureaucracy. When Congress threatened to pursue reorganization on its own, Bush quickly preempted the legislature with his own plan that sought to maximize influence over, and impose his own managerial vision on, any new structure. It is in this way that 9/11 provided a unique window of opportunity for the largest reorganization of federal responsibilities since the end of World War II.

This article unfolds in several stages. The first section sketches the notion of “punctuated equilibrium” as it relates to Bush’s managerial presidency. Subsequent sections synthesize Bush’s unilateral executive actions, the development of a stronger policy role for the vice president, reorganization and reforms of the federal bureaucracy and intelligence community, and the impact of post-9/11 budgetary decisions. The concluding section examines the prospects for success in the war on terrorism following the implementation of these far-reaching changes. Although no major terrorist attack on the United States has taken place in over four years, serious questions remain concerning federal emergency management coordination and preparation in the event of a major act of domestic terrorism, particularly in light of the federal government’s inability to respond adequately to hurricanes Katrina and Rita in 2005.
Punctuated Equilibria and the Managerial Presidency

Scholars have utilized various theories to explain stability and change in policy outcomes and institutional structures. Lindblom’s model of incrementalism sought to elucidate the relative durability of organizations and continuity in decision making. In an atmosphere of uncertainty, bureaucracies often “muddle through” with incremental approaches to problem solving to reduce risks (Lindblom 1959). The “garbage can model” is a variation on the same theme where choices are unclear and participation in organizations is fluid, outcomes are dependent on those resources and solutions available at a given time and place (Cohen, March, and Olsen 1972). Neither of these perspectives, however, effectively account for occasionally dramatic, nonincremental shifts in organizational structures, processes, and policy outcomes. Contrastingly, Baumgartner and Jones’ (1993) notion of punctuated equilibrium seeks to explain significant changes in the policy process. Periods of relative systemic stability—even gridlock—are periodically interrupted by considerable transformations in policies and organizational structures. Moreover, “[c]omplex interactive political systems,” Jones, Baumgartner, and True (1998) contend, “do not react slowly and automatically to changing perceptions or conditions; rather, it takes increasing pressure and sometimes a crisis atmosphere to dislodge established ways of thinking about policies” (2). Government-wide changes in structure and policy output are most likely to occur when a fundamental reinterpretation of the role of government takes place.

When lacking such a reinterpretation of government’s place in society, recent presidents have nevertheless tended to eschew comprehensive reorganization plans—and for good reason. As Pfiffner (1996, 91) notes,

the problems associated with large-scale reorganization exact a high cost in terms of presidential energy, political capital and good will. They take up valuable time and must be traded off against other policy priorities. Turf battles must be fought with Congress, the bureaucracy, and interest groups who are all jealous of whatever power they have and will not give it up without a fight.
Although some writers lament contemporary presidents’ shunning of comprehensive reorganization planning in favor of centralizing functions in the White House (Moe 1990, 129), presidents cannot be faulted for shirking such efforts given their predecessors’ records. President Johnson failed in his attempt to create a Department of Economic Affairs. President Carter could not muster support for a Department of Natural Resources. Furthermore, in a stinging defeat, Richard Nixon’s proposal for a massive reorganization of domestic functions into “super agencies” over which he hoped to exert considerable control fell on deaf ears in Congress (see Arnold 1998; Nathan 1975).

Consistent with the punctuated equilibrium model, most successful large-scale executive reorganizations creating new departments and enhancing presidential administrative authority have typically been the products of crises, whether real or perceived. Decontrol of the wartime economy following World War II, the emerging Cold War, and new technologies precipitated the passage of the 1947 National Security Act, which sought to rationalize military and intelligence structures (Hogan 1998). Similarly, President Carter’s successful campaign for the Department of Energy was a response to the energy crisis of the 1970s.

The establishment of the DHS and the DNI, the reform of intelligence and domestic law enforcement agencies, and the enhanced role played by Vice President Cheney may be explained by the presidential, congressional, and public reactions to the 9/11 crisis. Domestic security was thrust to the top of the government’s agenda. Even as attention refocused on other matters, such as the economy, public concern regarding terrorism remained high (Kiefer 2001). The high expectations that the federal government should and would safeguard the homeland provided a significant bastion of support for reorganization that had been previously missing. Scores of proposals for reforming intelligence and domestic security had been floated forward from President Truman. Yet, apart from enhanced congressional oversight, few innovations were achieved in the absence of a major intelligence failure of the magnitude of the 9/11 attacks (Best 2004). The widely held view that the agencies responsible for domestic security had not taken terrorist threats sufficiently seriously before 9/11 clearly motivated presidential and congressional reorganization plans (Robbins 2002).
Unilateral Presidential Actions

Scholars have recently begun to refocus attention on the formal, legal powers of the president, including executive orders and decisions that do not require congressional assent (Cooper 2002; Howell 2003; Mayer 2001). Indeed, many significant actions taken by President Bush in the aftermath of 9/11 that had broad implications for homeland security were initiated directly by the White House. Figure 1 traces executive orders, National Security Presidential Directives (NSPDs), and Homeland Security Presidential Directives (HSPDs) from 2001-05. The data presented are issues relating solely to domestic security or counterterrorism, with the Afghanistan and Iraq military operations excluded.

The data underscore just one of the ways that 9/11 transformed Bush’s policy focus and activities. Domestic security matters constituted no less than a tenth of all executive orders from late 2001 until late 2005.

Figure 1. Unilateral Executive Actions on Domestic Security, 2001-05

Note: Data for 2005 are through October. Executive orders, National Security Presidential Directives, and Homeland Security Presidential Directives are those pertaining to homeland security; those concerning Iraq were excluded.
Early orders included blocking property and transactions of individuals supporting terrorism, protecting critical infrastructure, establishing the Office of Homeland Security (OHS) in the EOP, and transitioning the office to a new cabinet-level department in 2003, discussed below. Others comprised the establishment of a National Counter Terrorism Center and an order that targeted the financial resources of proliferators of weapons of mass destruction (Linzer 2005; Pincus 2005a). NSPDs and HSPDs promulgate presidential decisions on national security and homeland security, respectively. Bush implemented national security decisions ranging from cyber warfare to biodefense and nuclear weapons detection. Most of the HSPDs were issued under congressional statute once the DHS had been established in early 2003. The focus of the directives linked terror prevention to immigration, emergency management, preparedness, and food and biological defense policies.

