



MATT A. MAYER

HOMELAND SECURITY AND FEDERALISM

Second Edition

Protecting America
from Outside the Beltway

Foreword by the Honorable Edwin Meese III

Notes and Bibliography

NOTES

PREFACE

1. Howard Zinn, *A People's History of the United States: 1492-Present* (New York: HarperCollins, 2003), 435.
2. Benjamin Franklin to Governor Thomas Penn, Philadelphia, November 11, 1755, Reply to the Governor.

CHAPTER 1

1. Sayyid Qutb, *Milestones* (Indianapolis: American Trust Publications, 1990), 112.
2. The Declaration of Independence, Preamble.
3. Ronald Reagan, *Speaking My Mind* (New York: Simon and Schuster, 1989), 118.
4. Caleb Carr, *The Lessons of Terror: A History of Warfare against Civilians: Why It Has Always Failed and Why It Will Fail Again* (New York: Random House, 2002), 223-224.
5. Carr, at 6.
6. For an historical picture of the players and activities that led to the September 11 attack, Lawrence Wright's *The Looming Tower: Al-Qaeda and the Road to 9/11* (New York: Knopf, 2006) is an excellent and well-written resource.
7. Richard P. Mitchell, *The Society of the Muslim Brothers* (London: Oxford University Press, 1969), 5-6.
8. Muslim Brotherhood, "Credo of the Muslim Brotherhood," Muslim Brotherhood Movement Homepage (2008); <http://www.ummah.net/ikhwan> (accessed on February 9, 2009).
9. Neil MacFarquhar, "Egyptian Group Patiently Pursues Dream of Islamic State," *New York Times*, January 20, 2002, 3.
10. Robin Hallett, *Africa Since 1875: A Modern History* (Ann Arbor: The University of Michigan Press, 1974), 138.
11. Robert S. Leiken and Steven Brooke, "The Moderate Muslim Brotherhood," *Foreign Affairs* 86 (March/April 2007): 108.
12. Ibid.
13. Lawrence Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11* (New York: Knopf, 2006), 10, 14, 16, 22.
14. Ibid., 23.
15. Ibid.
16. Ibid., 24.
17. Ibid., 29.
18. Qutb, 69.
19. Wright, 30.
20. Ibid., 30-31.
21. Ibid., 31.
22. Leiken and Brooke, 110.
23. Giles Kepel, *The War for Muslim Minds: Islam and the West* (Cambridge, MA: Harvard University Press, 2004), 174-175.
24. Ibid.
25. Marc Sageman, *Understanding Terror Networks* (Philadelphia: University of Pennsylvania Press, 2004), 63.
26. Wright, 37.
27. Ibid., 39.
28. Ibid., 54-57.
29. Ibid., 53.

30. Ibid., 58-59.
31. Nimrod Raphaeli, “‘Ayman Muhammad Rabi’ Al-Zawahiri: The Making of an Arch Terrorist,” *Terrorism and Political Violence* 14 (Winter 2002): 20-22.
32. Wright, 127.
33. Ibid., 125.
34. Ibid., 130.
35. Ibid.
36. Ibid.
37. Ibid., 185.
38. Ibid., 179-198. As additional proof of America’s inability to secure its borders, the story of Ali Abdelsoud Mohammed is both illustrative of that inability and damning. As Wright notes in his book, Mohammed accompanied Zawahiri on his fundraising trip in the United States. Mohammed had been placed in the State Department watch list by the Central Intelligence Agency. Not only did Mohammed gain entry into the United States, he enrolled in the Army, went to special warfare school, left to “kill Russians” in Afghanistan, returned to the United States, worked for a defense contractor, disappeared infrequently to train bin Ladin and others, warned the FBI about al Qaeda, became a key intelligence operative for al Qaeda, and played a major role in the bombing of the American embassies in Nairobi and Dar es Salaam. Mohammed finally was arrested in 1998 and pled guilty to five counts of conspiracy to kill Americans and other related charges. Lance Williams and Eric McCormick, “Al Qaeda Terrorist Worked with FBI,” *San Francisco Chronicle*, November 4, 2001, A-1.
39. Wright, 179.
40. Ibid., 186.
41. Ibid., 249.
42. Ibid., 250.
43. Ibid., 75.
44. Ibid., 75-76.
45. Ibid., 76.
46. Ibid., 79-80.
47. Ibid., 96.
48. Ibid., 97.
49. Ibid., 111.
50. Ibid., 141-142.
51. Ibid., 153-154.
52. Ibid., 157-158.
53. Ibid.
54. Ibid., 159.
55. Ibid., 161.
56. Ibid., 164-165.
57. Ibid., 174-175.
58. Ibid.
59. Ibid., 189.
60. Ibid., 195.
61. Ibid., 221-222.
62. Ibid., 223-225.
63. Osama bin Laden, Declaration of War against the Americans Occupying the Land of the Two Holy Places, August 1996; http://www.pbs.org/newshour/terrorism/international/fatwa_1996.html (accessed on February 9, 2009).
64. Ibid.
65. Ibid.

66. World Islamic Front, Jihad against Jews and Crusaders, February 23, 1998; http://www.pbs.org/newshour/terrorism/international/fatwa_1998.html (accessed on February 9, 2009).
67. Ibid.
68. Ibid.
69. George Friedman, America's Secret War: Inside the Hidden Worldwide Struggle between America and Its Enemies (New York: Broadway Books, 2004), 34.
70. bin Laden, Declaration of War.
71. Wright, 174.
72. Ibid.
73. Bin Laden, Declaration of War.
74. Wright, 177.
75. Ibid.
76. National Commission on Terrorist Attacks upon the United States. Final Report of the National Commission on Terrorist Attacks upon the United States [hereafter cited as 9/11 Commission Report]. New York: W.W. Norton & Company, 2004, 72.
77. Ibid.
78. Wright, 57.
79. Ibid., 138.
80. The 9/11 Commission Report, 60.
81. Bin Laden, Declaration of War.
82. The 9/11 Commission Report, 73.
83. Ibid.
84. Ibid.
85. Ibid., 60.
86. Ibid.
87. Wright, 237.
88. Ibid.
89. The 9/11 Commission Report, 109.
90. Wright, 270-271.
91. Id, 272.
92. Ibid., 282-283.
93. Ibid., 297.
94. Ibid.
95. Ibid., 319-320.
96. The 9/11 Commission Report, 196.
97. Friedman, 57.
98. The 9/11 Commission Report, 215.
99. Ibid., 215-253.
100. Ibid.
101. For a comprehensive description of the September 11 attack, see The 9/11 Commission Report.
102. The 9/11 Commission Report, 46
103. Ibid., 326.
104. Ibid., 336-337.
105. Ibid., 350.
106. Ibid.
107. Donald Rumsfeld, "A New Kind of War," New York Times, September 27, 2001, A-2.

CHAPTER 2

1. Dwight D. Eisenhower, Farewell Address to the Nation, January 17, 1961.

2. U.S. Constitution, amendment X, December 15, 1791.
3. The Declaration of Independence, Preamble, July 4, 1776.
4. John F. Kennedy, Inaugural Address, January 20, 1961.
5. Paul Johnson, *A History of the American People* (New York: HarperCollins, 1997), 77.
6. Robert Beverley, *The History and Present State of Virginia: A Selection* (Indianapolis & New York: The Bobbs-Merrill Company, Inc., 1971), 21-22.
7. Ibid.
8. Ibid.
9. Ibid.
10. Johnson, 77-78.
11. *Journals of the Continental Congress, 1774-1789* (2nd), July 18, 1775, 187-190.
12. Alan D. Watson, "The Committees of Safety and the Coming of the American Revolution in North Carolina, 1774-1776," *The North Carolina Historical Review* (April 1996): 132.
13. Johnson, 160.
14. Ibid.
15. Elwyn A. Mauck, "History of Civil Defense in the United States," *The Bulletin of the Atomic Scientists* 6 (September 1950): 270.
16. Thomas J. Kerr, *Civilian Defense in the U.S.* (Boulder, CO: Westview Press, 1983), 10.
17. Ibid., 12.
18. Mauck, 270.
19. Kerr, 12.
20. Ibid.
21. Mauck, 265.
22. Wladislava S. Frost, "Cities and Towns Mobilize for War," *American Sociological Review* 9 (February 1944): 87-88.
23. Ibid., 88.
24. Mauck, 266.
25. Ibid.
26. Ibid.
27. Mauck, 266.
28. James M. Landis, "The Need for Civilian Protection," *Vital Speeches of the Day* 8 (March 1, 1942): 319-320.
29. Landis, 319.
30. Ibid.
31. Ibid.
32. Frost, 87.
33. Landis, 319.
34. Mauck, 268.
35. Ibid.
36. Frost, 86-87.
37. Ibid., 86.
38. Mauck, 267.
39. Frost, 89.
40. Mauck, 266.
41. Ibid., 268.
42. Ibid.
43. U.S. War Department, *United States Strategic Bombing Survey Summary Report (Pacific War)* (Washington, DC: GPO, July 1, 1946), 20.
44. Mauck, 269.
45. Ibid.

46. Ibid.
47. Ibid.
48. Ibid.
49. Ibid.
50. Ibid.
51. Ibid.
52. Wayne B. Blanchard, *American Civil Defense 1945-1984: The Evolution of Programs and Policies* (Washington, DC: GPO, 1986), 2.
53. Mauck, 269.
54. Ibid., 270.
55. Blanchard, 2.
56. Ibid.
57. Walter G. Green III, ed., “Civil Defense: The Truman Administration,” *Electronic Encyclopaedia of Civil Defense and Emergency Management* (August 12, 2003), Entry 0113.
58. Ibid.
59. Ibid.
60. Clyde A. Hutchison, Jr., “Civil Defense News,” *Bulletin of the Atomic Scientists* 6 (1950): 382.
61. John F. Kennedy, Executive Order no. 10952, *Federal Register* 26 (July 20, 1961): 6577.
62. Richard M. Nixon, Executive Order no. 11725, *Federal Register* 38 (June 29, 1973): 17175.
63. Jimmy Carter, Executive Order no. 12127, *Federal Register* 44 (April 3, 1979): 19367.
64. Federal Emergency Management Agency, *FEMA History* (September 20, 2007), 1; <http://www.fema.gov/about/history.shtm>.
65. James B. Simpson, *Simpson’s Contemporary Quotations* (Boston: Houghton Mifflin Company, 1988), Number 183.
66. It is true that there were several instances when the Germans or Japanese were able to penetrate the continental United States, but those were fairly minor incidents that pale in comparison to a nuclear detonation.
67. James Jay Carafano, “The Pentagon Crisis of 2015,” *Commentary* (Washington, DC: The Heritage Foundation, May 15, 2007).
68. Ibid.
69. Senate Committee on Governmental Affairs, *The Local Role in Homeland Security*, 107th Cong., 1st sess., 2001.
70. The National Commission on Terrorist Attacks upon the United States, *Final Report of the National Commission on Terrorist Attacks upon the United States* (New York: W.W. Norton & Company, 2004), 284.

CHAPTER 3

1. Lyndon B. Johnson, *State of the Union*, speech, January 8, 1964.
2. Ronald Reagan, *Remarks to the American Dental Association*, speech, October 29, 1972.
3. National Commission on Terrorism, *Countering the Changing Threat of International Terrorism* (Washington, DC: GPO, June 7, 2000), ii.
4. Ibid.
5. National Commission on Terrorist Attacks upon the United States. *Final Report of the National Commission on Terrorist Attacks upon the United States* [hereafter cited as *9/11 Commission Report*]. New York: W.W. Norton & Company, 2004, xvi
6. Roberta Wohlstetter, *Pearl Harbor: Warning and Decision* (Palo Alto, CA: Stanford University Press, 1962), vii.
7. The 9/11 Commission Report, 327.

