

# NEW REPUBLIC

## Dismantle the Department of Homeland Security

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The Department of Homeland Security's first problem is its name. Mainstream American political thought long celebrated the United States as a multicultural nation, one that forged a common civic identity among people from disparate cultures. Except for the Native Americans, this country is no one's "homeland," a word that evokes the blood-and-soil ethno-nationalism of the Old World.

"The word 'homeland' is a strange word," Defense Secretary Donald Rumsfeld mused to his staff in one of his infamous "snowflake" memos in February 2001. "'Homeland' Defense sounds more German than American. Also, it smacks of isolationism, which I am uncomfortable with."

But after the September 11 attacks, the George W. Bush administration rallied around the phrase to describe its anti-terrorism efforts, reportedly pulling it from a 1998 defense report that called for an "increased emphasis on homeland defense." The White House established an umbrella Office of Homeland Security under former Pennsylvania Governor Tom Ridge, then proposed the creation of a massive, Cabinet-level department by the same name to oversee the nation's domestic security.

It's now been more than 15 years since the U.S. government reorganized itself in response to a terrorist attack committed by 19 people. International terrorism's threat to the United States has largely receded: Al-Qaeda is a remnant of its former self, and the Islamic State has been largely defeated in Iraq and Syria. At the same time, the bloated Department of Homeland Security turned into a boondoggle—an opinion shared across the political spectrum for years.

As the tenth anniversary of 9/11 approached, in a paper for the libertarian Cato Institute, David Rittgers argued that the department's unusually broad mandate is a recipe for waste and inefficiency. "This arrangement has not enhanced the government's competence," he wrote. "Americans are not safer because the head of DHS is simultaneously responsible for airport security and governmental efforts to counter potential flu epidemics." Matt Mayer, a Homeland Security official under President George W. Bush, argued in 2015 that DHS has too much responsibility. "It goes without saying that I observed up-close the dysfunction, turf battles, and inherent limitations in an entity that does so much," he wrote in *Reason* magazine. "These

problems are exacerbated due to the fact that, in many cases, the activities DHS engages in require enormous coordination with entities embedded in other federal departments.”

Rittgers and Mayer both called for eliminating DHS and distributing its responsibilities among various independent agencies. Vox’s Dara Lind and the Freedom of the Press Foundation’s Trevor Timm argued likewise in 2015, largely on account of DHS’ struggles with accountability and waste. But the last year has seen the emergence of a deeper problem than mismanagement. Under Trump, some of the department’s agencies have turned openly abusive towards vulnerable members of American society. The case for abolishing DHS has never been more urgent.

Washington began to rethink its national-security apparatus after the collapse of the Soviet Union, and in 1998 the Department of Defense established the Hart-Rudman Commission to study how America should defend itself in the twenty-first century. The commission’s final report proposed the creation of a National Homeland Security Agency, recommending the Federal Emergency Management Agency as the NHTSA’s core, combined with the Customs Service from the Treasury Department, the Border Patrol from the Justice Department, and the Coast Guard from the Transportation Department.

“Bringing these organizations together under one agency will create important synergies,” the report said. “Their individual capabilities will be molded into a stronger and more effective system, and this realignment will help ensure that sufficient resources are devoted to tasks crucial to both public safety and U.S. trade and economic interests.”

Creating such a department wasn’t a priority for the Bush administration, even initially after 9/11. A *Washington Post* report on DHS’s early days noted that its most determined early proponent was Joe Lieberman, then a Democratic senator from Connecticut, who faced resistance from administration officials like Vice President Dick Cheney. But in June 2002, the Bush administration endorsed the calls for a cabinet-level department to handle homeland security, an announcement that came as Bush officials were facing tough questions on Capitol Hill about what clues they had missed about the imminent attacks.

Altogether, the department’s creation amounted to the most sweeping reorganization in the federal government’s history. As the Hart-Rudman Commission had proposed, DHS incorporated FEMA and the Coast Guard. The department also absorbed the entire Immigration and Naturalization Service, merging the Border Patrol and the Customs Service to create Customs and Border Protection and moving the INS’ domestic enforcement functions into Immigration and Customs Enforcement. The Coast Guard and Secret Service were brought under DHS, too. All told, the department combined 22 agencies from across the government.

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The result was a sprawling new federal bureaucracy. In its current form, DHS employs almost a quarter-million people and doles out tens of billions of dollars in grants and programs each year.

Its missions include taking the lead on counter-terrorism programs, helping Americans recover from natural disasters, protecting and regulating the U.S. border, and defending the nation from cyberattacks. In all these efforts, DHS has been either incompetent, wasteful, redundant, or abusive—and Congress knows it.

In January 2015, on his final day in office, Republican Senator Tom Coburn of Oklahoma released a report summarizing what he'd seen during his tenure on the Senate Homeland Security Committee. "Despite spending nearly \$61 billion annually and \$544 billion since 2003, the Department of Homeland Security is not successfully executing any of its five main missions," the report found. DHS is focused on counterterrorism, Coburn wrote, "but a review of DHS's programs shows that DHS's main domestic counterterrorism programs—including its intelligence initiatives and homeland security grants—are yielding little value for the nation's counterterrorism efforts."