**Dick Cheney: Vice President or Viceroy?**

For most of the history of the American republic, the vice presidency has scarcely been regarded as a locus of policy-making influence or of much importance in mediating policy outcomes between the executive and legislature. Franklin Roosevelt’s first vice president, “Cactus Jack” John Nance Garner, once referred to the office as nothing more than “[a] warm bucket of spit”—with the last word replacing an expletive. Nelson Rockefeller called the office “standby equipment” and told Richard Nixon that he had “never wanted to be vice president of anything.” However, when the man a heartbeat away from the Oval Office has had to succeed to the presidency, his lack of involvement in policy making can prove a serious liability, as the case of Harry Truman illustrates (Natoli 1985).

An excellent case may be made that much has changed for the vice presidential office in the post-World War II era—and that the office has reached the apex of influence under Dick Cheney. Presidents have, by some fits and starts, increasingly used their vice presidents in policy-making and influential advisory roles, both in domestic and foreign affairs. Gerald Ford tapped Nelson Rockefeller to head up the newly formed Domestic Council. The experience was less than successful
because the council’s proposals often ran counter to Ford’s tough budget stances. Internal White House rivalries further complicated matters (see Turner 1982). Rockefeller’s bid to manage the Senate similarly floundered (Hatfield 1997, 505-12). For Felzenberg (2001, 22), however, it was Walter Mondale who “was the first vice president to command major influence within and without the administration in which he served.” He was the first to occupy an office in the West Wing and to hire a significant staff. Carter gave him access to intelligence briefings and meetings, as well as the opportunity to intervene in domestic and foreign policies that interested him. Mondale (2002, A25) contends that “[u]nder Carter, for the first time, the one other elected national figure in the American government became an engaged participant in all the important issues confronting the president.” The gradual strengthening of the vice presidency continued under Presidents Reagan (Kengor 2000a; Reston 1985), George H. W. Bush (Duffy 1996; Kengor 1994), and Bill Clinton. In particular, the partnership forged by Clinton and Al Gore laid the groundwork for extensive policy entrepreneurship by the vice president (Conley 2002; Kengor 1997).

Vice President Dick Cheney stood poised to follow in his predecessors’ footsteps, build upon the foundation they had laid, and mold a vibrant vice presidential office. George W. Bush chose Cheney for his political acumen gained through over 30 years of national political experience. Cheney has extensive roots in the Republican establishment and unimpeachable credentials in conservative circles—at least among economic conservatives. He worked for Presidents Nixon and Ford before successfully running for Congress six times. As Secretary of Defense under President George H. W. Bush from 1989-92, he was instrumental in directing “Operation Just Cause” in Panama, which ousted dictator Manuel Noriega, and managing “Operation Desert Storm”—the Persian Gulf War—which drove Iraqi dictator Saddam Hussein’s troops out of Kuwait. Cheney had precisely the savoir-faire in congressional relations, White House operations, and foreign policy that could significantly enhance his advisory influence.

Even before 9/11, Cheney took on the management of the 2000 presidential transition—a task without precedent for a vice president. He recruited and vetted cabinet secretaries, including his mentor Donald Rumsfeld, whom he convinced to join the administration. He
also prepared the president’s first budget, pushed for tax cuts, and chaired the (controversial) task force on energy policy. Throughout Bush’s first term, he performed crucial liaisons with Republican members of Congress—and not just in his capacity as president of the Senate or to cast tiebreak votes in the upper chamber. He intervened in both chambers to convince skeptical conservative Republicans to cede ground for tactical reasons and support the president’s agenda. His efforts were particularly effective on tax cuts and prescription drugs for the elderly (Chaddock 2004; Cochran 2003; Hernandez 2004; Seckora 2003). If Cheney’s early imprint on the vice presidency was not impressive, the events of 9/11 provided him with opportunities to wield greater policy-making influence than his predecessors. As the president’s best-positioned loyal lieutenant, who had no designs on the top job himself because of health complications, he enjoyed Bush’s confidence in his counsel (Bumiller and Schmitt 2003). As Brinkley has observed, Cheney emerged as the principal advisor to Bush on the emergent war on terror: “He is the vortex in the White House on foreign policy making. Everything comes through him” (Slavin and Page 2002).

Cheney’s supposed command of national security and foreign policy in the Bush White House has had a number of ramifications. Part of this perception stems from the vice president’s public explanation of his role during, and his subsequent “disappearance” after, the 9/11 attacks. Apparently, it was he who made key national security decisions after the first aircraft hit the World Trade Center (Cheney 2001). It was also Cheney who phoned Bush in Florida, told him to remain away from Washington, and ordered the evacuation of Capitol Hill and cabinet members (Schmitt 2001). Cheney’s subsequent move to a “secure location” out of public view caused one veteran observer to ponder, “[s]ince when does the vice president need more protection than the president? It creates a lot of speculation about whether he’s ill, or on a secret mission or if they’re afraid he will overshadow the president” (Crummy 2001). Others pointed to Cheney’s ability to direct policy from anywhere utilizing an extensive personal network assembled over 30 years of public service. Spanning the Pentagon and major cabinet departments to key House and Senate leaders, this network generated vital information—“the coin of the realm in Washington” (Powell 2001).
Since 9/11, Cheney’s influence in the White House has scarcely waned. He visited numerous countries in the Middle East to rally support for the war to oust Saddam Hussein and for the war on terrorism (Orin 2002). He typically flies Air Force 2, which is more than just a symbolic representation of the authority with which he speaks for the administration; and when he makes public statements—on topics ranging from the legal status of al Qaeda and Taliban fighters detained at Guantánamo Bay to dire predictions that more terror attacks are likely on United States soil—it is clear that Cheney has the solid backing of the President (Johnson 2002; Price 2002). “I cannot think of any other vice president who has been permitted to speak out on such a delicate war-or-peace subject” as regime change in Iraq, wrote one longtime Washington observer. “Cheney’s voice carries the power of a vice president who is being increasingly perceived by the public as a man who is President Bush’s closest day-to-day adviser, particularly on the question of how to deal with the terrorists and Iraq” (Sperling 2002, 9).