8. Ibid.
9. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56, U.S. Statutes at Large 115 (2001): 272.
10. Ibid.
11. Ibid.
12. The White House, National Strategy for Homeland Security (Washington, DC: GPO, July 2002).
13. Ibid., 2.
14. Ibid., vii-xiii.
15. Homeland Security Act of 2002, Public Law 107-296, U.S. Statutes at Large 116 (2002): 2135.
16. Ibid.
17. Congressional Research Service, “Department of Homeland Security Reorganization: The 2SR Initiative,” CRS Report for Congress Order Code RL33042 (August 19, 2005), CRS-2.
18. Department of Homeland Security Appropriation Act of 2004, Public Law 108-90, U.S. Statutes at Large 117 (2003): 1137.
19. Homeland Security Act of 2002, §§ 821, 888, and 451.
20. Ibid., Title IV.
21. Ibid., Title V.
22. Ibid., Title II.
23. Ibid., Titles III, VII.
24. Tom Ridge, Letter to Senator Susan Collins, letter on the reorganization of the U.S. Department of Homeland Security, January 26, 2004.
25. Ibid.
26. Ibid.
27. Michael Chertoff, U.S. Department of Homeland Security Second Stage Review Remarks, speech, July 13, 2005.
28. Ibid.
29. Ibid.
30. Michael Chertoff, Letter to the Representative Christopher Cox, letter on the reorganization of the U.S. Department of Homeland Security, July 13, 2005.
31. Post-Katrina Emergency Management Reform Act of 2006, Public Law 109-295, U.S. Statutes at Large 120 (2006): 1394.
32. The White House, National Strategy for Homeland Security (Washington, DC: GPO, October 2007).
33. Inspector General, Major Management Challenges Facing the Department of Homeland Security, audit on the management of the U.S. Department of Homeland Security, January 4, 2008, 1 (Washington, DC: OIG).
34. Ibid., 16.
35. Ibid.
36. Ibid., 10-11.
37. Ibid., 19.
38. The 9/11 Commission Report, 361.
39. U.S. Constitution, art. I, sec. 8.
40. U.S. Constitution, Amendment XIV.
41. The 9/11 Commission Report, 383.
42. Ibid.
43. Major Management Challenges, 32.
44. The 9/11 Commission Report, 390-391.
45. U.S. Customs and Border Protection, Customs-Trade Partnership Against Terrorism (C-TPAT) Fact Sheet, June 2007 (Washington, DC: CBP). CBP launched the Customs-Trade Partnership against Terrorism program just two months after the September 11 attack. CBP promotes it as a

“partnership [that] develops and adopts security measures that add security but do not have a chilling effect on trade.” To date, CBP has certified over 7,000 entities for the program thereby “extending the United States’ zone of security to the point of origin.”

46. U.S. Customs and Border Protection, Container Security Initiative Fact Sheet, March 2007 (Washington, DC: CBP). CBP launched the Container Security Initiative program only four months after the September 11 attack. CBP promotes that program as “working bilateral partnerships with foreign authorities to identify high-risk cargo containers at ports throughout the world before they are loaded on vessels destined for the United States.” CBP aimed to have fifty-eight CSI-designated ports by 2008, which would cover over 90 percent of all U.S.-bound cargo traffic.

47. U.S. Customs and Border Protection, Inspection Technology Fact Sheet, May 2006 (Washington, DC: CBP).

48. Major Management Challenges, 32.

49. Brian Grow et al., “The New E-spying Threat,” *Businessweek*, April 21, 2008, 32.

50. *Ibid.*

51. Gordon Corera, “Al-Qaeda’s 007: The Extraordinary Story of the Solitary Computer Geek in a Shepherd’s Bush Bedsit Who Became the World’s Most Wanted Cyber-Jihadist,” *The London Times*, January 16, 2008, 4.

52. *Ibid.*

53. *Ibid.*

54. *Ibid.*

55. Major Management Challenges, 24.

56. U.S. Department of Homeland Security, Interim National Infrastructure Protection Plan (February 2005), 1.

57. *Ibid.*

58. U.S. Department of Homeland Security, National Infrastructure Protection Plan (Washington, DC: DHS, June 2006), i.

59. U.S. Department of Homeland Security, DHS Completes Key Framework for Critical Infrastructure Protection, press release, May 21, 2007.

60. National Infrastructure Protection Plan, 3.

61. Major Management Challenges, 18.

62. *Ibid.*, 23.

63. Katherine McIntire Peters, “Congressional Oversight of Homeland Security Comes under Fire Again,” *Government Executive*, July 30, 2008; <http://www.govexec.com/dailyfed/0708/07300kpl.htm> (accessed on February 9, 2009).

64. Michael Chertoff, U.S. Department of Homeland Security 2007 Achievements and 2008 Priorities, speech, December 12, 2007.

65. Major Management Challenges, 15.

66. *Ibid.*, 3.

67. *Ibid.*, 2.

68. Federal Bureau of Investigation, Protecting America against Terrorist Attack: A Close Look at the FBI’s Joint Terrorism Task Forces (Washington, DC: DoJ, December 1, 2004), 1.

CHAPTER 4

1. Ronald J. Pestritto, ed., *Woodrow Wilson: The Essential Political Writings* (Lanham, MD: Lexington Books, 2005), 121.

2. Daniel Webster, Speech at Niblo’s Saloon, New York City, March 15, 1837.

3. Briefing, “The American Right: Under the Weather,” *The Economist*, August 9, 2007, 20-2.

4. Eugene W. Hickok, *Why States? The Challenge of Federalism* (Washington, DC: The Heritage Foundation, 2007), 70.

5. Republican Members of the U.S. House of Representatives, *Republican Contract with America*, Washington, D.C., 1994.
6. Chris Edwards, "Pork: A Microcosm of the Overspending Problem," *Tax & Budget Bulletin* 24 (Washington, DC: CATO Institute, August 2005); Jeffrey H. Birnbaum, "The Road to Riches Is Called K Street," *Washington Post*, June 22, 2005, A01.
7. Hickok, 17.
8. U.S. Constitution, Articles ix, x.
9. Clinton Rossiter, ed., *The Federalist Papers* (New York: Signet Classics, 1999), 289.
10. *Ibid.*, 320.
11. *Ibid.*, 79.
12. *Ibid.*, 376.
13. Hickok, 52.
14. Pestritto, 227.
15. Hickok, 66.
16. Gina M. Scott, "Study Says Real ID Act Will Cost \$11 Billion, Be Logistics Nightmare," *Government Technology*, September 21, 2006; <http://www.govetech.com/gt/articles/101128> (accessed February 9, 2009).
17. U.S. House of Representatives, Final Vote Results for Roll Call 161 on H.R. 1268, May 5, 2005; U.S. Senate, Roll Call Votes 109th Congress, 1st Session on the Conference Report H.R. 1268, May 10, 2005.
18. Associated Press, "Ohio's Governor Blames National Economy," *Forbes*, February 7, 2008; <http://www.forbes.com/feeds/Afx/2008/02/07/afx4630120.html> (accessed on February 9, 2009).
19. Pete Du Pont, "Good Buy, Columbus: Ohioans May Revolt against Higher Taxes and Spending," *Wall Street Journal*, October 27, 2003; <http://www.opinionjournal.com/columnists/dupont/?idp110004221> (accessed on February 9, 2009).
20. Editorial, "Texas v. Ohio," *Wall Street Journal*, March 3, 2008, A16.
21. Ohio History Central, "Biography of Ted Strickland," *Ohio Historical Society*, March 14, 2008.
22. Jeb Bush, "Think Locally on Relief," *Washington Post*, September 30, 2005, A19.
23. Robert Nolin, Linda Kleindienst, and Brittany Wallman, "Gov. Bush Accepts Blame for Slow Relief Response Days after Wilma," *Florida Sun-Sentinel*, October 27, 2005; <http://www.sun-sentinel.com/news/local/southflorida/sfl-wilma,0.1180061.story> (accessed on February 9, 2009).
24. U.S. Conference of Mayors, *Mayors 2004 Agenda: "Keeping America Strong,"* press release, February 9, 2004.
25. U.S. Conference of Mayors, *2005 National Action Plan on Safety and Security in America's Cities*, working paper, October 25, 2005.
26. James Jay Carafano and Richard Weitz, "Learning from Disaster: The Role of Federalism and the Importance of Grassroots Response," *Background* (Washington, DC: The Heritage Foundation, March 21, 2006): 1.

CHAPTER 5

1. Donald Rumsfeld, U.S. Defense Department Briefing, transcript, February 12, 2002.
2. Aesop, "The Ant and the Grasshopper," *The Fables of Aesop* (New York: Book of the Month Club, 1995), 6.
3. *The New Oxford American Dictionary*, 2nd ed. (New York: Oxford University Press, May 2005), s.v. "Risk."
4. For this book, the type of risk discussed focuses on risk associated with insurable events such as death, injury, or destruction caused by a natural disaster or terrorist attack. It does not

- involve risk in the financial markets and the various credit crises caused by failures to accurately evaluate the risks associated with non-insurance related financial instruments.
5. Nassim Nicholas Taleb, *The Black Swan: The Impact of the Highly Improbable* (New York: Random House, 2007), 211.
 6. Terrorism Risk Insurance Act of 2002, Public Law 107-197, U.S. Statutes at Large 116 (2002): 274.
 7. Terrorism Risk Insurance Program Reauthorization Act of 2007, Public Law 110-160, U.S. Statutes at Large 121 (2007): 1839.
 8. Federal Emergency Management Agency, “Disaster Search,” Disaster Information, <http://www.fema.gov/news/disasters.fema> (accessed on March 31, 2008).
 9. Ibid.
 10. Ibid.
 11. Ibid.
 12. Ibid.
 13. Ibid.
 14. Todd Masse et al., “The Department of Homeland Security’s Risk Assessment Methodology: Evolution, Issues, and Options for Congress,” CRS Report for Congress (Washington, DC: GPO, February 2, 2007), CRS-5-CRS-6, CRS-11.
 15. National Commission on Terrorist Attacks upon the United States. Final Report of the National Commission on Terrorist Attacks upon the United States. New York: W.W. Norton & Company, 2004, 396.
 16. Michael Chertoff, Second State Review Remarks, speech, July 13, 2005.
 17. Paul Rosenzweig and Alane Kochems, “Risk Assessment and Risk Management: Necessary Tools for Homeland Security,” Backgrounder (Washington, DC: The Heritage Foundation, October 25, 2005): 3.
 18. Masse et al., CRS-6.
 19. Ibid., CRS-11.
 20. Michael Chertoff, Press Conference on the Fiscal Year 2006 Urban Areas Security Initiative Grants, speech, January 3, 2005.
 21. Ibid.
 22. Masse et al., CRS-7.
 23. Ibid.
 24. Ibid.
 25. John Mueller, “A False Sense of Insecurity: How Does the Risk of Terrorism Measure up against Everyday Dangers,” Regulation (Washington, DC: CATO Institute, Fall 2004): 42.
 26. John Lewis Gaddis, *The Cold War: A New History* (New York: The Penguin Press, 2005), 46-47.
 27. Mueller, 43.
 28. Although explosives should be a focus due to the frequency and ease of use, our enemies have expressed a desire to acquire weapons of mass destruction. Because the development of the TCL used fifteen scenarios across the chemical, biological, radiological, nuclear, and explosive spectrum, the capabilities that comprise the TCL should allow states and localities to handle the full range of potential threats—expected and unexpected.
 29. U.S. Department of Homeland Security, Fiscal Year 2005 Homeland Security Grant Program: Program Guidelines and Application Kit (Washington, DC: GPO, December 2004), 6.
 30. Ibid., 4.
 31. U.S. House Committee on Appropriations Subcommittee on Homeland Security, *Homeland Security: Applying Risk Management Principles to Guide Federal Investments*, 110th Cong., 1st sess., 2007, 3.
 32. Chertoff, Urban Areas Security Initiative Grants.

