

ADJ 243 – HOMELAND SECURITY AND THE LAW
Study Guide for Chapter 2
Terror, Threat, and Disaster - Post 9/11

1. On September 11, 2001, **Al Qaeda** perpetrated the most deadly attack ever in the U.S. The attack is known as the **9/11** attack or **9/11** attacks.
2. The loss of life and damage in New York were catastrophic – 2,600 people died at the World Trade Center, 125 people died at the Pentagon, and 256 on the four airplanes involved in the attacks. That is a total of **2,981 lives lost**, more than lost during the Japanese surprise attack on Pearl Harbor in World War II.
3. "The 9/11 attacks **drastically altered notions of security *within* the U.S.** and many Americans, including leading government officials, became concerned about safety from terrorism within U.S. borders." Nemeth
4. Al-Qaeda is an international terrorist **network founded around 1988 by Usama bin Laden**, a wealthy national of Saudi Arabia.
5. One of Al Qaeda's **main goals** is to overthrow regimes it deems "non-Islamic" and to expel Westerners from Muslim countries.
6. Al Qaeda conducts terrorist acts to achieve its stated goal, with **the U.S. as one of its main targets.**
7. 9/11 caused the Federal Government **to reexamine** the entire approach to law enforcement and the overall security of the nation. This reexamination revealed **critical problems** that interfered with the ability of the US to identify and stop terrorist acts.
8. *After* 9/11 examination of U.S. antiterrorism efforts identified **the following problems** (among others):
FBI Problems:

- a. The FBI did not **adequately target terrorists**: historically the FBI was concerned about the potential random acts of terrorists, but needed to shift into a more intense scrutiny of the terrorism threats to the US.
- b. The FBI did not **gather adequate intelligence** on terrorists and terrorist threats:
- c. The FBI also **did not have a system** for adequately tracking and sharing terrorism information, either internally or externally.
- d. The FBI was more focused on foreign counter-intelligence (espionage) and drug counterterrorism cases, than terrorism cases.

Inter-Agency Coordination problems:

- a. The events of 9/11 demonstrated **a lack of coordination and interagency cooperation** among the various entities with anti-terrorism responsibilities.
- b. These entities included those involved in law enforcement (FBI, Customs, DEA, and ATF), the intelligence community (CIA), the immigration agency (INS) and other agencies.
- c. It became known that **a “wall”** existed between the various agencies of government, not only at the federal level, but at the state and local level as well.
- d. **The CIA did not share** adequate terrorism information with the FBI.

9. Reacting to problems with US anti-terrorism efforts identified by 9/11, Government officials began efforts to take corrective steps.

10. **Before DHS was created** (March 1, 2003) the federal government took steps to increase homeland security, for example:

- a. **The President established** an Office of Homeland Security *within* the White House, with former Pennsylvania Governor Tom Ridge as its Director.

b. **The Aviation and Transportation Security Act of 2001 was enacted.** This legislation created TSA and provided several potent measures to increase aviation security (e.g., APIS, PNR).

11. Despite President Bush's creation of a White House Homeland Security Office, some members of Congress and other high ranking government officials believed that a new department was needed to address the deficiencies in U.S. homeland security efforts. **An unstoppable momentum had begun towards creation of a new executive branch department that would be responsible for homeland security.**

12. On November 19, 2002, **Congress passed the Homeland Security Act of 2002** (P.L. 107-296).

13. **Tom Ridge**, former director of the Office of Homeland Security (and who also had been a Congressman and Governor of Pennsylvania) **became the first secretary** of the new Department of Homeland Security created by the act.

14. The Homeland Security Act (HSA) states, among other things, that **the primary mission of the new department is to:**

- a. **Prevent terrorist attacks *within*** the United States;
- b. **Reduce the vulnerability** of the United States to terrorism;
- c. **Minimize the damage, and assist in the recovery**, from terrorist attacks that do occur within the United States;

15. The HSA organized DHS into four main areas:

1. border and transportation –

a. **DHS became responsible for Immigration, Customs, Coast Guard, and transportation security functions.**

b. How was this accomplished? By transferring Customs, Coast Guard, TSA, and the personnel, equipment, and functions of INS to DHS.

c. INS was abolished.

2. Emergency preparedness and response --

FEMA was transferred to DHS

3. Chemical, biological, radiological, and nuclear countermeasures

4. Information analysis and infrastructure protection

16. Within the Office of the Secretary DHS there are **specialized offices**, among those are:

a. Privacy Office - evaluates DHS programs, systems, and initiatives for potential privacy impacts, and provides mitigation strategies to minimize privacy impact.

b. Office of Civil Rights and Civil Liberties - Delivers policy advice to management on civil rights and civil liberties issues, investigates complaints from the public.

c. Office of General Counsel - Provides legal services to the Secretary and other DHS officials.

17. Like other Executive Branch departments, DHS has an Inspector General(IG). The IG is responsible for conducting investigations of *alleged*

*wrongdoing*by **DHS employees**. The IG also conducts audits of DHS programs.

18. DHS Agencies:

a. Customs and Border Protection (CBP)—the agency primarily responsible for the security of US borders and ports.

- b. Citizenship and Immigration Services (CIS) —administers immigration and naturalization benefits.
- c. Immigration and Customs Enforcement (ICE)—the investigative agency responsible for investigating possible violations of the customs and immigration laws, and all other laws regulating the movement of items and people across US borders (drugs, munitions, etc.).
- d. Coast Guard—protection of nation's ports and waterways.
- e. FEMA—manages national disasters, hazards and threats and responds thereto.
- f. Secret Service—protection of the president, vice president, and other high-level officials; investigates certain financial crimes.
- g. Transportation Security Agency (TSA)—protects the nation's transportation systems.
- h. Domestic Nuclear Detection Office—coordinates threat response related to nuclear materials.
- i. Federal Law Enforcement Training Center (FLETC) — the professional law enforcement training center located in Glynco, Georgia.

19. "The intent of the HSA was to **combine, blend, and synthesize agency functions** and to ensure such functions were placed within the appropriate DHS component. For both DHS and incoming agencies, this meant a drastic change of outlook and **culture**. The agencies transferred to DHS were required to adapt to the new mission and mindset." Nemeth

20. One definition of **corporate culture** is: "A blend of values, beliefs, taboos, symbols, rituals and myths all companies develop over time. Whether written as a mission statement, or spoken or merely understood, corporate culture describes and governs the ways a company's owners and employees think, feel and act." [From entrepreneur.com - "Entrepreneur" (Small Business Encyclopedia), accessed Feb. 5, 2016.]

21. **One major problem that DHS has faced** since its creation is how to reconcile the different “corporate” cultures of agencies and personnel transferred to the department.

22. **Abbreviations to know:**

- a. **DHS** – Department of Homeland Security
- b. **HSA** – Homeland Security Act
- c. **S1** – Secretary of DHS