Beyond his apparent decision making and the solid support that the president provides Cheney, the vice president has to some extent provided the intellectual context for Bush’s foreign policy decisions (Otterman 2002). In early 1997, Cheney cofounded the neoconservative think-tank Project for the New American Century (PNAC) alongside other prominent conservatives, including commentator William Kristol. Several PNAC members joined the administration, and Cheney acted as a conduit for their perspective on foreign affairs, which ultimately drove Bush’s decision to invade Iraq preemptively in March 2003. The PNAC (1997) advocates U.S. global leadership, favors military interventionism when diplomacy fails, and supports a foreign policy based on “moral clarity.” Five years before Bush’s decision to invade Iraq, PNAC leaders had written to then-President Clinton criticizing what they regarded as the failure of his containment policy toward Iraq, urging him to reassess Saddam’s threat to the Persian Gulf region, and to begin taking measures to remove him from power (Editorial 1998, A21). However, perhaps the most pivotal factor in Cheney’s influence is his ability to manipulate White House policy debates that often have the effect of sparking dissension among other administration officials, especially the secretary of state (Kengor 2000b). By most accounts, Secretary of State Colin Powell was considered “odd-man-out” in the administration debate on invading Iraq (Warshaw 2005), which bolstered
Cheney’s position. In the aftermath of the invasion, disagreements over the course of policy in Iraq continued “fortify[ing] Cheney as a center of gravity for Bush on choices of substance” (Hoagland 2005). Part of the reason seems to stem from Cheney’s predilection for offering advice that advocates resolute action, even at the expense of criticism or a temporary loss in public support, which appears to chime with Bush’s intuitions and instincts (Stevenson and Bumiller 2005).

Clearly, any assessment of Cheney’s long-term impact on the vice presidency is premature. To his detractors, he is a Machiavellian figure who has gone out of his way to “punish” critics of the administration. To his supporters, he is a savvy and indispensable advisor to President Bush. The question for scholars, as well as for future occupants of the Oval Office, is whether vice presidents should wield as much influence as Cheney ostensibly has during Bush’s two terms. The controversy over the alleged existence of weapons of mass destruction (WMD) in Iraq underscores the point. Cheney apparently played a pivotal role in interpreting intelligence reports. The claims of WMD were proven false after the Iraq invasion (Farrell 2003, A1). The suspicion is that Cheney’s upper hand in the Bush Administration policy debates detrimentally limited policy options. The danger, as former Vice President Walter Mondale has explained, is that “when others hear him talk like that they think the president is behind it” (Barnard 2004). For this reason, most scholars advocate a presidential advisory system in foreign policy decision making that allows multiple advocacies and does not prematurely cut off presidents’ options (see Hess 2002; Janiz 1972). What is clear is that, while it conforms to the notion of punctuated equilibrium, the post-9/11 vice presidency-centric decision-making apparatus in the Bush White House represents a singular model in the era of the modern presidency that raises important normative as well as practical questions. Whether this model survives in the post-2008 presidency remains to be seen.

**Reorganization and Reform of the Federal Bureaucracy**

George W. Bush’s immediate predecessors were either uninterested in expending the political capital necessary to win congressional
approval for major reorganizations of the federal bureaucracy, or they failed when they tried. In the last 30 years, Jimmy Carter was perhaps the most successful reformer, as he was ultimately able to goad Congress into creating new departments of Education and Energy. However, he failed to win approval for the more ambitious plans outlined in his book *Why Not the Best?* (see Moe 1980; Stanfield 1979). President Reagan’s Grace Commission was less an instrument for prompting reorganization than it was a denunciation of “waste, fraud and abuse” and allegedly excessive government spending (Arnold 1998, 375-6). Even Vice President Gore’s National Performance Review was primarily focused on reorganizing federal government functions. Instead, “reinventing government” was concerning supplanting traditional concerns regarding bureaucratic accountability with efficiency and entrepreneurship across the executive branch (Moe 1994). Indeed, the last major reorganization of the federal government dates to President Truman and the 1947 National Security Act, which unified the armed forces under a single department (Defense) and created both the National Security Council (NSC) and Central Intelligence Agency (CIA) (Hiatt 2002). Cold War imperatives demanded government action at that time.

**A Department of Homeland Security**

The 2003 reorganization of 22 federal agencies into a new DHS is one of the most visible aftereffects of 9/11. Just like the unification of the armed services in 1947, the reorganization follows the rationale of the punctuated equilibrium framework. September 11 gave precisely the “push” necessary to prompt lawmakers—and ultimately the president—to take action and streamline organizational structures to wage the war on terror more effectively and fulfill public expectations. Final legislative action came on the heels of many high-profile studies and reports that had called attention to the likelihood of domestic terrorism reaching American shores before the attacks on New York and Washington.

Protecting the United States from a terrorist incident had been on presidential and congressional agendas for years before 9/11. The 1992 bombing of the World Trade Center and the 1995 bombing of the Murra Federal Building in Oklahoma City accentuated the country’s
vulnerabilities. President Clinton signed an executive order and issued several Presidential Decision Directives in 1995 to enhance counterterrorism efforts (Beresford 2004, 3). By 1997, various commissions were emphasizing the centrality of domestic security and homeland defense in the new millennium. The National Defense Panel’s (1997) report, *Transforming Defense National Security in the 21st Century*, gave particular weight to the need to thwart nuclear threats and streamline the Department of Defense (DOD). Beginning in 1999 and based on five reports that underscored the potential threats from chemical, biological, radiological, and nuclear attack and the importance of domestic preparedness, the Gilmore Advisory Panel to Assess Domestic Response Capabilities for Terrorism involving Weapons of Mass Destruction initiated a review of federal programs and national standards. In 2000, the congressionally mandated National Commission on Terrorism, chaired by Paul Bremer, advocated targeting state sponsors of terrorism, loosening CIA guidelines on intelligence sources, and enhancing the FBI’s role in counterterrorism activities. In its last 2003 report, the Gilmore Advisory Panel continued to accentuate the need for information sharing across federal agencies as well as coordination with state and local governments. Finally, from 1998-2001 the Hart Rudman Commission (2001) on National Security in the 21st Century identified homeland security as one of five vital capabilities that the United States needed to develop or enhance. The report offered a prophetic and chilling warning.

The combination of unconventional weapons proliferation with the persistence of international terrorism will end the relative invulnerability of the U.S. homeland to catastrophic attack. A direct attack against American citizens on American soil is likely over the next quarter century.

Among its recommendations, the Hart Rudman Report called for a National Homeland Security Agency in which the Federal Emergency Management Agency (FEMA) would play a central role.