33. Tracy Henke, Press Conference by Under Secretary George Foresman and Assistant Secretary Tracy Henke on the FY 06 Homeland Security Grant Program, speech, May 31, 2006.
34. James Jay Carafano and Matt A. Mayer, “Spending Smarter: Prioritizing Homeland Security Grants by Using National Standards and Risk Criteria,” Background (Washington, DC: The Heritage Foundation, May 10, 2007): 3-4.
35. U.S. House Committee on Appropriations, Applying Risk Management, 15.
36. Chertoff, Urban Areas Security Initiative Grants.
37. Eric Lipton, “Security Cuts for New York and Washington,” New York Times, June 1, 2006, A1.
38. Al Baker and Diane Cardwell, “City Has Itself to Blame for Terror Cuts, U.S. Says,” New York Times, June 2, 2006, A1.
39. U.S. Department of Homeland Security, DHS Announces \$1.7 Billion in Homeland Security Grants: Grants Will Build States’ and Urban Areas’ Preparedness—Attachment B, press release, May 31, 2006.
40. Ibid.
41. Ibid. Because those eleven jurisdictions did not make the full eligibility list, clearly their respective risk rankings fell below those jurisdictions that did make the full eligibility list.
42. U.S. Department of Homeland Security, FY 2007 Homeland Security Grant Program (Washington, DC: GPO, July 18, 2007), 9.
43. Although many have erroneously laid the blame for allocation errors on the risk aspect of DHS’s risk and need allocation process, the fury of the Congress and recipients did not occur when the eligible UASI jurisdictions were announced in January 2006, which was determined by the relative risk scores of jurisdictions; rather, the fury occurred when the allocations occurred in May 2006 based on the secretive and subjective needs analysis of the investment justifications, which resulted in both New York City and the National Capital Region receiving substantially fewer funds than in years past.
44. U.S. Department of Homeland Security, Fiscal Year 2004 Urban Areas Security Initiative Grant Program: Program Guidelines and Application Kit (Washington, DC: GPO, 2003), 5; U.S. Department of Homeland Security, Fiscal Year 2005 Homeland Security Grant Program: Program Guidelines and Application Kit (Washington, DC: GPO, December 2004), 6.
45. U.S. Department of Homeland Security, DHS Announces \$1.7 Billion; U.S. Department of Homeland Security, FY 2007 Homeland Security Grant Program, 9.
46. Michael Chertoff, Press Conference with Secretary Chertoff to Announce \$1.7 Billion in Homeland Security Grants, speech, July 18, 2007.
47. Ibid.
48. The case involves convicted terrorists Nuradin Abdi and Christopher Paul who had plotted to blow up a mall in the Columbus area and assisted al Qaeda for over a decade. Jodi Andes, “Somali Man Pleads Guilty to Plot,” Columbus Dispatch, August 1, 2007, O1A; Jodi Andes, “Local Terrorist’s Steps Detailed,” Columbus Dispatch, June 4, 2008, O1A.

CHAPTER 6

1. Franklin D. Roosevelt, Second Inaugural Address, speech, January 20, 1937.
2. Amity Shlaes, *The Forgotten Man: A New History of the Great Depression* (New York: HarperCollins Publishers, 2007), 243.
3. George W. Bush, Homeland Security Presidential Directive 8, “National Preparedness,” December 17, 2003.
4. Ibid., § 2(h).
5. *The New Oxford American Dictionary*, 2nd ed. (New York: Oxford University Press, May 2005), v. “Resiliency.”

6. Robert J. Samuelson, *The Good Life and Its Discontents: The American Dream in the Age of Entitlement 1945-1995* (New York: Times Books, 1995), 148.
7. Shlaes, 202.
8. *Ibid.*, 11.
9. U.S. Conference of Mayors, National Action Plan on Safety and Security in America's Cities (October 25, 2005).
10. The United Kingdom uses this approach to improve its resiliency to a terrorist attack. As stated on its Web site, the "Government has a national risk assessment capability which identified risks to the UK as a whole over a five year period, and assesses their likelihood and impact [which] forms the basis for decisions about emergency preparedness and about capability planning." Interestingly, the Resilience Office also used capabilities-based planning tools to arrive at a set of eighteen capability workstreams (as compared the DHS' thirty-seven critical capabilities)—three structural, ten functional, and five essential services.
11. Bush, Homeland Security Presidential Director 8, § 5.
12. *Ibid.*, § 6.
13. U.S. Government Accountability Office, *Homeland Security: DHS' Efforts to Enhance First Responders' All-Hazards Capabilities Continue to Evolve* (Washington, DC: GPO, July 2005), 18.
14. U.S. Department of Homeland Security, *Universal Task List: Version 2.1* (Washington, DC: GPO, May 23, 2005), 2.
15. *Ibid.*
16. U.S. Department of Homeland Security, *Comprehensive List of Staffing Requirements for National Preparedness Goal, Universal Task List (UTL), and Target Capabilities List (TCL)*, February 2005, 1.
17. *Ibid.*, 1.
18. *Ibid.*, 5.
19. *Ibid.*
20. *Ibid.*, 2, 6-7. There were three Integrated Concept Teams: Balanced Investments; Training, Exercises, and Lessons Learned; and Assessment and Reporting. Each team consisted of federal, state, and local government representatives. State and local entities that participated on the teams included: the Fraternal Order of Police, the National Association of City & County Health Officials, the International Association of Emergency Managers, the National Volunteer Fire Council, the New York State Emergency Management Office, the American Public Works Association, the International Association of Chiefs of Police, the International Association of Fire Chiefs, the Council of State Governments, the National Sheriffs' Association, and the Association of State and Territorial Health Officials.
21. U.S. Government Accountability Office, *All-Hazards Report*, 16-17.
22. For the terrorist scenarios, DHS developed the Universal Adversary to serve as the enemy. The Universal Adversary replicates terrorist networks and simulates intelligence gathering and analysis. Because the National Planning Scenarios are response-oriented, DHS also created the prevention prequels and detailed attack trees to test the prevention capabilities of local, state, and federal government exercise participants.
23. U.S. Department of Homeland Security, *National Planning Scenarios* (Washington, DC: GPO, April 2005), ii.
24. *Ibid.*, ii-v.
25. *Ibid.*, vii.
26. U.S. Department of Homeland Security, *Comprehensive List*, 2.
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*, 8-15.
30. *Ibid.*, 2.
31. U.S. Department of Homeland Security, *Universal Task List*, 2.

32. Ibid.
33. U.S. Government Accountability Office, All-Hazards Capabilities, 18.
34. U.S. Department of Homeland Security, National Preparedness Guidelines, report, September 2007, 4-5.
35. Federal Emergency Management Agency, National Preparedness System: Current Prototype & Proposed Implementation Approach, report, undated, 12.
36. U.S. Department of Homeland Security, Comprehensive List, 3.
37. Ibid.
38. Ibid.
39. Ibid.
40. Ibid., 4.
41. Ibid., 1.
42. Ibid.
43. Ibid.
44. Ibid.
45. Ibid.
46. Ibid., 2.
47. For example, New York City clearly needs a Search and Rescue capability resourced for a large urban city, while Des Moines may only need a Search and Rescue capability with a quarter of the resources possessed by New York City. Conversely, as a large urban city, New York City likely does not need a heavily-resourced Food and Agriculture Safety and Defense capability, whereas Des Moines likely should have a heavily-resourced Food and Agriculture Safety and Defense capability given the large presence of animals and agriculture that enter our food supply from Iowa. The key is to create a robust, flexible system that can accommodate the particular needs of each jurisdiction.
48. For example, the Interim vision statement stated:

To engage Federal, State, local, and tribal entities, their private sector and non-governmental partners, and the general public to achieve and sustain risk-based target levels of capability to prevent, protect against, respond to, and recover from major events in order to minimize the impact on lives, property, and the economy.

—U.S. Department of Homeland Security, Interim National Preparedness Goal, report, March 2005, 3.

The Guidelines vision statement stated:

A NATION PREPARED with capabilities to prevent, protect against, respond to, and recover from all hazards in a way that balances risk with resources and need.

—U.S. Department of Homeland Security, Guidelines, 1.

Other than shortening the various entities listed in the Interim vision by using the word “Nation” in the Guidelines vision and restating “risk-based” as “balances risk with resources and need,” the Guidelines vision is largely identical.

49. The TCL has three types of critics. The first type, and the one with the fewest critics, is the group of individuals who sincerely see flaws in the TCL. These critics tend to participate in the process to improve the TCL. The second type is the group of individuals who resist anything they did not create. The final type is the group of individuals who see the TCL for exactly what it is; namely, a strategic document that will drive accountability and transparency. The TCL is not the panacea, but it is as close to a consensus and objective blueprint on what capabilities are needed to secure the homeland as has been developed yet. As with any endeavor, it is far easier to serve as a problem-citer than it is to be a problem-solver. For those who criticize the TCL,

when asked what they would replace it with (and if there is a better way then critics should articulate it), the silence is deafening.

50. U.S. Government Accountability Office, All-Hazards Capabilities, 14.

51. Bush, Homeland Security Presidential Directive 8, §§17, 18.

52. Federal Emergency Management Agency, Training Overview, report, March 10, 2008, 1.

53. The consortium includes the Center for Domestic Preparedness in Anniston, Alabama; the Academy of Counter-Terrorist Education in Baton Rouge, Louisiana; the National Emergency Response and Rescue Training Center in College Station, Texas; the Energetic Materials Research and Testing Center in Socorro, New Mexico; and the National Center for Exercise Excellence in Las Vegas, Nevada.

54. U.S. Department of Homeland Security, Homeland Security Exercise and Evaluation Program (HSEEP) (Washington, DC: GPO, February 2007), v.

55. U.S. House Subcommittee on Emergency Communications, Preparedness, and Response, National Exercise Program, 110th Cong., 1st sess., 2007, 4.

56. Bush, Homeland Security Presidential Directive 8, § 19.

57. George W. Bush, Homeland Security Presidential 8 Annex 1, “National Planning,” December 3, 2007.

58. Ibid., § 31.

59. Each Federal Preparedness Coordinator has the following functions: integration of preparedness missions; contingency planning modernization; preparedness review and monitoring; preparedness planning; exercise coordination and review; information sharing; strengthen local relationships; situational awareness; public communications; and special event planning. U.S. Department of Homeland Security, Preparedness Integration with the Regions, report, August 9, 2007, 9.

60. Michael Chertoff, Press Availability on 2008 Homeland Security Grant Guidance, speech, February 1, 2008.

61. U.S. Government Accountability Office, All-Hazards Capabilities, 39.

62. The most recent example of this squandering involves the FY 2008 UASI allocations where DHS failed to use either risk or capability needs to allocate funds to the higher-risk jurisdiction. Instead, DHS simply cut all but four urban areas by 3 percent from the allocations they had received in FY 2007.

63. U.S. Government Accountability Office, DHS Risk-Based Grant Methodology Is Reasonable, But Current Version’s Measure of Vulnerability Is Limited, audit on risk-based grant methodology (Washington, DC: GPO, June 2008) 25.

