



Abolish DHS? Reform the Department of Homeland Security Instead

Steven Metz

August 12, 2020

The Department of Homeland Security was created quickly in the traumatic year after the 9/11 attacks—a time when a fearful American public was desperate for anything that might make them safer. While the idea of an overarching organization to coordinate defending the U.S. homeland had floated around Washington for several years, 9/11 energized it. In November 2002, Congress passed the Homeland Security Act, combining 22 disparate federal departments and agencies linked only by their broad remit to deal with homeland security.

Like many other actions undertaken in the aftermath of 9/11, the creation of DHS was a visceral and hasty reaction to what was seen as a dangerous new world, cobbled together with inadequate analysis and thought. Its shortcomings soon became evident; within a few years, critics began calling for DHS to be redesigned or abolished. When Donald Trump was elected president and his administration set about refocusing DHS on domestic law enforcement, that criticism only increased. Now, the future of DHS hangs in the balance and will likely be determined by the November election.

Initially, calls to abolish DHS were based on the department’s inefficiency and unwieldiness, as the bloated bureaucracy quickly acquired a reputation for waste and mismanagement. According to a 2011 report from the libertarian Cato Institute, DHS “has too many subdivisions in too many disparate fields to operate effectively,” combining counterfeiting investigations, border security, disaster preparedness, federal law enforcement training, biological terrorism defense and “computer incident response,” or dealing with cyberattacks. “DHS was a mistake to begin with,” Dara Lind of Vox wrote in 2015. “Instead of solving the the coordination problems it was supposed to solve, it simply duplicated efforts already happening in other federal departments.”

While inefficiency remains a major problem, opposition to DHS has expanded significantly under Trump, as his administration has used it for increasingly aggressive operations against illegal immigration. In a sense, this was unsurprising. From the beginning of his presidency, Trump treated illegal immigration more as a national security threat that had to be defeated than a routine law enforcement problem that needed to be managed. DHS, and particularly its Immigration and Customs Enforcement agency, or ICE, was the tool to implement that agenda, undertaking operations that resembled counterinsurgency more than law enforcement, and attempting to deter migrants from entering the United States through heavy-handed treatment that sometimes crossed into abuse.

After sustained protests for racial justice exploded in cities across the country following the police killing of George Floyd in Minneapolis in May, Trump deployed militarized Customs and Border Protection officers to counter the protesters, often against the wishes of local officials. Most notably, in Portland, Oregon, federal forces were ostensibly sent to protect a federal courthouse from vandalism, but in reality, they took aggressive actions against demonstrators, regardless of whether they were involved in vandalism or not. Trump then threatened to send federal law enforcement to other American cities struggling with rising crime, such as Chicago, again against the wishes of local officials.

All of this, not surprisingly, has amplified calls to abolish DHS. While there is no doubt that the department needs to be fixed, its two fundamental problems—its inefficiency as a massive federal bureaucracy, and the way it has been used or abused by the Trump administration—should be delinked and addressed separately. Trump, or any other president, could decide to treat illegal immigration as a major national security threat and dispatch federal law enforcement into cities over the protests of local officials no matter how the government was organized for homeland security.

The solution is not abolishing DHS altogether, but developing more effective congressional oversight, including through new legislation regulating the department.

Dismantling DHS, as former Secretary of Homeland Security Janet Napolitano, who served under President Barack Obama, recently argued, “is not the answer. Restoring it to its proper mission, and introducing new safeguards against its egregious misuse, is the appropriate response to its unchecked authoritarian deployment.”

The solution is not abolishing the department altogether, but developing more effective congressional oversight, including through new legislation regulating DHS. But it also means assuring that DHS is led by senior officials confirmed by the Senate who are committed to governing within constitutional principles, rather than acting ones like Trump has appointed, who have shown they are willing to use the organization to flagrantly advance partisan political objectives.

At the same time, though, the polyglot structure and inefficiency of DHS should be fixed. It might make sense to divide DHS into four functional components, coordinated by a smaller organization headed by a Cabinet-level official. One component could deal with extremism, both foreign-based terrorism and the mounting threat of domestic terrorism from both the political far right and far left. The second component could focus on infrastructure and its protection, emphasizing national resiliency. The third component could concentrate on disaster response and public health—something that will play a much larger role in national security in the post-COVID-19 era. The fourth component could deal with border control. The degree to which it would be involved in arresting and deporting undocumented immigrants is a question that Congress and the White House would need to hash out.

This is simply one idea among many. Thinking about how to fix DHS is already well underway. For instance, the Washington-based Atlantic Council has launched a major bipartisan research initiative on the future of DHS that includes Napolitano and two other former secretaries of homeland security, Jeh Johnson and Michael Chertoff.

But whatever that study finds, the ultimate determinant will be the November election. If Trump wins reelection and Republicans retain control of the Senate, chances are that DHS will not change. If anything, it will probably get even more brazen, as Trump doubles down on to using it for aggressive anti-immigration operations and urban law enforcement. If Democrats regain the White House and control of the Senate while keeping their majority in the House of Representatives, expanded congressional oversight of DHS and a major reorganization of the department, including a shift in its organizational culture, is likely.

In either case, there is much work to be done. The definitions of homeland security may have changed since DHS was founded hastily in the aftermath of 9/11, and they are changing again amid the coronavirus pandemic. But homeland security in its evolving form will still be a national priority in the coming years, so the search for an organization that is both effective and responsible must continue.