All of these past reviews of domestic terrorism prevention and preparedness failed to prompt bold governmental action. The attacks on New York and Washington on September 11 made these concerns matters of the utmost urgency. Through Executive Order 13228, in
October 2001 Bush established an OHS, which centralized the function swiftly in the EOP. Bush’s move was more than window dressing designed to show the country that he was “doing something” to fight terrorism. He appointed a well-respected and capable advisor, former Pennsylvania governor Tom Ridge, to head the OHS with the tasks of harmonizing counterterrorism efforts scattered across federal agencies and acting as “honest broker” in coordinating cabinet departments and agencies in policy making.

Problems with this “presidential advisor” model surfaced quickly. In particular, critical voices in Congress pointed to inherent weaknesses in Ridge’s post. Without any budget authority, they argued, the Homeland Security czar lacked sufficient human and financial resources, had no way to enforce decisions, and relied primarily on the power of persuasion, albeit as a trusted advisor with unfettered access to President Bush (Lindsay and Daalder 2003, 70). Matters came to a head in early 2002 when Ridge proposed merging elements of the Border Patrol, Coast Guard, and Customs Service. The proposal met with enmity from the chairs of relevant congressional committees determined to protect their turf. Others, including Democratic senators Joe Lieberman (D-CT) and Robert Byrd (D-WV), feared that without statutory authority for his position, Ridge was beyond congressional accountability—a fear that was seemingly given weight by Ridge’s refusal to testify before Congress on his office’s activities (Milbank 2002). President Bush had previously rejected the need for full-scale government reorganization. However, by March 2002, congressional calls for a full-scale reorganization of the federal bureaucracy became insistent. The White House reversed its position when it became apparent that the Congress would legislate with or without its blessing and in June 2002 introduced a proposal that sought to maximize presidential influence over the structure of any new cabinet-level department. Bush’s plan became the centerpiece of a debate that would not be reconciled until the 2002 midterm elections.

A conflict ensued between the White House and Senate Democrats, which was as much concerning Bush’s vision of managing the federal bureaucracy as it was concerning the specifics of homeland defense programs. Bush insisted on flexible personnel rules that far exceeded the latitude requested by his predecessors. In keeping with what Moynihan
calls the “New Public Management” agenda targeting efficiency (Moynihan 2005), the president demanded unprecedented discretion over hiring, firing, and transferring employees that ran counter to traditional civil service protections. The Republican-controlled House of Representatives passed Bush’s proposal in late July 2002 but when Senate Democrats who had a bare majority balked, Bush threatened to veto any measure that did not conform to his preferences. Ultimately, the legislation was resolved following the 2002 midterm elections in which Bush indefatigably reiterated the need for Republicans to win back control of the Senate and pass his bill. The GOP took back the majority and gained six seats in the House (Busch 2005). Realizing the inevitability that the 108th Congress would pass Bush’s proposal, Senate Democrats dropped their filibusters and the lame duck 107th Senate agreed to the bill 90-9 in late November.

The Homeland Security Act (Public Law 107-296) reorganized a host of federal responsibilities along functional lines. The major agencies transferred and renamed under various DHS directorates included Immigration and Customs Enforcement, Customs and Border Protection, the Coast Guard, the Secret Service, and the FEMA. Others comprised the National Cyber Security Division and the Transportation Security Agency, which oversees airport security.

Reorganization of intelligence gathering and management would be addressed through various reforms at the FBI and CIA, and through the creation of the DNI or “intelligence czar.”

Reorganizing government functions into the DHS may well solidify the federal government’s capacity for both domestic security and emergency management (Rubin 2004, 3). However, as Kettl (2004, 8) has explained, a major dilemma lies at the core of the DHS reorganization. The Bush Administration sought prevention: to do everything possible to ensure that those who might launch such attacks were stopped before they could try. However, they also needed to strengthen response: to do everything possible, should an attack occur, to minimize injuries, the loss of life, and damage to property. Administration officials knew that any attack was unacceptable but that total protection was impossible. The terrorists had proved that they were cunning
strategists who worked hard to identify and exploit points of vulnerability . . . Officials thus needed to maximize their ability to respond while doing everything possible to prevent attacks in the first place. [Emphasis in the original]

From the perspective of early 2006, it is clear that the DHS continues to struggle with these multiple and complex tasks. One of the first acts of Ridge’s successor, Michael Chertoff, was to embark on yet another extensive reorganization of the department’s functions to improve coordination at the top levels and to streamline intelligence. Resistance from some units, such as FEMA, has been palpable (Gorman 2005). With its traditional focus on emergency management and a continuing difficulty in balancing prevention and preparedness, FEMA may struggle to integrate into the broader DHS mission (Sylves and Cumming, 2004). FEMA’s example suggests that the culture of cooperation necessary for success may be years—if not decades—away, and that continual organizational tinkering may only exacerbate DHS angst. Furthermore, the DHS must face the insufferable possibility that its greatest successes in thwarting terrorism may never see the light of day, while the public and policy makers will surely assign the agency blame if its preventive efforts fail.

Of course, the DHS is only one of many federal entities engaged in the war on terror. Key law-enforcement and intelligence functions lie beyond the agency’s reach. Yet, in some measure, the success of the new department depends on information sharing with other executive organizations, including the FBI and the broader intelligence community.

Reform at the FBI and Department of Justice

The FBI is no stranger to controversy. In the 1970s, the bureau came under scrutiny by the Rockefeller Commission and the Church Committee in the Senate for alleged civil liberties violations. Incidents at Ruby Ridge, Idaho and at the Branch Davidian compound in Waco, Texas placed the bureau under the congressional microscope in the early 1990s. Further blunders, including the failure to turn over documents to the defense in Oklahoma City bomber Timothy McVeigh’s trail and the belated capture of Robert Hanssen—an FBI
agent who spied for the Russians for a decade—highlighted the agency’s managerial failures, damaged the organization’s reputation, and empowered its critics.

September 11 raised a very different and more deeply troubling question for the FBI: Why did the bureau fail to accurately analyze intelligence information, “connect the dots,” and anticipate the hijacking of commercial jets? (Betts 2004, 2-3). The FBI’s shortcomings on this score drew the indignation of many on Capitol Hill, including some of its traditional supporters, who began “chafing at a stream of stunning revelations that painted a picture in clear 20/20 hindsight of high-level bumbling by the bureau in the opening battles with terrorists” (Andersen 2002). Most damning was the FBI’s inability to link information from Minneapolis agent Colleen Rowley concerning the alleged “twentieth hijacker,” Zacarias Moussaoui, and Phoenix agent Kenneth Williams’s report that al Qaeda members were attending flight schools in the United States (Editorial 2002a, A20).