64. Bush, Homeland Security Presidential Directive 8, § 9.

65. U.S. Government Accountability Office, DHS Risk-Based Grant, 47.

66. Joey Nowak, “Hazmat Vehicle Just Sitting in Garage,” Columbus Dispatch, July 13, 2008, B3.

67. Rexford B. Sherman, Seaport Governance in the United States and Canada, report by the American Association of Port Authorities, undated, 3.

68. U.S. Government Accountability Office, All-Hazards Capabilities, 21.

69. U.S. Department of Homeland Security, Analysis of Federal Requirements Final Report, report on the requirements forced on states and localities (Washington, DC: DHS, October 2007), MATRIX-1 to MATRIX-48.

70. Ibid., EX-6.

71. Ibid., SOIR-8.

72. U.S. Government Accountability Office, Management of First Responder Grant Programs and Efforts to Improve Accountability Continue to Evolve, audit on federal homeland security grants (Washington, DC: GAO, April 12, 2005), 14.

73. U.S. Department of Homeland Security, Analysis of Federal Requirements, EX-4.

74. Ibid., MATRIX-23 to MATRIX-29.
75. National Governors Association, 2007 State Homeland Security Directors Survey, report on views of state homeland security advisors, December 18, 2007, 1.
76. U.S. Department of Homeland Security, Analysis of Federal Requirements, SOIR-7.
77. Ibid.
78. U.S. Government Accountability Office, “Emergency Preparedness and Response: Some Issues and Challenges Associated with Major Emergency Incidents,” audit on disaster response capabilities (Washington, DC: GAO, February 2006), 13.
79. Inspector General, Major Management Challenges, 15.
80. For example, an audit in Colorado revealed a systemic failure to assure “adequate oversight of program activities” and “ineffective” internal controls, sub-grantee compliance, and program readiness. Inspector General, Audit of the State of Colorado Homeland Security Grant Program, audit on Colorado’s financial management capabilities (Washington, DC: OIG, December 2007), 1.
81. Inspector General, Major Management Challenges, 15.
82. Otto Nelson, Non-Military Defense in the Shadow of Nuclear Attack, speech to the Industrial College of the Armed Forces, May 15, 1956.
83. Cynthia Dold, King County Healthcare Coalition, report, undated, 2.
84. Ibid.
85. Ibid.
86. Seattle/King County Public Health, Community Communication Network Vulnerable Populations Action Team (VPAT), report, undated, 1.
87. Ibid.
88. Ibid.
89. Ibid., 2.
90. U.S. Department of Homeland Security, Good Story: Public Health—Seattle & King County’s Vulnerable Populations Action Team, report on Seattle/King County’s preparedness activities, 2007, 1.
91. Ibid., 2.
92. Ibid.
93. Ibid.
94. Seattle/King County and United Way of King County Katrina’s Lessons: Reach Our Vulnerable Residents Now, report on the lessons of Hurricane Katrina (Seattle: Seattle/King County, December 15, 2006), 1.
95. Seattle/King County Public Health and Vulnerable Populations System Coordination Steering Committee, Community Based Organizations: Standards and Indicators for Emergency Preparedness and Response, report on standards and indicators for disaster response (Seattle: Seattle/King County, May 2008), 1.
96. Ibid., 2-3.
97. Ibid., 3.
98. Ibid.
99. Seattle/King County Public Health, VPAT, 6. 100. Ibid., 7, 9.
101. King County Healthcare Coalition, Involuntary Isolation or Quarantine Legal Team Protocol, report on procedures for mass care (Seattle: Seattle/King County Healthcare Coalition, April 12, 2006), 1.
102. Seattle/King County Public Health, VPAT, 13.
103. King County Healthcare Coalition, Business Resiliency Workshop for Healthcare Providers. Seattle: KCHC, 2008.
104. Seattle/King County Public Health, Windstorm 2006: After Action Report, report on mitigation efforts, February 2, 2007, 2.
105. Ibid., 7-13.

106. Seattle and King County Public Health, *Business Not as Usual: Preparing for Pandemic Flu*. Seattle: S/KCPH, 2008. The recommendations are the following: adopt social distancing practices; expect a reduced workforce; plan for months not weeks; prioritize critical functions; verify suppliers have pandemic flu plans; understand interdependencies; assume no mutual aid; develop internal and external messages; decide what you will do, reduce, and suspend; cross-train employees; prepare for human resources issues; demonstrate leadership; anticipate supply chain issues; stockpile supplies; educate employees on how to prepare at home; prioritize critical functions; determine how to keep critical functions running; create partnerships; test and revise your plan; communicate your plan to employees; emphasize stop germ behaviors; and identify resources to help with planning.

CHAPTER 7

1. Samuelson, 218, 232.
2. Adam Nossiter, "Nagin Re-elected as New Orleans Mayor," *New York Times*, May 21, 2006.
3. U.S. House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, report, February 15, 2006; The White House, *The Federal Response to Hurricane Katrina: Lessons Learned*, report, February 23, 2006; U.S. Senate Committee on Homeland Security and Governmental Affairs, *Hurricane Katrina: A Nation Still Unprepared*, report, May 2006.
4. Michael Chertoff, National Emergency Management Association Mid-Year Conference, remarks, February 13, 2006.
5. Ibid.
6. Post-Katrina Emergency Management Reform Act, Public Law 109-295, U.S. Statute at Large 120 (2006): 1355. The legislation put back into FEMA those elements taken out in October 2006 and merged ODP into FEMA. The rest of the Preparedness Directorate remained outside of FEMA.
7. Ibid.
8. Bush, "Think Locally on Relief," A19.
9. Bill Nichols and Richard Benedetto, "Govs to Bush: Relief Our job," *USA Today*, October 2, 2005, 1A.
10. Michael Grunwald and Susan B. Glasser, "Brown's Turf Wars Sapped FEMA's Strength," *Washington Post*, December 23, 2005. A1. One of the famous electronic mail messages occurred between Brown and his Chief of Staff Patrick Rhode in which Rhode said: "Let them play their reindeer games as long as they are not turning around and tasking us with their stupid questions." This attitude pervaded FEMA resulting in FEMA "ignoring DHS requests for information."
11. Ibid.
12. U.S. House Committee on Oversight and Government Reform, *FEMA Preparedness in 2007 and Beyond*, 110th Cong., 1st sess., 2007, 1-2; U.S. House Committee on Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management, *Recovering After Katrina: Ensuring That FEMA Is Up to the Task*, 109th Cong., 1st sess., 2005, 2.
13. House Committee, *FEMA Preparedness*, 1-2.
14. Ibid, 1; House Committee, *Recovering After Katrina*, 2.
15. House Committee, *Recovering After Katrina*, 2.
16. Michael, *Second Stage Review Remarks*.
17. Carl Limbacher et al., "1999 Hurricane Swamped Clinton' FEMA," *NewsMax*, September 7, 2005. <http://archive.newsmax.com/archives/ic/2005/9/7/134914.shtml> (accessed February 10, 2009)

18. Ibid.
19. Ibid.
20. Jon Elliston, A Disaster Waiting to Happen, Independent Weekly (September 22, 2004); <http://www.indpweek.com/gyrobase/Content?oidpoid%3A22664> (accessed on February 10, 2009).
21. National Emergency Management Agency, "Emergency Management," NEMA-WEB, 2008, 3.
22. House Committee, FEMA Preparedness, 2.
23. National Emergency Management Agency, 1.
24. Ibid.
25. Samuelson, 149.
26. Grover Cleveland, 49th Cong., 2d Sess., Congressional Record vol. xviii, Pt. II (1887) :1875.
27. Lawrence W. Reed, "Grover Cared: Taking Disaster Relief Lessons from a Compassionate Conservative," National Review Online (March 2, 2006).
28. National Emergency Management Agency, 1.
29. Ibid.
30. Ibid.
31. John McQuaid and Mark Schleifstein, "Washing Away: Part 4: Tempting Fate," New Orleans Times-Picayune, June 26, 2002; <http://www.nola.com/hurricane/content.ssf?/washingaway/part4.html> (accessed on February 10, 2009).
32. Ibid.
33. Federal Emergency Management Agency, FEMA History, report, 2008.
34. Ibid.
35. Ibid.
36. James J. Carafano and Matt A. Mayer, "FEMA and Federalism: Washington Is Moving in the Wrong Direction," Backgrounder (Washington, DC: The Heritage Foundation, May 8, 2007), 2.
37. Ibid.
38. National Emergency Management Agency, 3.
39. Ibid., 3-4.
40. Carafano and Mayer, 2.
41. Ibid.
42. Ibid.
43. Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, 100th Cong., 2d sess. (November 23, 1988), codified at U.S. Code 42 (1988), §5121.
44. Robert T. Stafford Disaster Relief and Emergency Assistance Act, § 5170b.
45. Carafano and Mayer, 2.
46. Ibid.
47. Ibid.
48. Ibid.
49. Ibid.
50. Ibid.
51. Ibid.
52. Ibid.
53. Ibid.
54. Federal Emergency Management Agency, "Disaster Search," Disaster Information, <http://www.fema.gov/news/disasters.fema>. (accessed on June 11, 2008).
55. Ibid.
56. Carafano and Mayer, 2.
57. Ibid.
58. Ibid.

59. Congressional Research Service, FEMA and Disaster Relief (Washington, DC: GPO, 1998).
60. Carafano and Mayer, 2.
61. NewsMax Wires, "Bush Aims to Be Unlike Dad in Storm Response," NewsMax, August 16, 2004; <http://www.archive.newsmax.com/archives/articles/2004/8/15/174950.shtml> (accessed February 10, 2009).
62. Carafano and Mayer, 3.
63. Federal Emergency Management Agency, "Disaster Search," (accessed on June 11, 2008).
64. Carafano and Mayer, 3.
65. Ibid.
66. Ibid.
67. Ibid.
68. Ibid.
69. Grunwald and Glasser, A01.
70. Ibid.
71. Ibid.
72. Ibid.
73. Ibid.
74. Carafano and Mayer, 3.
75. Christopher Cooper and Robert Block, *Disaster: Hurricane Katrina and the Failure of Homeland Security* (New York: Times Book, 2006), 64.
76. Congress's recent changes to the requirements for the FEMA Administrator are a solid step in the right direction, but getting FEMA back to its historical origins is even more critical. Congress also should strengthen FEMA's financial oversight by providing for an in-house Inspector General with adequate staffing and greater access to FEMA decision making. Such internal monitoring will ensure that attempts to politicize FEMA are stopped before taxpayer resources are used frivolously.
77. George W. Bush, Homeland Security Presidential Directive 5: "Management of Domestic Issues," February 28, 2003.
78. Ibid.
79. U.S. Department of Homeland Security, National Response Plan, December 2004, v-viii. The federal government did not make the same procedural error with the National Response Framework, which replaced the National Response Plan in January 2008.
80. Bush, Homeland Security Presidential Directive 5, para. 4.
81. Ibid.
82. House Committee, FEMA Preparedness, 3.
83. Robert T. Stafford Disaster Relief and Emergency Assistance Act, §517ob.
84. House Committee, FEMA, Preparedness, 1.
85. R. David Paulison, conversation with author, September 26, 2007.
86. U.S. Senate Committee on Homeland Security and Government Affairs, FEMA's Level of Preparedness, 110th Cong., 2d sess., 2008, 1-2.
87. Ibid., 4. The nine critical areas are overall planning, coordination and support, interoperable communication, logistics, evacuations, housing, disaster workforce, mission assignments, and acquisition management.
88. Ibid.
89. The refinement of FEMA's existing regional structure is different than some of the discussions inside the Beltway that push for a more robust regional structure involving all governments. First, states and localities are already understaffed, so there is no realistic chance that those governments will deploy permanent staff to a regional government entity. Next, without states and localities, the entity simply becomes another federal regional office, which just creates another layer of bureaucracy to micromanage, add costs, and build empires. Lastly, the vast majority of disasters are not interstate or regional disasters, so, in most cases, each state

and its local governments should be able to handle the disaster. If, on occasion, additional support is needed, then the state can seek assistance by leveraging an Emergency Management Assistance Compact.

