

HOMELAND SECURITY POLICYMAKING: HSC AT A CROSSROADS AND PRESIDENTIAL STUDY DIRECTIVE 1[♦]

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"Mom, I'm in Somalia! Don't worry about me; I'm OK," was how 17 year-old Burhan Hassan's worried mother discovered where her son had gone weeks after he and six other Somali-American youths disappeared from their homes in the Minneapolis-St Paul area. Almost without exception, the youths who slipped away were described as good boys¹ who were "good students [who] had no problems with the law."² But what especially troubled their relatives or others in the tight-knit émigré community was the that no one could explain how the impoverished young men were able to pay for the \$2,000 airline tickets they used to travel to Somalia.³ "My nephew, he doesn't have money for a ticket," the uncle of one lamented. "None of these kids do."⁴ According to Abdisalem Adam, a teacher and head of the local Dar al-Hijrah Islamic Center, "Up to now, no one knows who recruited

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¹ Dina Temple-Raston, "Missing Somali Teens May Be Terrorist Recruits," *National Public Radio: Morning Edition*, 28 January 2009 accessed at: <http://www.npr.org/templates/story/story.php?storyId=99919934>.

² Abdizirak Bihi, a community activist who represents the families of the six young men quoted in Oren Dorell, "Somalis may be leaving Minn. for jihad," *USA Today*, 18 December 2008 accessed at: http://www.usatoday.com/news/nation/2008-12-18-somalis_N.htm.

³ Ibid. See also Elizabeth Mohr, "Missing Somalis' Families Speak Out: They Fear Males Were Brainwashed For Jihad Overseas," *St. Paul Pioneer Press*, 7 December 2008; and, Abdi Aynte, "Are jihadist groups luring Minnesota Somalis back to fight?" *The Minnesota Independent*, 23 December 2008 accessed at: <http://minnesotaindependent.com/21144/did-jihadist-recruiters-lure-local-men-home-to-fight>

⁴ Associated Press, "Young Somali men missing from Minneapolis," *USA Today*, 26 November 2008 accessed at: http://www.usatoday.com/news/nation/2008-11-26-missing-somalis_N.htm

them. But they obviously did not wake up one morning and decide to go [to Somalia].”⁵

Suspicious, however, focused on a largely unknown, radical Somalia organization, called al-Shabaab (Arabic: “the youth” or more accurately, the “young guys”).⁶ Interestingly, the most credible terrorist threat that had surrounded Barack Obama’s inauguration as the 44th president of the United States on 20 January 2009⁷ had not come from al-Qaeda or its leader, Usama bin Laden, or his deputy, Ayman al-Zawahiri but from these youths and al-Shabaab. A bulletin jointly issued the day before the inauguration by the Department of Homeland Security (DHS), Federal Bureau of Investigation (FBI) and the U.S. intelligence community to state and local law enforcement had advised that persons affiliated with al-Shabaab might attempt to stage an attack in the U.S. on Inauguration Day.⁸ Although the threat never materialized, it nonetheless shed important light on an albeit obscure terrorist group that in fact presents U.S. authorities with the most serious evidence to date of a “homegrown” terrorist recruitment problem right in the American heartland. More worrisome still is the fact that the first time authorities reportedly learned of this potential threat was when the families of three of the boys came forward with information about their departure.

Recently, new evidence has come to light which suggests that the six Somali-American were only part of a larger contingent of U.S. citizens lured to Somalia. As many as 27 persons are believed to have left the U.S. to train in terrorism and guerrilla warfare in that violence-plagued East African country. Indications that recruitment of U.S. nationals to train in Somalia was not a phenomenon restricted to the Minneapolis-St Paul area only have

⁵ Quoted in Ibid.

⁶ Al-Shabaab also has used, or is know by, the following names: Harakat al-Shabaab al-Mujahideen; Hisb’ul Shabaad; Hizbul Shabaab; Al-Shabaab al-Islam; Al-Shabaab al-Islamiya; Al-Shabaab al-Jihad; Harakat Shabaab al-Mujahidin; Mujahideen Youth Movement; Mujahidin Al-Shabaab Movement; Unity of Islamic Youth; The Youth; Youth Wing’ and, Popular Resistance Movement in the Land. See Office of Intelligence and Analysis, *Reference Aid: Foreign Groups in Focus: Al-Shabaab*, IA-0110-09, Unclassified//For Official Use Only, p. 5. Note: only material from this DHS report marked unclassified has been cited in this testimony.