The short answer to these questions is incompetence in intelligence analysis at the top echelons of the organization. What followed 9/11 has not simply been reorganization of the FBI to redress these deficiencies; rather, the FBI’s primary mission has been fundamentally redefined from a traditional focus on law enforcement to counterterrorism. The implications of this shift in emphasis are particularly important in terms of intelligence gathering and information sharing.

The director of the FBI, Robert Mueller, had only been in post a week before the 9/11 attacks when he was immediately tasked with trying to remedy the perceived failures of the bureau, which included the anthrax mail attacks that followed 9/11 (Johnston 2001). By mid-October 2001, as the Bush White House mulled reorganization plans, both Attorney General John Ashcroft and Director Mueller emphasized the agency’s new mission in public comments (Shenon and Johnston 2001). By early November 2001, Ashcroft ordered a massive “wartime reorganization” of the entire Justice Department, including the FBI. Ten percent of the department’s budget of approximately $25 billion and ten percent of its Washington, DC staff would be redirected to antiterrorism as local authorities were given responsibilities for traditional law enforcement tasks, such as white-collar crimes. Revamping the agency’s obsolete computer system for
intelligence gathering would be given top priority (Eggen 2001; Washington 2001).

The massive shift of personnel to counterterrorism efforts and the creation of new units within the FBI have been impressive. In December 2001, Mueller created four new directorships in the bureau to supervise criminal investigations, counterterrorism and counterintelligence, law-enforcement services, and administration. Two other divisions were created to oversee computer-facilitated crimes and security (Seper 2001). In 2002, the bureau embarked on a campaign to hire 900 new agents, with special attention given to recruiting candidates with foreign language skills and law enforcement experience (Seper 2002a). Mueller also diverted 400 agents who had previously worked on drug cases to counterterrorism (Editorial 2002b, A14). All told, approximately 3,000 of the FBI’s agents—about a quarter of the work force—have been transferred to counterterrorism and staff a host of new units within the reorganized agency. Mueller also created a super-unit of “flying squads,” based at the Washington headquarters, to coordinate domestic and international investigations (Seper 2002b). These special units are dispatched around the nation to conduct surveillance of suspected terrorists (Editorial 2002c, A1). Joint Terrorism Task Forces (JTTFs) were created at all 56 local FBI offices. The JTTFs include agents who are “experienced in international and domestic terrorism investigations combined with other federal, state, and local law enforcement officers who bring a variety of skills to the task force environment” (Casey 2004, 2). Most recently, in June 2005 President Bush ordered the creation of a National Security Service (NSS) in the FBI to link counterintelligence and counterterrorism divisions (Eggen and Pincus 2005). The director of the NSS reports to the attorney general and FBI director, with the concurrence of the DNI.

In January 2003, the Bureau of Alcohol, Tobacco and Firearms (ATF) was transferred from the Department of the Treasury to Justice in a move aimed at giving ATF a tighter focus on traditional law enforcement. The move would also have the added benefit of compensating for the FBI’s changing role and enabling better coordination (Eggen 2003). The bureau established a director of intelligence position and by 2004 had doubled the number of intelligence analysts (Bowers 2004).
Although the transformation of the FBI is ongoing, the bureau’s critics continue to express objections on several different levels. For some on Capitol Hill, the bureau’s slow progress on its computer overhaul and turf battles with other agencies have contributed to a perception of procrastination. Director Mueller’s leadership has also come under attack. Indeed, Senate Republican Judiciary Committee chair Arlen Specter (R-PA) noted in a press interview that giving the DNI authority over the intelligence components of the FBI was a direct reflection of dissatisfaction with the bureau’s performance (Lichtblau 2005). Other critics are decidedly leery of the FBI’s role in intelligence gathering and worry that constitutional protections may be violated, particularly as the bureau works more closely with the CIA and DNI (“Intelligence Open to Abuse” 2005). Moreover, state and local governments are concerned regarding the loss of FBI support (Lyons 2002).

Whatever the extent of its transformation, the FBI’s most daunting task may be changing its organizational culture. Since its inception in 1935, the bureau has been a law enforcement agency with an emphasis on criminal prosecution and post facto chain of evidence (Editorial 2005, A16). “For this organization to be successful in preventing terrorism,” B. Guy Peters (2004, 236) has argued, “it would have had to become more concerned with prospective detection and then move toward a more active stance in prevention.” A recent internal Department of Justice study lends support to this argument. Between 2000 and 2004 the bureau’s caseload dropped by 45 percent, and far fewer of its 34,000 cases involved drugs, organized crime, civil rights, and fraud as other agencies, including the Drug Enforcement Agency, other federal agencies, and state and local law enforcement have picked up the burden (Eggen 2005). However, equally important is whether the bureau’s new substantive focus, lines of accountability, and intelligence-gathering efforts can avoid a repeat of the lapses that precluded agents from paying close attention to the Phoenix memo. Clearly, information sharing with other agencies, and removing traditional pressures to “make a case” before acting on information are vital (Carr 2002), and in these regards, the new DNI may have a particularly important role to play.
Reforming the Intelligence Community: A Director of National Intelligence

As with homeland security reorganization, an abundance of reports dating from the mid-1990s championed reform of the intelligence community to prepare for new threats to national security. The Aspin-Brown Commission on the Roles and Capabilities of the U.S. Intelligence Community emphasized the challenges of global crime, terrorism, international drug trafficking, proliferation of WMD, and international organized crime. The commission recommended the creation of a new committee in the National Security Council for such matters, highlighted shortcomings in the CIA director’s ability to manage intelligence, and recommended a new layer of deputies in the agency specifically to enhance coordination.