90. Christopher Cooper, “Forget Austerity, State Spending Ratchets Up,” *Wall Street Journal*, February 24-25, 2007, A1.

91. National Commission on Terrorist Attacks upon the United States. Final Report of the National Commission on Terrorist Attacks upon the United States [hereafter cited as 9/11 Commission Report]. New York: W.W. Norton & Company, 2004, 97.

92. Cooper, A1.

93. The reasoning behind the attempt to unify preparedness programs outside of FEMA centered on insulating preparedness activities from the operational tempo of an inherently response-centric organization. After the September 11 attack, it made little sense to allow preparedness activities to wither on the vine or be mothballed because all resources were needed to respond to one of the 130 disaster declarations each year.

94. While simplistic, this population per disaster ratio is derived by dividing a state’s total population by the number of disaster declarations. By normalizing large and small states and disaster declarations, comparisons can be made that show that a state like California may have a lot of disaster declarations, but, because of its large population, it has a fairly high population to disaster ratio. Arguably, this means that California residents are paying more in federal taxes for federal disaster assistance than they receive due to disaster declarations. Similarly, a large state like Michigan that has few disaster declarations, but lots of people also will pay more in federal taxes for the disaster assistance that it receives. In contrast, a state like North Dakota with a moderate level of disaster declarations, but few people will underpay in federal taxes for the disaster assistance it receives.

95. Federal Emergency Management Agency, “Disaster Search,” (accessed on June 11, 2008).

96. Ohio Emergency Management Agency, Application Packet for the State Disaster Relief Program (Columbus: OEMA, September 2007), 1.

97. Ohio Emergency Management Agency, Public Assistance Handbook (Columbus: OEMA, September 2007).

98. Ohio Emergency Management Agency, State of Ohio Individual Assistance Program (Columbus: OEMA, November 2, 2006), 1.

99. Ohio Emergency Management Agency, EMA Preliminary Damage Assessment Field Guide (Columbus: OEMA, October 2006).

100. Ibid.

101. Ibid.

102. Ohio Emergency Management Agency, Assistance Toolbox (Columbus: OEMA, August 2005), 1.

103. Ibid.

104. Ohio Emergency Management Agency, Cost Documentation Workshop, July 2007; Ohio Emergency Management Agency, Damage Assessment Workshop, May 2007.

105. Ohio Emergency Management Agency, Recovery from Disaster: Role of Local Government (Columbus: OEMA, March 2008).

106. Ohio Emergency Management Agency, Ohio Response System, undated, 1-2 (Columbus: OEMA).

107. Ibid., 1-3.

108. Ohio Emergency Management Agency, Plan Development and Review Guidance for Local Emergency Operations Plans, May 2008; Ohio Emergency Management Agency, Continuity of Operations Plan (All Hazards) Overview and Guidance for Local Government (Columbus: OEMA, September 2006).

CHAPTER 8

1. Mexican American Legal Defense and Educational Fund, "Civil Rights Coalition Challenges Arizona Employer Sanctions Law," ACLU Immigrants' Right Project, September 4, 2007; <http://www.maldef.org/news/press.cfu?zd=431> (accessed February 10, 2009).
2. Joseph Story, Commentaries on the Constitution of the United States with a Preliminary Review of the Constitutional History of the Colonies and States before the Adoption of the Constitution (Boston: Hilliard, Gray and Company, 1833), 191.
3. Lawrence Downes, "What Part of 'Illegal' Don't You Understand?," New York Times, October 28, 2007, WK11.
4. U.S. House of Representatives Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, Summary of U.S. Immigration History, 110th Cong., 1st sess., 2007, 3.
5. *Ibid.*, 5.
6. *Ibid.*
7. Chinese Exclusion Act of 1882, Public Law 71, 50th Cong., 2d sess. (May 6, 1882).
8. House Committee, Immigration History, 6.
9. *Ibid.*
10. Margaret Sanger, "A Plan for Peace," Birth Control Review (April 1932): 107-108.
11. *Buck v. Bell*, 274 U.S. 200, 207 (1927).
12. House Committee, Immigration History, 6.
13. *Ibid.*, 8.
14. *Ibid.*
15. *Ibid.*, 6-7.
16. Sanger, 107-108.
17. House Committee, Immigration History, 7.
18. *Ibid.*, 9.
19. *Ibid.*, 10.
20. United States and Mexico, "For the Temporary Migration of Mexican Agricultural Workers to the United States as Revised on April 26, 1943, by an Exchange of Notes between the American Embassy at Mexico City and the Mexican Ministry for Foreign Affairs," The Official Bracero Agreement (August 4, 1942).
21. House Committee, Immigration History, 11.
22. *Ibid.*
23. *Ibid.*, 12.
24. Immigration and Nationality Amendments of 1965, Public Law 89-236, 89th Cong., 1st sess., U.S. Statutes at Large 20 (1965): 1151.
25. *Ibid.*
26. House Committee, Immigration History, 12.
27. Immigration Reform and Control Act of 1986, Public Law 99-603, 99th Cong., 2d sess., U.S. Statutes at Large 8 (1986): 1101, codified at United States Code 8, § 1401 et seq.
28. House Committee, Immigration History, 14.
29. Betsy Cooper and Kevin O'Neill, "Lessons from the Immigration Reform and Control Act of 1986," MPI Policy Brief (August 2005): 3.
30. Congressional Budget Office, Report on Senate Amendment 1150 to S. 1348: the Comprehensive Immigration Reform Act of 2007. Washington, DC: GPO, June 4, 2007, 26.
31. U.S. Constitution, art. I, § 8; art. IV, § 3; amend. XIV.
32. Eileen Sullivan, "21,000 Slipped Past Borders Illegally," USA Today, November 5, 2007, <http://www.usatoday.com/news/Washington/2007-11-05-1051006212.xhtm> (accessed February 10, 2009).

33. Julie Preston, "Employers Fight Tough Measures on Immigration," *The New York Times*, July 6, 2008, A1.
34. The reality on the wage suppression aspect of illegal immigration is that wages would rise without the cheaper labor provided by illegal immigrants, but those wage increases would not be enough to attract the requisite number of Americans to fill all of the jobs needed in those lower paying jobs.
35. Anne Broache, "Annual H-1B Visa Cap Met—Already," *cnet news.com*, April 3, 2007.
36. David A. Vise, "Gates Cites Hiring Woes, Criticizes Visa Restrictions," *Washington Post*, April 28, 2005, E05.
37. James J. Carafano and Matt A. Mayer, "Better, Faster, Cheaper Border Security Requires Better Immigration Services," *Backgrounder* (Washington, DC: The Heritage Foundation, February 28, 2007), 1-5.
38. The European Union is taking steps to make it easier for highly skilled workers to go to Europe, so we must not fall behind in competing for these workers.
39. For example, in FY 2002, ICE only had twenty-five arrests and 485 administrative arrests during worksite enforcement actions. Michael Chertoff, Homeland Security Secretary Michael Chertoff on the State of Immigration, speech, November 6, 2007.
40. Miriam Jordan, "Crackdown on Illegal Immigrants Spurs Backlash among Locals," *Wall Street Journal*, April 17, 2008, A4.
41. U.S. Department of Homeland Security, *State of the Border—Border Security and Immigration Efforts Successful in Fiscal Year 2007*, report, November 6, 2007.
42. Emily Bazar, "Workplace Raids Ensnare Kids in Net, Too," *USA Today*, November 1, 2007, 13A.
43. U.S. Immigration and Customs Enforcement, *Fact Sheet: The ICE T. Don Hutto Family Residential Facility: Maintaining Family Unity, Enforcing Immigration Laws*, report, April 2007.
44. U.S. Constitution, amend. I, cl. 3.
45. The White House, *Fact Sheet: Improving Border Security and Immigration within Existing Law*, report, August 10, 2007.
46. *Ibid.*
47. Peter Micek, "Access Washington: Lawsuit Targets Homeland Security 'No Match' Rule," *New America Media* (September 19, 2007), 1.
48. U.S. Department of Homeland Security, *U.S. Government Seeks to End Litigation Undermining Expedited Removal of Salvadorans*, report (Washington, DC: DHS< November 17, 2005).
49. U.S. Department of Homeland Security, *State of the Border*.
50. *Ibid.*
51. Marianne Kolbasuk McGee, "Could Europe's New 'Blue Card' Cause Global Tech Talent to Shun U.S.?" *InformationWeek*, October 26, 2007; <http://www.eetimes.eu/uk.202601886> (accessed on February 12, 2009). Alix Kroeger, "EU pins Skills Hopes on 'Blue Card,'" *BBC News*, October 23, 2007; <http://news.bbc.co.uk/2/hi/Europe/7057730.stm> (accessed on February 10, 2009).
52. Katrin Bennhold, "France Uses Money, Not Manacles, for Deportation," *International Herald Tribune*, December 20, 2006; <http://www.iht.com/articles/2006/12/20/news/migr.de.php> (accessed on February 10, 2009).
53. Darryl Fears, "Judge Blocks City's Ordinances against Illegal Immigration," *Washington Post*, July 27, 2007, A02.
54. In 2006, state legislatures filed 570 bills on illegal immigration issues involving employment, law enforcement, public benefits, education, and identification issues. Raymond Rico, "Immigration Was Key in 2006 State Legislation and Ballot Measures," *Immigrants' Rights Update*, March 29, 2007. Of those bills, 90 bills were passed, 84 were signed into law,

and six were vetoed. Additionally, many states had referenda on their ballots; many of which passed overwhelmingly, 1-5.