⁷ See Spencer S. Hsu, “Threat ‘Uncertain’: Security Alert Issued For Inauguration Day,” *Washington Post*, 21 January 2009; Paul Duggan and Mary Beth Sheridan, “Security Efforts Are Mostly a Success, Officials Say,” *Washington Post*, 21 January 2009; and, Temple-Raston, “Missing Somali Teens May Be Terrorist Recruits.”

⁸ Hsu, “Threat ‘Uncertain’: Security Alert Issued For Inauguration Day,”; and, Duggan and Sheridan, “Security Efforts Are Mostly a Success, Officials Say.”

also surfaced. Hence, in addition to the FBI's investigations in the Minneapolis-St Paul area, others are reportedly being conducted in Boston and San Diego as well. These developments raise anew serious concerns about America's homeland security and the threat of new terrorist attack.

Protecting and securing the United States from terrorism, it has long been argued, ultimately depends on state, local, and tribal law enforcement officers who are both the first and last lines of homeland defense. Their familiarity with the communities which they patrol enables these officers to observe and detect criminal activity that may indicate a terrorist plot and thus to thwart its commission. Hence, effectively countering terrorism is more than a technical issue involving top-down federal guidance, direction and intelligence dissemination. Rather, it requires that state, local, and tribal agencies have the requisite training, education, knowledge, *and* up-to-date intelligence to identify and respond effectively and appropriately to these threats. Effective bottom-up as well as top-down interaction is thus a vitally important element of America's capacity to respond to terrorist threats and attacks.

The case of the Somali youths cries out both for the intimate knowledge and bottom-up information that community-oriented local law enforcement is best situated to provide and the top-down big-picture strategic knowledge and intelligence-driven guidance and direction that only federal authorities can furnish to their state, local, and tribal counterparts. The fact that the radicalization, indoctrination and alleged recruitment of young Somali-Americans to terrorism was apparently missed at all levels of our national and homeland security apparatus until it had already occurred, underscores the critical importance of this nexus of federal, state, local, and tribal authorities working closely together to identify, prevent and interdict such threats from top-down as well as bottom-up dimensions. Accordingly, the fundamental criteria upon which any bureaucratic reorganization of America's homeland security must be judged is whether it will strengthen and further support these vital federal and state, local and tribal interactions; consolidate national security and domestic law enforcement capabilities; and more effectively than any other model or previous organization provide for the security and safety of the U.S. from terrorist attack.

Given that my expertise is on terrorists and their behavior and not on the U.S. government and its bureaucratic national security structure, I cannot provide a definitive answer to the above question in respect of the current proposal to fold the Homeland Security Council (HSC) into the National Security Council (NCS). What does, though, seem clear is first, that this proposed consolidation will only work provided that state, local, and

tribal law enforcement have a strong, forceful and credible representative and advocate on the NSC governing *all* matters pertaining to homeland security (e.g., not only terrorism; but disaster preparedness and response, infrastructure protection, border security, immigration, incident management and health and medical planning and response); and second, that the Somali case provides fresh evidence—if any more were needed—of the dynamic and evolving threat environment that America still finds itself in nearly eight years since the September 11th 2001 attacks.

The United States has of course come a long way since the establishment of the HSC and the DHS in terms of both the capacity and capability to defend our nation against terrorist attack. But, as the Somali case and the surprising international reach of a hitherto obscure and local terrorist movement demonstrates, we are faced with a continuing terrorist threat from al-Qaeda and associated movements that is at once as operationally durable as it is evolutionary and elusive in character. Accordingly, in so dynamic a threat environment our responses and preparations need to be equally as evolutionary, flexible and robust.