President Bush and the Congress conducted other more recent enquiries into intelligence capacity. Just months before 9/11, in May 2001, Bush issued NSPD-5 (2001), the objective of which was to “ensure that U.S. intelligence capabilities are honed to serve us on a wide range of critical challenges that face us now and in the future.” In response, CIA director George Tenet appointed two review panels, one comprising government officials and the other nongovernment experts. The text of these reviews was never made public. In 2002, however, the Joint Inquiry on the Terrorist Attacks of September 11, 2001 conducted by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence became the first to recommend establishing an intelligence czar—a statutory DNI—with the responsibility of coordinating intelligence across multiple agencies and overseeing their budgets. The Bush-appointed 9/11 Commission, the National Commission on Terrorist Attacks Upon the United States, reiterated the call for such a czar and further recommended establishing an NCTC (see Best 2004). In February 2004, after failing to find WMD following the invasion of Iraq, President Bush charged the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (2005) with analyzing the basis for intelligence shortcomings. The commission’s March 2005 report cast a deeply troubling pronouncement on the state of U.S. intelligence before the war in Iraq.
The Intelligence Community’s errors were not the result of simple bad luck, or a once-in-a-lifetime “perfect storm,” as some would have it. Rather, they were the product of poor intelligence collection, an analytical process that was driven by assumptions and inferences rather than data, inadequate validation and vetting of dubious intelligence sources, and numerous other breakdowns in the various processes that Intelligence Community professionals collectively describe as intelligence “tradecraft.” In many ways, the Intelligence Community simply did not do the job that it exists to do.

The 9/11 attacks, together with the embarrassment of intelligence failures that prompted President Bush to go to war with Iraq, provided the catalysts for intelligence reform.

Not surprisingly, the creation of an intelligence czar prompted some resistance from the intelligence community. Secretary of Defense Donald Rumsfeld created an undersecretary of defense for military intelligence as a hedge against anticipated changes and was criticized by some members of Congress for this action. Detractors contended the move was a direct challenge to the CIA (Pincus 2002). Two years later, as pressures for a new intelligence coordinator post mounted, interim CIA director John McLaughlin contended that a czar position “doesn’t relate particularly to the world I live in” and maintained that the CIA director could effectively carry out such a function (Taylor 2004).

Presidential intervention set the path to reform in motion. By EO 13354 in August 2004, President Bush implemented the 9/11 Commission’s call for an NCTC and a cabinet-level DNI (Federal Register 2004). The center’s tasks are (1) to serve as the primary organization for analyzing and integrating intelligence; (2) to conduct strategic planning for counterterrorism; (3) to assign operational responsibilities to lead agencies with counterterrorism activities; (4) to act as a repository for data; and (4) to ensure that agencies have appropriate access to intelligence. The center would thus assign and oversee the intelligence activities of the FBI, CIA, and DOD.

As the president awaited congressional legislation creating the NDI position to oversee its operations, NCTC operated temporarily under the CIA’s tutelage. In December 2004, the Congress finally enacted the National Intelligence Reform Act of 2004—the most significant reform
of the intelligence community since 1947. The legislation established the new DNI, who is appointed by the president and confirmed by the Senate, with responsibility for coordinating the efforts of 15 agencies with intelligence responsibilities and overseeing their budgets, including the NCTC. One problem that emerged was a conflict between Bush’s executive order creating the NCTC and the congressional legislation establishing the DNI over respective reporting capacities (Pincus 2005d). The NCTC director was to report on planning and progress of counterterrorism operations but was required to report to the DNI on budgetary matters. The bifurcated reporting structure could raise questions concerning which director would be the president’s principal advisor (Pincus 2005b). The congressional legislation intended the DNI to assume this advisory role. Following the confirmation of former United Nations ambassador John Negroponte as DNI, Senator Pat Roberts (R-KS), chair of the Senate Select Committee, noted that “certain ambiguities” in the legislation would have to be resolved. Roberts expected that the DNI’s position would “supercede” even that of Defense Secretary Donald Rumsfeld concerning intelligence (Shane 2005b).

Indeed, the lingering question is whether Negroponte or his successors can wield effective authority and influence to coordinate and oversee the far reaches of the intelligence apparatus. An even larger question is whether process will lead to better decision making and abuse of constitutional liberties. The statutory position created by the Congress certainly granted more independence and budgetary authority to the director than the OHS had for Tom Ridge. However, as one critic pointed out, “the DNI could wind up as powerless as the drug czars of past administrations. The DNI would have minimal staff and no power base” (Magnusson 2004, 84). The inevitable challenges of battling entrenched interests and bureaucratic inertia also raise serious questions concerning Negroponte’s potential for success. One 9/11 Commission member, Tim Roemer, suggested that the DNI “must have the full confidence and authority of the president to negotiate these turf battles, personnel battles and budget battles” (Priest and Wright 2005). Even before Negroponte’s confirmation by the Senate, Rumsfeld made a personnel move that was interpreted by some as a means of censuring information reaching the DNI: he directed his undersecretary for defense intelligence to “synchronize” intelligence reform within the
department (Pincus 2005c). Negroponte’s deputy, General Michael Hayden, has also suggested that the “most serious problem” facing the Office of the DNI was forging a “culture of cooperation” among intelligence agencies (Shane 2005a). This potential problem is not just a question of an individual agency’s cooperation with the DNI, but also one of interagency relationships that have often proven rocky. The CIA’s reticent collaboration with the DOD and FBI are prime examples (see Hitz and Weiss 2004; Russell 2002). Integrating these agencies’ intelligence-gathering work with the fledgling DHS is an additional challenge. Moreover, while Negroponte has indicated that he wishes to institutionalize a “devil’s advocacy” structure across agencies examining intelligence, there is no guarantee that “groupthink” will be avoided—or that the NDI will not influence the president’s decisions to the exclusion of all the other agencies (Editorial 2004, A30; Priest and Pincus 2005).

Negroponte’s initial steps as DNI do show signs of promise. As the office’s first director, he stands poised to leave a significant imprint on its future path. He came to the post with approximately 300 staff, which is expected to grow to 1,000. He has chosen personnel from diverse backgrounds, drawing from the CIA, the department of state, and the military. He has displaced the CIA director in the president’s daily intelligence briefings and has Bush’s confidence (Grier and Bowers 2005). He also faced down the Congress in an early and critical turf battle regarding his authority over personnel decisions. Representative Duncan Hunter (R-CA), chair of the House Armed Services Committee, ultimately backed off his insistence for a veto power over Negroponte’s decisions (Shane 2005). However, Senator Saxby Chambliss (R-GA), a member of the Senate Armed Services and Intelligence committees, has promised to reintroduce legislation to consolidate the Defense Department’s intelligence agencies under a single commander to facilitate the DNI’s coordination role (Chambliss 2005, 82). Negroponte also won the authority to share in choosing a new intelligence director at the FBI (Johnston 2005). Finally, Negroponte’s relationship with CIA director Porter Goss appears positive. They jointly announced the creation of a National Clandestine Service (NCS) within the CIA in October 2005 with the charge of improving human intelligence (HUMINT) capacity across agencies. The NCS is tasked with designing rules and establishing standards for
intelligence gathering to aid the military and such agencies as the FBI and minimize interagency conflicts (Jehl 2005).