55. Congressional Research Service, Report for Congress: Enforcing Immigration Law: The Role of State and Local Law Enforcement. Washington, DC: GPO, August 30, 2007, CRS-2.
56. Ibid.
57. Ibid., CRS-4.
58. U.S. Constitution, art. VI, cl. 2.
59. Congressional Research Service, Enforcing Immigration Law, CRS-5.
60. Ibid.
61. *California Division of Labor Standards Enforcement v. Dillingham Construction, N.A., Inc.*, 519 U.S. 316, 325 (1997).
62. Immigration Reform and Control Act of 1986, § 1324a(h)(2).
63. *De Canas v. Bica*, 424 U.S. 351, 357 (1976).
64. *Cipollone v. Liggett Group, Inc.*, 505 U.S. 504, 516 (1992).
65. *Manigault v. Springs*, 199 U.S. 473, 480 (1905).
66. *Sturges v. Crowninshield*, 17 U.S. 122, 193 (1819).
67. *Lynch v. Cannatella*, 810 F.2d 1363, 1371 (5th Cir. 1987).
68. Congressional Research Service, Enforcing Immigration Law, CRS-4.
69. Federal News Service, Press Conference with United States Attorney General John Ashcroft and Immigration and Naturalization Service Commissioner James Zigler, Re: Tracking of Foreign Visitors, June 5, 2002.
70. Enforcing Immigration Law, CRS-7.
71. Kris W. Kobach, “The Quintessential Force Multiplier: The Inherent Authority of Local Police to Make Immigration Arrests,” *Albany Law Review* (Vol. 69, 2005): 183.
72. Ibid., 183-186.
73. Ibid., 188.
74. U.S. Department of Homeland Security, Partners: Section 287(g), Immigration and Nationality Act; Delegation of Immigration Authority, report (Washington, DC: DHS, April 1, 2008).
75. *De Canas*, 356.
76. Ibid., 356-357.
77. *Plyler v. Doe*, 457 U.S. 202, 228 n.23 (1982).
78. *Gray v. City of Valley Park, Missouri*, Case No. 4:07CV00881 ERW, Memorandum and Order by Judge E. Richard Webber (E.D. Mo. 2008), 9.
79. Ibid., 16-17.
80. Ibid., 15.
81. *Chicanos Por La Causa, Inc. v. Napolitano*, No. 07-17272, 13081 (9th Cir. 2008).
82. Ibid., 13077.
83. Ibid., 13074.
84. *South Carolina State Highway Department v. Barnwell Brothers, Inc.*, 303 U.S. 177, 190-191 (1938).
85. Immigration Reform Law Institute, Planning for State Immigration Enforcement Legislation, 2006, 1.
86. Ibid., 1-7.
87. Robert Rector, “White House Report Hides the Real Costs of Amnesty and Low Skill Immigration,” Web Memo No. 1523 (Washington, DC: The Heritage Foundation, June 26, 2007), 1.
88. Robert Rector, “Amnesty Will Cost U.S. Taxpayers at Least \$2.6 Trillion,” Web Memo No. 1490 (Washington, DC: The Heritage Foundation, June 6, 2007), 1-2.
89. Ibid., 2.
90. Rector, Web Memo No. 1523, 1.

91. James Jay Carafano, Border Security and State Safety and Security: Addressing Common Agendas, speech, 2008.
92. For example, when former New York Governor Elliott Spitzer unilaterally decided to issue drivers licenses to illegal immigrants without the support of the legislature, the people of New York sent him a clear message that they did not support his reckless move. Nicholas Confessore, "Senate Votes to Stop Spitzer Plan to Give Illegal Immigrants Driver's Licenses," New York Times, October 23, 2007, B1. With the proviso "Not for federal purposes" stamped on the license, there was serious doubts as to whether many illegal immigrants would "come out of the shadow" as the document would be like wearing a Scarlet letter. Danny Hakim, "Bloomberg Opposes Spitzer's Latest Plan for Drivers," New York Times, November 2, 2007, B5. In polls taken after the action, 72 percent of New Yorkers adamantly opposed the decision. WNBC-TV, "Poll: New Yorkers Oppose Plan to Allow Illegal Aliens Driver's Licenses," MSNBC.com, October 15, 2007. Spitzer failed to heed the lessons from states like North Carolina, which had enormous problems with fraud and a mass influx of illegal immigrant when it decided to give them a driver's license. Yilu Shao, "The Law: Illegal Aliens Travel to Other States for Driver's Licenses," New York Times, March 2, 2003, B5.
93. Az. Rev. Code, § 13-2319 (West 2005).
94. Terry Goddard, Border Trafficking Team to Combat Human Smuggling and Drugs, speech, March 23, 2006.
95. Paul Gilbin, "Arpaio Claims 1,000th Arrest under Smuggling Law," East Valley Tribune, June 18, 2008; <http://www.eastvalleytribune.com/story/118882> (accessed February 10, 2009).
96. Mike Sunnucks, "Tough Employer Sanctions Measure Pushed for Ballot," The Phoenix Business Journal, April 20, 2007, 1.
97. Arizona Contractors Association, Inc. et al. v. Napolitano, et al., Case no. CV07-02496-PHX-NVW, Findings of Fact, Conclusions of Law and Order by Judge Neil V. Wake (D.Ct. Az. 2008), 2-3.
98. Ibid., 26-29.
99. Arizona Contractors Association, Inc. et al. v. Napolitano, et al., Case no. CV07-02496-PHX-NVW, Notice of Appeal (D.Ct. Az. 2008).
100. Arizona Contractors Association, Inc. et al. v. Napolitano, et al., Case no. 07-17272, Unofficial Transcript of Oral Argument (9th Cir. 2008).
101. Chicanos Por La Causa, Inc., 13081.
102. AFP, "Toughest Sheriff in US Vows No Let Up in Immigration Fight," brietbart.com, June 16, 2008; http://nfp.google.com/article/ALegM5g7LYJ9PceMCAle00t_A-Wj_now7A (accessed on February 10, 2009).
103. Ibid., 2.

CHAPTER 9

1. Friedman, 61.
2. Malcolm Gladwell, "Open Secrets: Enron, Intelligence, and the Perils of Too Much Information," The New Yorker, January 8, 2007, 53.
3. For example, Mohammed Bouyeri, the jihadist who killed Theo Van Gogh in The Netherlands in November 2004, did not become radicalized by visiting a mosque; rather, Bouyeri turned to the Internet and jihadi Web sites to feed his thirst for radical teachings. Ian Buruma, Murder in Amsterdam: The Death of Theo van Gogh and the Limits of Tolerance (New York: Penguin Press, 2006), 211-212.
4. John Poindexter, "Overview of the Information Awareness Office," DARPA-Tech 2002 Conference, speech, August 2, 2002; Mark Clayton, "U.S. Plans Massive Data Sweep," The Christian Science Monitor, February 9, 2006, 1.

5. Jerry Seper, "Counterterror Staff Falls to 62 percent as FBI Seeks Volunteers," Washington Times National Weekly Edition, May 26, 2008, 1, 23.
6. John P. Sullivan, "Analytical Approaches for Sensing Novel and Emerging Threats," 49th Annual ISA Convention, speech, March 29, 2008.
7. International Association of Chiefs of Police, "Criminal Intelligence Sharing: A National Plan for Intelligence-Led Policing at the Local, State and Federal Level," IACP Intelligence Summit, report, August 2002, 1.
8. Gladwell, 2.
9. Ibid.
10. Ibid., 7. As Gladwell points out, a group of Cornell business school students did ask the right questions about Enron using the information already public and concluded in 1998 that Enron likely was cooking its books. Those students recommended owners of Enron stock sell their stock, which was then trading at half the price it would reach before the collapse in 2001.
11. Gerald R. Murphy and Martha R. Plotkin, "Volume 1: Local-Federal Partnerships," Protecting Your Community from Terrorism: Strategies for Local Law Enforcement (Washington, DC: Police Executive Research Forum, March 2003), 12.
12. Herman Goldstein, "What Is POP," Center for Problem-Oriented Policing, report, 2001.
13. William de Lint, "Intelligence in Policing and Security: Reflections on Scholarship," Policing & Society 16 (March 2006): 1-6.
14. David L. Carter, "A Brief History of Law Enforcement Intelligence: Past Practice and Recommendations for Change," Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies (Washington, DC: Office of Community Oriented Policing Services, 2004), 22.
15. Ibid., 23.
16. Ibid., 24.
17. Ibid., 24-25.
18. Ibid., 25.
19. Ibid., 26.
20. Ibid., 31.
21. Ibid., 32.
22. National Commission on Terrorist Attacks upon the United States. Final Report of the National Commission on Terrorist Attacks upon the United States [hereafter cited as 9/11 Commission Report]. New York: W.W. Norton & Company, 2004, 82.
23. Ibid., 73.
24. Ibid., 74.
25. Ibid., 265.
26. Ibid., 390.
27. Inspector General, The Department of Justice's Terrorism Task Forces, report (Washington, DC: OIG, June 2005, 15).
28. Federal Bureau of Investigation, Protecting America against Terrorist Attack: A Closer Look at the FBI's Joint Terrorism Task Forces, report (Washington, DC: DoJ, December 1, 2004).
29. The 9/11 Commission Report, 81-82.
30. Ibid.
31. Murphy and Plotkin, 31.
32. The 9/11 Commission Report, 81-82.
33. Ibid.
34. The White House, National Strategy for Information Sharing, report (Washington, DC: The White House, October 2007), 8.
35. Federal Bureau of Investigation, Joint Terrorism Task Forces, 15.
36. Ibid., 20.
37. Carter, Law Enforcement Intelligence, 16.

38. U.S. Senate Committee on Homeland Security and Governmental Affairs, Present View of the Terrorist Threat, 109th Cong., 2d sess., 2006, 3.
39. Ibid., 20.
40. Ibid.
41. Murphy and Plotkin, 33.
42. U.S. Department of Homeland Security, Fiscal Year 2005 Homeland Security Grant Program: Program Guidelines and Application Kit (Washington, DC: GPO, 2004), 27.
43. U.S. Department of Homeland Security, FY 2007 Homeland Security Grant Program: Supplemental Resource—Fusion Capability Planning Tool (Washington, D.C.: GPO, January 2007), 1.
44. The White House, National Strategy for Information Sharing, 20.
45. Siobhan Gorman, “Intelligence Sharing Still Lacking,” Wall Street Journal, February 26, 2008, A12.
46. Government Security News, “Uncle Sam Should Provide Ongoing Support to State and Local Fusion Centers, Says GAO,” Hot News, May 2008, 14.
47. The FBI launched the Law Enforcement Online system, which has over 40,000 users, in 1995 and the Regional Information Sharing System, which links more than 7,000 law enforcement entities, in 1974. Stephan A. Loyka, Faggiani, Donald A., and Karchmer, Clifford, “Volume 4: The Production and Sharing of Intelligence,” Protecting Your Community from Terrorism: The Strategies for Local Law Enforcement Series (Washington, DC: Police Executive Research Forum, February 2005), 37-38.
48. The 9/11 Commission Report, 412.
49. Ibid.
50. The White House, National Strategy for Information Sharing, 13.
51. Some critics of this consolidation will argue that JTTFs and fusion centers are not competitive entities, but rather complementary efforts. Even experts in the field note that the JTTF is an example of a fusion center, so either critics are wrong or law enforcement experts at all levels of government are confused. Loyka, Faggiani, and Karchmer, 38.
52. U.S. House Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, The Way Forward with Fusion Centers: Challenges and Strategies for Change, 110th Cong., 1st sess., 2007, 3.
53. Ibid.
54. Federal Bureau of Investigation, Joint Terrorism Task Forces, 131-132.
55. U.S. Government Accountability Office, Homeland Security: Federal Efforts Are Helping to Alleviate Some Challenges Encountered by State and Local Information Fusion Centers (GAO-08-35), report (Washington, DC: GPO, October 2007), 7.
56. U.S. Department of Homeland Security, Analysis of Federal Requirements, EX-9 (Washington, DC: DHS).
57. Murphy and Plotkin, 12.
58. William A. Forsyth, State and Local Intelligence Fusion Centers: An Evaluative Approach in Modeling a State Fusion Center (Monterey, CA: Naval Post Graduate School, September 2005), 6.
59. Senate Committee, Present View of the Terrorist Threat, 19.
60. Jim Harper, “Fusion Centers: Leave ‘Em to the States,” techknowledge (Washington, DC: CATO Institute, March 13, 2007).
61. U.S. Department of Justice, The National Criminal Intelligence Sharing Plan (Washington, DC: DoJ report, June 2005), 2.
62. Ibid.
63. Senate Committee, Present View of the Terrorist Threat, 19.
64. U.S. Department of Justice, Criminal Intelligence Sharing, 2.
65. Ibid.