But lawmakers are hesitant to cut funding for a department designed to fight terrorism, and reports of wasteful spending abound. Critics often point to so-called fusion centers—regional hubs for information sharing—as the quintessential DHS boondoggle. In theory, these centers should enable the sort of inter-agency cooperation that may have prevented the 9/11 attacks. But the reality has fallen far short. A damning 2012 Senate Homeland Security Committee report found that the 77 fusion centers scattered across the United States "often produced irrelevant, useless or inappropriate intelligence reporting to DHS, and many produced no intelligence reporting whatsoever."

Fusion centers aren't the only program to draw scrutiny. By 2008, the Government Accountability Office reported that DHS had overseen almost \$15 billion in failed contracts. In 2011, for example, the department canceled a radiation-detection project that cost \$230 million over five years after watchdogs raised questions about its efficacy. A 2013 GAO analysis on a \$900 million program to staff Transportation Security Administration checkpoints with behavioral-detection officers "found that the ability of human observers to accurately identify deceptive behavior ... is the same as or slightly better than chance." The list of such failures is long.

DHS also has a poor track record on disaster relief. The department failed its first major test when Hurricane Katrina struck New Orleans in 2005. FEMA Director Michael Brown resigned amid widespread public criticism for the federal government's slow response to the crisis. An inspector general's report issued the following year concluded that "much of the criticism is warranted" and found shortcomings in communications, management, response plans, and implementation during the disaster. FEMA handled subsequent hurricanes with less controversy, but in 2017 the department again drew criticism for its slow reaction after two hurricanes devastated Puerto Rico. At one point, FEMA tapped an inexperienced Atlanta entrepreneur to provide 30 million meals for the island; she only delivered 50,000 before the agency ended her contract.

The department also has a responsibility to protect the nation from cyber-attacks, but took a sluggish approach to Russian interference in the 2016 election. Many states didn't find out their

systems had been targeted until the department notified them almost a year after the election. After when they did find out, California and Wisconsin officials accused DHS of giving them flawed information about the Russian attacks on their systems, an allegation department officials denied. (In fairness to the department, institutional paralysis also characterized much of the Obama administration's response to the attack on American democracy.)

No agency within Homeland Security has received as much scorn as Immigration and Customs Enforcement, and for good reason. "Every year," according to a recent *New Yorker* report, "the branch of the agency tasked with making immigration arrests, called Enforcement and Removal Operations, detains at least a hundred thousand people—more arrests per year than the F.B.I., the U.S. Marshals, and the Secret Service make combined." In 2017, under Trump, that figure surged by 40 percent. And the arrest of people without criminal records doubled after Trump reversed Obama-era guidelines that prioritized undocumented immigrants with convictions.

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In effect, ICE has become the "deportation force" that Trump, as a candidate, had threatened to build. Agents have carried out arrest operations at courthouses, hospitals, and schools where its targets were dropping off their children. With astonishing cruelty, the agency targets undocumented immigrants with jobs, families, and deep roots in American society.

ICE seized Syed Jamal, a chemistry professor in Kansas who has lived in the U.S for 30 years and has no criminal record, on his front lawn while he was getting his kids ready for school. Lukasz Niec, a Polish-born doctor from Michigan who came to the U.S. when he was 5 years old, faces deportation to a country whose language he doesn't speak.

The agency has also become nakedly political. After California passed a sanctuary-state law last October, ICE ramped up its enforcement in the state, apparently in retaliation for the move. Thomas Homan, ICE's acting director, called for local and state officials in sanctuary cities to face criminal prosecution for not cooperating with his crackdown. "We've got to take these sanctuary cities on," he said on Fox News last month. "We've got to take them to court and we've got to start charging some of these politicians with crimes."

It's not just ICE, either. Customs and Border Protection has taken a disturbing turn since Trump took office. The DHS inspector general found that CBP officers violated multiple federal court orders in their zeal to aggressively enforce the first version of the president's travel ban targeting seven Muslim-majority countries last January. And like ICE, CBP has a cruel streak. Last month, a nonprofit group released footage showing Border Patrol agents pouring out water jugs and destroying other humanitarian supplies left for migrants crossing the deadly desert between the U.S. and Mexico.

If these issues were found in only one part of DHS and its subsidiary agencies, there might be an option for reform. But the problem is both cultural and systemic. The department will always be the hastily assembled product of a dark, paranoid moment in American history. It also helps give permanence to that moment, preventing the country from moving beyond the post-9/11 era.

The solution: Reverse the 2003 law and send almost every agency back to where it came from. Abolish ICE and return its deportation powers to the Justice Department, whose internal culture is far more professionalized and less susceptible to systemic abuse. Immigration and citizenship responsibilities can be transferred to the State Department, which is far better equipped for the task. Transfer Customs and Border Protection to the Treasury, where the Customs Service existed for decades.

Not everything will necessarily fit somewhere else. After a wave of scandals in recent years, the Secret Service might fare better under the president's direct oversight. Whatever else is left of DHS can be reorganized under a Federal Emergency Management Agency that's independent once more. Congress could even change FEMA's name to something more encompassing of its broadened mission—just as long as it's less Germanic than what came before.