Besides these potential coordination problems, there are concerns regarding possible civil liberties abuses. Paradoxically, without proper safeguards, an effective DNI stands poised to erode the historical wall between domestic intelligence gathering, under the purview of the FBI, and foreign spying, to which the CIA and military are constrained. Accountability for the use of government information concerning American citizens may also be blurred by minimizing the supervisory role of the attorney general over the intelligence arm of the FBI and by making the DNI answerable directly to the president (Martin 2004). As conservative columnist William Safire has argued, “marrying the law officer and the spy” is potentially dangerous; and the Privacy and Civil Liberties Oversight Board created by Congress to supervise the Office of the DNI may be a toothless tiger (Safire 2004). Whether the board together with the Civil Liberties Protection Officer within the DNI can insure that agencies comply with privacy laws and constitutional liberties remains to be seen. Much may hinge on Congress’ oversight role. President Bush later confirmed reports in December 2005 claiming that he authorized the National Security Agency to eavesdrop on hundreds, if not thousands, of domestic communications without warrants. This underscores the palpable tension between national security and civil liberties protections in the post-9/11 era (Risen and Lichtblau 2005).

The Cost of Security: Federal Budgeting in an Age of Terror

September 11 has not only affected the structure of the executive. The ensuing war on terror has had a tremendous fiscal impact on the executive branch. Between financial years (FYs) 2002 and 2006, discretionary spending for the top five agencies with responsibilities for homeland security increased by a remarkable 38 percent, from $23.6 billion to $38.2 billion. The 2006 figure represents about 8.9 percent of all nondefense discretionary spending in the federal budget.\footnote{The increased emphasis on homeland security has substantively affected the programmatic orientation of a host of cabinet-level departments. Most obviously, the shift in priorities has affected federal agencies’ budget}
strategies “toward arguing for resources on the basis of security than for other reasons” (Joyce 2005, 22).

Figure 2 shows that the new DHS consumes the greatest proportion of resources dedicated to homeland security, followed by the Departments of Health and Human Services (HHS), Justice, Energy, State, and Agriculture, respectively. A detailed analysis of how DHS allocates its resources accentuates the department’s counterterrorism strategy. Figure 3 shows that the Border and Transportation directorate’s budget increased almost threefold between FYs 2002 and 2006, and in FY 2006 accounts for 59 percent of the department’s discretionary funds. Enhancing border and airport security is aimed at preventing terrorists from gaining entry to the United States. The Coast Guard’s budget nearly doubled over the same period. The sharp spike in FY 2002 spending for Emergency Preparedness and Response reflects Bush’s supplemental appropriations request of $27 billion made
immediately following the 9/11 attacks, which was aimed at shoring up national security and providing aid to New York City (Editorial 2002a, A20).

Paradoxically, the only subcomponent of DHS responsibilities to sustain a consecutive drop in funding has been state and local government coordination. Between FYs 2004 and 2006, discretionary spending in these areas decreased by $600 million and, contrary to expectations that fiscal federalism should correct fiscal disparities across localities (Donahue and Joyce 2001, 731), the opposite has occurred. Whether funding to ameliorate state and local capacity for emergency management increases in the wake of the abysmal failure of all levels of government to aid residents of New Orleans following hurricane Katrina remains to be seen.

As Figure 2 shows, other departments besides the new DHC have won increased counterterrorism funding from the Congress. HHS leads the charge with over $4 billion allocated in FY 2006 for public health,
the safety of the nation’s food supply, and bioterrorism prevention. For example, within HHS, the Food and Drug Administration (FDA) coordinates with DHS and the Department of Agriculture’s Food Safety and Inspection Service to insure the food supply is safe from terror attacks. In FY 2006, these programs accounted for $180 million in the FDA component of the HHS budget and $146 million of the Department of Agriculture’s budget (States News Service 2005c; Pianin and Miller 2002). Much of the Department of Energy’s approximately $1.5 billion FY 2006 budget comprises nuclear weapons and nuclear energy security. The Department of State’s $938 million FY 2006 budget for security matters focuses on antiterrorism training, technology infrastructure, the Diplomatic Readiness Initiative concerning responses to terrorism, and the “Rewards for Justice” program, which offers rewards for information that prevents or provides information on international terror attacks on U.S. interests across the globe (States News Service 2005a).

A closer analysis of outlays by the Department of Justice (DOJ) underscores the dramatically changing mission of the FBI. Figure 4 shows that overall discretionary spending by DOJ remained fairly static between FYs 2001 and 2006, ranging between $21.2 and $19.1 billion. However, the FBI’s proportion of the overall DOJ budget steadily increased over the same period, from $3.4 billion in FY 2001 to $5.7 billion in FY 2006. The second y-axis traces the FBI’s outlays as a percentage of total DOJ spending. By FY 2006, the FBI took up nearly a third of the entire department’s budget. Part of this increase was earmarked for hiring thousands of new agents following 9/11 (Morgan 2003). Noting that counterterrorism investigations had more than tripled from 9,340 in 2001 to over 33,000 in 2004, Attorney General Alberto Gonzales justified large funding increases in 2005 for the FBI on the basis of its increased workload (States News Service 2005b).

It is clear, then, that 9/11 and the ensuing war on terror have significantly changed departments’ budget profiles insofar as cabinet and agency heads have scrambled—with the president’s backing—to increase their share of funds for counterterrorism programs. While members of Congress have sometimes grumbled over the progress of such programs—most particularly the reform of the FBI—the conservative Republican majorities in both Houses, joined by many
Democrats, have rarely balked at signing the checks even as the federal budget has risen. This situation may not continue indefinitely. President Bush and the Congress have been relatively unconcerned about the huge federal deficits that have accrued from tax cuts, the 9/11 attacks, and the wars in Afghanistan and Iraq. To date, domestic spending and entitlement outlays have continued apace alongside the increases in homeland security spending. By late 2005, fissures in the Republican congressional majorities over the national deficit have emerged and threaten a potential repeat of the debates at the end of Reagan’s second term about ways to trim the federal budget, either by discretion or by automatic mechanisms (Thomma 2005). Such choices in future battles over scarce resources could have a profound impact on the direction of counterterrorism programs spread across the Fourth Branch.
Conclusions

One of the key lessons of 9/11 is that reorganization and reform of the executive branch is not necessarily a linear process. Punctuated equilibrium suggests that significant change is the exception, not the rule, and is most likely to occur when there is a fundamental shift in public expectations of government responsibilities. September 11 furnished a policy-making environment conducive to reforming counterterrorism programs along functional lines by creating the DHS, and to reforming the intelligence community by restructuring the FBI and establishing a DNI in a coordinating role. It also created many opportunities for strong presidential leadership. By preempting Congress on the need for a new cabinet-level department, and charging the 9/11 Commission with recommendations on intelligence reform he promised to follow, President Bush was able to leave an indelible imprint on the shape of counterterrorism programs and their management from the top. When Bush leaves office in 2008, the war on terrorism will be an entrenched component of the permanent bureaucracy.