66. Forsyth, State and Local Information Fusion Centers, 5.
67. U.S. Department of Justice, "Prison Inmates at Midyear 2007," Bureau of Justice Statistics Bulletin NCJ 221944 (June 2008): 1; U.S. Department of Justice, "Jail Inmates at Midyear 2007," Bureau of Justice Bulletin NCJ 221945 (June 2008): 1.
68. Ibid.
69. U.S. Department of Justice, Bureau of Justice Statistics Bulletin NCJ 221944, 3; U.S. Department of Justice, Bureau of Justice Bulletin NCJ 221945, 4.
70. U.S. House Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, Homegrown Terrorism, 110th Cong., 1st sess., 2007, 4.
71. Mitchell D. Seiber and Arvin Bhatt, Radicalization in the West: The Homegrown Threat (New York: NYPD, report, 2007), 6.
72. Ibid., 8.
73. Ibid., 20.
74. U.S. Senate Committee on Homeland Security and Governmental Affairs, Counterfeit Goods: Easy Cash for Criminals and Terrorists, 109th Cong., 1st sess., (2005).
75. U.S. Senate Committee on Homeland Security and Government Affairs, Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?, 109th Cong., 2d sess., (2006).
76. U.S. Department of Justice, Criminal Intelligence Sharing, 10.
77. Lois M. Davis et al., When Terrorism Hits Home: How Prepared Are State and Local Law Enforcement (Los Angeles: RAND Corporation, 2004), xvii.
78. Ibid., 44.
79. The 9/11 Commission Report, 426-427.
80. Ibid.
81. Ibid.
82. Ibid.
83. Ibid.
84. Carter, Law Enforcement Intelligence, 94.
85. U.S. Department of Justice, Criminal Intelligence Sharing, 4.
86. Handschu v. Special Services Division, 2003 U.S. Dist. LEXIS 2134 (S.D.N.Y. 2003).
87. Ibid.
88. U.S. Department of Justice, Criminal Intelligence Sharing, 5.
89. Sunchlar M. Rust, Collaborative Network Evolution: The Los Angeles Terrorism Early Warning Group (Monterey, CA: Naval Post Graduate School, March 2006), 21.
90. Ibid., 24.
91. U.S. House of Representatives Committee on the Judiciary, How Does Illegal Immigration Impact American Taxpayers and Will the Reid-Kennedy Amnesty Worsen the Blow, 109th Cong., 2d sess., 2006.
92. Ibid.
93. Ibid.
94. Rust, 37.
95. John Sullivan, "Terrorism Early Warning and Co-Production of Counterterrorism Intelligence," Canadian Association for Security and Intelligence Studies CASIS 20th Anniversary Conference, speech, October 21, 2005, 1.
96. Ibid.
97. Ibid., 4.
98. Ibid., 3.
99. Ibid., 1.
100. Rust, 25.
101. Ibid., 35.
102. Ibid.

103. Ibid., 37-38.
104. Mead, 6-7.
105. Rust, 38.
106. Forsyth, State and Local Information Fusion Centers, 58.
107. Ibid.
108. Ibid., 8-59.
109. Siobhan Gorman, "LAPD Terror-Tip Plan May Serve as Model," Wall Street Journal, April 15, 2008, A3.
110. Ibid.
111. Ibid.
112. Ibid.
113. Ibid.

CHAPTER 10

1. Tom Ridge, Public/Private Sector Program on Emergency Preparedness, remarks, September 28, 2004, 1.
2. Galen was a famous Greek physician who lived from 129 A.D. to 200 A.D.
3. National Commission on Terrorist Attacks upon the United States. Final Report of the National Commission on Terrorist Attacks upon the United States [hereafter cited as 9/11 Commission Report]. New York: W.W. Norton & Company, 2004, 317.
4. Jonathan B. Tucker, "Strategies for Countering Terrorism: Lessons from the Israeli Experience," Journal of Homeland Security (March 2003): 3.
5. U.S. Department of Homeland Security, FY 2007 Homeland Security Grant Program: Program Guidance and Application Kit, report (Washington, DC: DHS, January 2007), 47-51.
6. As discussed in Chapter 5, although not a perfect method to determine risk, the reality is that urban areas receiving larger amounts of funding are likely to be getting those awards because the risk for those urban areas as calculated by DHS is much higher than the urban areas receiving smaller amounts of funding.
7. U.S. Department of Homeland Security, Fact Sheet: Ready Campaign, report (Washington, DC: DHS, October 1, 2004), 1.
8. Ibid.
9. The Council for Excellence in Government, Are We Ready? Introducing the Public Readiness Index: A Survey-Based Tool to Measure the Preparedness of Individuals, Families and Communities, report (Washington, DC: CEG, December 14, 2006), 20.
10. Ibid.
11. Ibid.
12. U.S. Department of Homeland Security, About Citizen Corps, report (Washington, DC: DHS, 2008), 1.
13. U.S. Department of Homeland Security, About CERT, report (Washington, DC: DHS, 2008), 1.
14. Ibid.
15. Ibid., 2.
16. Ibid., 1.
17. Peter Huber, "The Coming Plague," The Wall Street Journal, April 10, 2007, A19.
18. Geoffrey Colvin, "An Executive Risk Handbook: Five Ways Managers Can Use Scenario Planning to Prepare for Disasters," Fortune, October 3, 2005, 69.
19. A useful resource for small and medium sized businesses is DHS's Ready Business Web site (www.ready.gov/business/).
20. In certain cases, such as grocery stores, it would make sense to specify biological events such as food-borne pathogens.

21. Federal Emergency Management Agency, “Disaster Search,” <http://www.fema.gov/news/disasters.fema> (accessed on March 31, 2008).
22. Ibid.
23. Although not currently available to private sector entities, another tool would be DHS’s Lessons Learned Information Sharing web site, www.llis.gov.
24. Ellen Florian Kratz, “For FedEx, It Was Time to Deliver: Years of Coping with Calamity Have Taught the Huge Supplier to Improvise,” *Fortune*, October 3, 2005, 83.
25. Devin Leonard, The Only Lifeline Was the Wal-Mart: The World’s Biggest Company Flexed Its Massive Distribution Muscle to Deliver Vital Supplies to Victims of Katrina, *Fortune* (October 3, 2005), 74-80.
26. National Fire Protection Association, NFPA1600: Standard on Disaster/ Emergency Management and Business Continuity Programs (2007 Edition).
27. U.S. Department Justice, Chiquita Brands International Pleads Guilty to Making Payments to a Designated Terrorist Organization and Agrees to Pay \$25 Million Fine, press release (Washington, DC: DoJ, March 19, 2007).
28. Ibid.
29. Ibid.
30. The 9/11 Commission Report, 90.
31. Ibid., 92.

AFTERWORD

1. Calvin Coolidge, On the Occasion of the One Hundred and Fiftieth Anniversary of the Declaration of Independence, speech, July 5, 1926.
2. This quote is widely attributed to Tytler. Loren Collins, The Truth about Tytler, <http://lorencollins.net/tytler.html> (accessed September 10, 2008).

BIBLIOGRAPHY

- Aesop, "The Ant and the Grasshopper." The Fables of Aesop. New York: Book of the Month Club, 1995, http://AFP.google.com/article/ALEqMSg7LY59PczMLAle0DP_A-Wj_now7A (accessed on February 10, 2009).
- AFP. "Toughest Sheriff in US vows No Let Up in Immigration Fight." *brietbard.com*. June 16, 2008.
- "The American Right: Under the Weather." *The Economist*. August 9, 2007.
- Andes, Jodi. "Somali Man Pleads Guilty to Plot." *Columbus Dispatch*. August 1, 2007, 01A.
- . "Local Terrorist's Steps Detailed." *Columbus Dispatch*. June 4, 2008, 01A.
- Arizona Contractors Association, Inc. et al. v. Napolitano, et al. Case no. CV07-02496-PHX-NVW, Findings of Fact, Conclusions of Law and Order. D.Ct. Az. 2008.
- . Notice of Appeal. D.Ct. Az. 2008.
- . Case no. 07-17272. Unofficial Transcript of Oral Argument. 9th Cir. 2008. Arizona Revised Code. § 13-2319. West 2005.
- Associated Press. "Ohio's Governor Blames National Economy." *Forbes*. February 7, 2008; <http://www.forbes.com/feeds/AFx/2008/02/07/Afx4630170.html> (accessed on February 10, 2009).
- Baker, Al and Diane Cardwell. "City Has Itself to Blame for Terror Cuts, U.S. Says." *New York Times*. June 2, 2006, A1.
- Bazar, Emily. "Workplace Raids Ensnare Kids in Net, Too." *USA Today*. November 1, 2007, 13A.
- Bennhold, Katrin. "France Uses Money, Not Manacles, for Deportation." *International Herald Tribune*. December 20, 2006; <http://www.ihf.com/articles/2006/12/20/news/migrate.php> (accessed on February 10, 2009).
- Beverly, Robert. *The History and Present State of Virginia: A Selection*. Indianapolis & New York: The Bobbs-Merrill Company, Inc., 1971.
- Bin Laden, Osama. Declaration of War against the Americans Occupying the Land of the Two Holy Places. August 1996; http://www.pbs.org/newshour/terrorism/international/fatwa_1996.html (accessed on February 10, 2009).
- Birnbaum, Jeffrey H. "The Road to Riches Is Called K Street." *Washington Post*. June 22, 2005, A01.
- Blanchard, Wayne B. *American Civil Defense 1945-1984: The Evolution of Programs and Policies*. Washington, DC: GPO, 1986.
- Broache, Anne. "Annual H-1B Visa Cap Met—Already." *cnet news.com*. April 3, 2007. *Buck v. Bell*. 274 U.S. 200, 207. 1927.
- Buruma, Ian. *Murder in Amsterdam: The Death of Theo van Gogh and the Limits of Tolerance*. New York: Penguin Press, 2006.
- "Bush Aims to Be Unlike Dad in Storm Response." *NewsMax*. August 16, 2004; ; <http://archive.newsmax.com/archives/articles/2004/8/15/174950.shtml> (accessed on February 10, 2009).
- Bush, George W. Homeland Security Presidential Directive 8, "National Preparedness." December 17, 2003.
- . Homeland Security Presidential 8 Annex 1, "National Planning." December 3, 2007.
- . Homeland Security Presidential Directive 5: "Management of Domestic Issues." February 28, 2003.
- Bush, Jeb. "Think Locally on Relief." *Washington Post*. September 30, 2005, A19.
- California Division of Labor Standards Enforcement v. Dillingham Construction, N.A., Inc.* 519 U.S. 316. 1997.