President Obama's first Presidential Study Directive (PSD-1) implicitly embraces this notion in its call for a comprehensive interagency review of our national and homeland security architecture.⁹ "I believe that Homeland Security is indistinguishable from National Security—conceptually and functionally," the President explained. "They should be thought of together rather than separately."¹⁰ Although the logic behind this statement is indisputable; it must a priori acknowledge that homeland security encompasses concepts and missions that do not necessarily fit comfortably with traditionally-defined national security priorities and concerns—at least those that have historically been within the NSC's remit.

Not only are the key stakeholders different (involving state, local, and tribal jurisdictions as opposed to federal agencies and departments only) but the need for broad, not limited, sharing of information with state, local, and tribal authorities remains another salient difference. Further, it is often forgotten that homeland security pertains not only to man-made disasters (that is, terrorism); but also to natural ones. Accordingly, whomever in the executive branch is tasked with homeland security responsibilities will likely find a disproportionate amount of their time and attention consumed by preparedness, planning and response to hurricanes and floods as well as

⁹ "Organizing for Homeland Security and Counterterrorism," *Presidential Study Directive-1*, The White House, 23 February 2009 accessed at: www.fas.org/irp/offdocs/psd/psd-1.pdf.

¹⁰ Quoted in *Ibid*.

with the threats posed by al-Qaeda and other terrorists. Further, issues of particular immediacy today, such as border security and immigration, have not traditionally been direct NSC concerns and, for that matter, neither have incident management, infrastructure protection, and health and medical planning and preparedness.

Both the President and Congress must therefore be confident that the bureaucratic absorption of the HCS into the NSC does not result in the diminution of the priority given to each of the above homeland security missions. In this respect, the President and Congress have to be satisfied that relevant homeland security issues will be afforded the same attention as more traditional national security ones. Further, processes and procedures will need to be in place that assure the timely presentation of homeland security matters to the President and Cabinet.

Finally, the President and Congress will need to be convinced that state, local, and tribal homeland security authorities will have a forceful champion in any reorganization of the HSC who can effectively serve as their advocate, explaining their needs and expectations and ensuring federal responsiveness. These needs will invariably be different from traditional national security concerns because states and localities—and not federal agencies—will often be in the lead on many homeland security missions. Indeed, issues like intelligence sharing, border security, immigration, disaster management, incident control and a wide range of planning, mitigation and recovery missions have hitherto not typically been the focus of NSC efforts—much less within its specific remit.

American police departments and law enforcement agencies—and especially their street cops and patrol officers—need more and better information about terrorism and immediate threats. The cop on the street, as this testimony has argued, may likely be the key player in disrupting and preventing a terrorist incident. Police officers not only need to know what to look for but that what they are looking for may be a small piece of the larger puzzle that may reveal terrorist connections (e.g., investigations into crimes involving smuggling, human trafficking, fraud, extortion, narcotics that may also be terrorist activities).

But to do so, America's state, local, and tribal law enforcement personnel need information and intelligence, training and education that hitherto has not been a concern of, or within, the NSC's ken. This need is especially acute now, in the wake of the Somali case, because unlike other countries, such as the United Kingdom and Israel, terrorism is not necessarily a daily issue for the U.S. law enforcement officer. For that reason, American law enforcement requires information and intelligence to

keep pace with the terrorism threat and the knowledge needed to prevent, pre-empt or respond to a terrorist attack.

Providing American state and local law enforcement jurisdictions with the knowledge, training, and intelligence resources they require to effectively pre-empt and prevent terrorist attacks endows the homeland with enhanced layers of defense. This enables street cops not only to better counter terrorist threats but also to become better crime fighters. Strengthening state, local, and tribal authorities' threat awareness enhances the country's security by enabling better and more focused preparedness, training, planning, and response.

In sum, the revelations surrounding al-Shabaab and the Somali émigré community emphasize the need to anchor changes in the American national security structure that will more effectively close the gaps in the relationship, communication, and appropriate intelligence sharing between federal authorities with state, local, and tribal jurisdictions. This necessitates that the American national and homeland security structure be organized for maximum efficiency, intelligence and information sharing, and the ability to function quickly and effectively in the face of so dynamic and evolutionary threat environment.