Dramatic events such as 9/11 also can have a distinct and profound impact on decision-making processes within the White House. Dick Cheney assumed an unprecedented role for a vice president as Bush’s chief advisor who makes operational decisions, frames internal White House debates, and builds a very public case to go to war in Iraq. Perhaps interviews and archival material will cast light on whether Cheney’s influence and interpretation of intelligence reports on Iraq unduly swayed Bush to launch a preemptive invasion of Iraq. If so, scholars will be able to compare the advisory processes that led to decision failures in other situations in other administrations, such as Kennedy and the Bay of Pigs, Johnson and Vietnam, with a vice-presidency-centric policy-making framework that is truly unique in the modern era.

President Bush has staked his presidency and his historical legacy on preventing future terror attacks in the United States. With every month that passes since 9/11, Americans breathe one more sigh of relief because the country has been spared such a catastrophe now for over four years. The problem is that no one knows whether it is the blizzard of organizational change at the federal level, the disruption of al Qaeda cells abroad or simply “luck” that is responsible for the absence of another attack. Popular expectations of domestic security—which Bush
has exacerbated through his use of the bully pulpit—are at variance with the realities of the access potential terrorists have to targets in the United States and the constraints under which government and law enforcement agencies must operate in a free society.

Sadly, what is crystal clear are the continuing deficiencies in preparedness for a major incident. Incredibly, the issue has not seized adequate attention in the White House or on Capitol Hill. The lessons of hurricane Katrina underscore the point. For 72 hours, forecasters tracked the mammoth storm in the Gulf of Mexico. They predicted that the catastrophic Category 5 system on the Saffir-Simpson scale would make landfall near New Orleans. The storm did so on August 29, 2005, produced massive flooding, and claimed over 1,300 lives in Louisiana alone. Despite the DHS’s planning scenarios for such an event, coordinated federal–state–local evacuation and relief efforts failed (see Light 2005). The obvious point is that terrorist groups such as al Qaeda will not give advanced warning. The inability of federal, state, and local officials to communicate with one another effectively was at the center of the problem in Katrina’s wake. It is not a problem unique to the Crescent City: it speaks to nationwide deficits in preparation. In its final report in December 2005, the 9/11 Commission (rechristened the 9/11 Discourse Project) continued to give low-to-failing grades to the federal government for emergency preparedness and response programs, including the establishment of common radio frequencies for first responders, a unified incident command system, assessments of critical infrastructure vulnerabilities, and private sector preparedness (9/11 Public Discourse Project 2005). These issues were at the heart of the dismal response to Katrina at all levels of government.

It may well be that organizational reshuffling per se has reached its limits in the war on terror. President Bush, Congress, and the executive establishment have prioritized prevention of a terrorist attack over preparation for the aftermath of an incident. However, exclusive reliance on prevention is not failsafe, and optimism is not a panacea for the challenges that face the United States. As Americans and the federal government keep a cautious eye on possible terrorist threats in the future—as well as increasingly ferocious Atlantic hurricane seasons—those agencies like the FEMA with responsibility for emergency response must realize, as Kettl (2003) argues, that “coordination problems differ according to the incident . . . homeland security takes
many of the traditional problems of organizational coordination, multiplies them enormously, and vastly raises the stakes for success and failure” (256). A “dirty bomb” attack on a populous urban area will require different resources and coordination efforts compared to winds and flooding from a major storm. Kettl makes the case for a contingent coordination model that recognizes such differences in emergency response planning. A similar approach emphasizes the degree to which the cause and effect of emergencies are known or unknown as a guide for the appropriate preparation for response. Cynefin models (from the Welsh word for “habitat”) array emergencies in “known,” “knowable,” “complex,” and “chaotic” spaces. This continuum defines how—and if—we can analyze situations for decision making: terrorist attacks will most likely fall in a complex space where responses are contingent upon interacting forces and developing situations; in a chaotic space where the situation may be temporarily beyond grasp, and where cause and effect are indeterminate (French and Niculae 2005). Thinking about emergency response in these ways takes the analyst well beyond the confines and norms of traditional organizational theory.

The challenges of homeland security for presidents and the permanent bureaucracy go well beyond moving boxes in organizational charts. Since 9/11, Bush and the Congress have superimposed a structure that must now mature. Whether the executive establishment can achieve the security for which Americans yearn within that evolving and imperfect organizational design is a question as open-ended as the war on terrorism itself.

Notes

1 A list and text of NSPDs and HSPDs are available from the American Federation of Scientists (2005).

2 Other prominent PNAC members include Lewis “Scooter” Libby (chief of staff to Cheney), Richard Perle (Defense Policy Board Advisory Committee), Donald Rumsfeld (Secretary of Defense), and Paul Wolfowitz (Deputy Secretary of Defense).

3 As of December 2005, Cheney’s chief of staff Lawrence “Scooter” Libby has been indicted for leaking the name of CIA operative Valerie Plame to a reporter. Plame is the spouse of Ambassador Joe Wilson, who publicly disputed the Bush Administration’s claims that Iraq was attempting to procure material for weapons of mass destruction. The degree of Cheney’s involvement in the leak, if any, is unknown.

4 The National Commission on Terrorism (2000) has published the full text of the report.


7 The section that follows draws heavily from Conley (2005).

8 For a detailed analysis, see Andrew E. Busch (2005).

9 Bush had contemplated placing the FBI in DHS, but concluded that its law enforcement focus required that the agency remain within the Department of Justice (see Sanger 2002).

10 For a thorough discussion of these issues, see Mark Phythian’s (2006) article in this special issue of *Politics and Policy*.

11 Figures calculated by author from successive federal budgets, and the FY 2006 federal budget, Tables S-2 and S-5 (see Budget of the United States Government 2006).

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