- Carafano, James Jay. "The Pentagon Crisis of 2015." Commentary. Washington, DC: The Heritage Foundation, May 15, 2007.
- . Border Security and State Safety and Security: Addressing Common Agendas. 2008.
- Carafano, James Jay and Matt A. Mayer. "Better, Faster, Cheaper Border Security Requires Better Immigration Services." Background. Washington, DC: The Heritage Foundation, February 28, 2007:1-5.
- . "FEMA and Federalism: Washington Is Moving in the Wrong Direction." Background. Washington, DC: The Heritage Foundation, May 8, 2007, 2.
- . "Spending Smarter: Prioritizing Homeland Security Grants by Using National Standards and Risk Criteria." Background. Washington, DC: The Heritage Foundation, May 10, 2007, 3-4.
- Carafano, James Jay and Richard Weitz. "Learning from Disaster: The Role of Federalism and the Importance of Grassroots Response." Background. Washington, DC: The Heritage Foundation, March 21, 2006, 1.
- Carr, Caleb. The Lessons of Terror: A History of Warfare against Civilians: Why It Has Always Failed and Why It Will Fail Again. New York: Random House, 2002.
- Carter, "A Brief History of Law Enforcement Intelligence: Past Practice and Recommendations for Change." Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies. Washington, DC: Office of Community Oriented Policing Services, 2004.
- Carter, James. Executive Order 12127. Federal Register 44. April 3, 1979.
- Chertoff, Michael. Letter to the Representative Christopher Cox. July 13, 2005.
- . Homeland Security Secretary Michael Chertoff on the State of Immigration. November 6, 2007.
- . National Emergency Management Association Mid-Year Conference. February 13, 2006.
- . Remarks at a Press Availability on 2008 Homeland Security Grant Guidance. February 1, 2008.
- . Remarks by Homeland Security Michael Chertoff at a Press Conference on the Fiscal Year 2006 Urban Areas Security Initiative Grants. January 3, 2006.
- . Transcript of Press Conference with Secretary Chertoff to Announce \$1.7 Billion in Homeland Security Grants. July 18, 2007.
- . U.S. Department of Homeland Security 2007 Achievements and 2008 Priorities. December 12, 2007.
- . U.S. Department of Homeland Security Second Stage Review Remarks. July 13, 2005.
- Chicanos Por La Causa, Inc. v. Napolitano. No. 07-17272. Ninth Circuit. 2008. Chinese Exclusion Act of 1882. Public Law 71, 50th Cong., 2d sess. May 6, 1882. Cipollone v. Liggett Group, Inc. 505 U.S. 504. 1992.
- Clayton, Mark. "US Plans Massive Data Sweep." The Christian Science Monitor. February 9, 2006, 1.
- Cleveland, Grover. 49th Cong., 2d Sess., Congressional Record, vol. xviii, Pt. II. 1887.
- Collins, Loren. The Truth about Tytler. <http://lorencollins.net/tytler.html> (accessed December 10, 2008).
- Colvin, Geoffrey. "An Executive Risk Handbook: Five Ways Managers Can Use Scenario Planning to Prepare for Disasters." Fortune. October 3, 2005, 69.
- Congressional Budget Office. Report on Senate Amendment 1150 to S. 1348: the Comprehensive Immigration Reform Act of 2007. Washington, DC: GPO, June 4, 2007.
- Confessore, Nicholas. "Senate Votes to Stop Spitzer Plan to Give Illegal Immigrants Driver's Licenses." New York Times. October 23, 2007, B1.

- Congressional Research Service. "FEMA and Disaster Relief." Washington, DC: GPO, 1998.
- . Department of Homeland Security Reorganization: The 2SR Initiative. CRS Report for Congress Order Code RL33042 CRS-2. August 19, 2005.
- . Report for Congress: Enforcing Immigration Law: The Role of State and Local Law Enforcement. Washington, DC: GPO, August 30, 2007.
- The Constitution of the United States. Philadelphia, 1787.
- Coolidge, Calvin. On the Occasion of the One Hundred and Fiftieth Anniversary of the Declaration of Independence. July 5, 1926.
- Cooper, Betsy and Kevin O'Neill. "Lessons from the Immigration Reform and Control Act of 1986." MPI Policy Brief. August 2005.
- Cooper, Christopher. "Forget Austerity, State Spending Ratchets Up." Wall Street Journal. February 24-25, 2007, A1.
- Cooper, Christopher and Robert Block. Disaster: Hurricane Katrina and the Failure of Homeland Security. New York: Times Book, 2006.
- Corera, Gordon. "Al-Qaeda's 007: The Extraordinary Story of the Solitary Computer Geek in a Shepherd's Bush Bedsit Who Became the World's Most Wanted Cyber-Jihadist." The London Times. January 16, 2008, 4.
- Council for Excellence in Government. Are We Ready? Introducing the Public Readiness Index: A Survey-Based Tool to Measure the Preparedness of Individuals, Families and Communities. December 14, 2006.
- Davis, Lois M., et al. When Terrorism Hits Home: How Prepared Are State and Local Law Enforcement. Los Angeles: RAND Corporation, 2004.
- De Canas v. Bica. 424 U.S. 351. 1976.
- Declaration of Independence. Philadelphia, July 4, 1776.
- De Lint, William. "Intelligence in Policing and Security: Reflections on Scholarship." Policing & Society 16. March 2006, 1-6.
- Department of Homeland Security Appropriation Act of 2004. Public Law 108-90, U.S. Statutes at Large 117. 2003.
- Dold, Cynthia. King County Healthcare Coalition. undated.
- Downes, Lawrence. "What Part of 'Illegal' Don't You Understand?," New York Times. October 28, 2007, WK-11.
- Du Pont, Pete. "Good Buy, Columbus: Ohioans May Revolt against Higher Taxes and Spending." Wall Street Journal. October 27, 2003; <http://www.opinionjournal.com/columnists/pdupont/?id=110004221> (accessed on February 10, 2009).
- Edwards, Chris. "Pork: A Microcosm of the Overspending Problem." Tax & Budget Bulletin 24. Washington: CATO Institute, August 2005, 1-2.
- Eisenhower, Dwight D. Farewell Address to the Nation. January 17, 1961.
- Elliston, Jon. "A Disaster Waiting to Happen." Independent Weekly. September 22, 2004; <http://www.indyweek.com/gyrobase/content?oidpoid%3A23664> (accessed on February 10, 2009).
- Fears, Darryl. "Judge Blocks City's Ordinances against Illegal Immigration." Washington Post. July 27, 2007, A02.
- Federal Bureau of Investigation. Protecting America against Terrorist Attack: A Close Look at the FBI's Joint Terrorism Task Forces. December 1, 2004.
- Federal Emergency Management Agency. FEMA History. Washington, DC; <http://www.fema.gov/about/history.shtm> (accessed on September 20, 2007).
- . "Disaster Search." Disaster Information. <http://www.fema.gov/news/disasters.fema>. accessed Accessed on March 31, 2008.

- . “Disaster Search.” Disaster Information. <http://www.fema.gov/news/disasters.fema>. accessed Accessed on June 11, 2008.
- . FEMA History. 2008, Washington, DC: DHS.
- . National Preparedness System: Current Prototype & Proposed Implementation Approach. Undated, Washington, DC: DHS.
- . Training Overview. March 10, 2008, Washington, DC: DHS.
- Federal News Service. Press Conference with United States Attorney General John Ashcroft and Immigration and Naturalization Service Commissioner James Zigler. June 5, 2002.
- Forsyth, William A. State and Local Intelligence Fusion Centers: An Evaluative Approach in Modeling a State Fusion Center. Monterey, CA: Naval Post Graduate School, September 2005.
- Franklin, Benjamin. Letter to Governor Thomas Penn. Philadelphia, November 11, 1755.
- Friedman, George. America’s Secret War Inside the Hidden Worldwide Struggle between America and Its Enemies. New York: Broadway Books, 2004.
- Frost, Wladislava S. “Cities and Towns Mobilize for War.” American Sociological Review 9. February 1944, 87-88.
- Gaddis, John Lewis. The Cold War: A New History. New York: The Penguin Press, 2005.
- Gilbin, Paul. “Arpaio Claims 1,000th Arrest under Smuggling Law.” East Valley Tribune. June 18, 2008; <http://www.eastvalleytribune.com/story/118882> (accessed on February 10, 2009).
- Gladwell, Malcolm. “Open Secrets: Enron, Intelligence, and the Perils of Too Much Information.” The New Yorker. January 8, 2007, 53.
- Goddard, Terry. Border Trafficking Team to Combat Human Smuggling and Drugs. March 23, 2006.
- Goldstein, Herman. “What Is POP.” Center for Problem-Oriented Policing. Madison: CPOP, 2001.
- Gorman, Siobhan. “Intelligence Sharing Still Lacking.” Wall Street Journal. February 26, 2008, A12.
- . “LAPD Terror-Tip Plan May Serve as Model.” Wall Street Journal. April 15, 2008, A3.
- Government Security News. “Uncle Sam Should Provide Ongoing Support to State and Local Fusion Centers, Says GAO.” Hot News. May 2008, 14.
- Gray v. City of Valley Park, Missouri. Case No. 4:07CV00881 ERW. E.D. Mo. 2008.
- Green III, Walter G., ed. “Civil Defense: The Truman Administration.” Electronic Encyclopaedia of Civil Defense and Emergency Management. August 12, 2003, 32.
- Grow, Brian, et al. “The New E-spionage Threat.” Businessweek. April 21, 2008, A1.
- Grunwald, Michael and Susan B. Glasser. “Brown’s Turf Wars Sapped FEMA’s Strength.” Washington Post. December 23, 2005, A1.
- Hakim, Danny. “Bloomberg Opposes Spitzer’s Latest Plan for Drivers.” New York Times. November 2, 2007, B5.
- Hallett, Robin. Africa Since 1875: A Modern History. Ann Arbor: The University of Michigan Press, 1974.
- Handschu v. Special Services Division. 2003 U.S. Dist. LEXIS 2134. S.D.N.Y. 2003.
- Harper, Jim. “Fusion Centers: Leave ‘Em to the States.” Techknowledge. Washington, DC: CATO Institute, March 13, 2007.

- Henke, Tracy. Press Conference by Under Secretary George Foresman and Assistant Secretary Tracy Henke on the FY 06 Homeland Security Grant Program. May 31, 2006.
- Hickok, Eugene W. *Why States? The Challenge of Federalism*. Washington, DC: The Heritage Foundation, 2007.
- Homeland Security Act of 2002. Public Law 107-296, U.S. Statutes at Large 116, 2002.
- Huber, Peter. "The Coming Plague." *Wall Street Journal*. April 10, 2007, A19.
- Hutchinson, Jr., Clyde A. "Civil Defense News." *Bulletin of the Atomic Scientists* 6. 1950, 382.
- Immigration and Nationality Act of 1965. Public Law 89-236, 89th Cong., 1st sess. October 3, 1965.
- Immigration Reform and Control Act of 1986. Public Law 99-603, 99th Cong., 2d sess. 1986.
- Immigration Reform Law Institute. *Planning for State Immigration Enforcement Legislation*. 2006.
- Inspector General. *The Department of Justice's Terrorism Task Forces (Report I-2005-007)*. June 2005, Washington, DC, OIG.
- . *Audit of the State of Colorado Homeland Security Grant Program*. December 2007, Washington, DC, OIG.
- . *Major Management Challenges Facing the Department of Homeland Security*. January 4, 2008, Washington, DC, OIG.
- International Association of Chiefs of Police. "Criminal Intelligence Sharing: A National Plan for Intelligence-Led Policing at the Local, State, and Federal Level." IACP Intelligence Summit. August 2002.
- U.S. House Committee on Appropriations Subcommittee on Homeland Security. *Homeland Security: Applying Risk Management Principles to Guide Federal Investments*. February 7, 2007.
- . "Emergency Preparedness and Response: Some Issues and Challenges Associated with Major Emergency Incidents." Washington, DC: GAO, February 2006.
- Johnson, Paul. *A History of the American People*. New York: HarperCollins, 1997.
- Jordan, Miriam. "Crackdown on Illegal Immigrants Spurs Backlash among Locals." *Wall Street Journal*. April 17, 2008, A4.
- Journals of the Continental Congress, 1774-1789 (2nd)*. July 18, 1775.
- Kennedy, John F. Inaugural Address. January 20, 1961.
- . Executive Order 10952. *Federal Register* 26. July 20, 1961.
- Kepel, Giles. *The War for Muslim Minds: Islam and the West*. Cambridge, MA: Harvard University Press, 2004.
- Kerr, Thomas J. *Civilian Defense in the U.S.* Boulder, CO: Westview Press, 1983.
- Kobach, Kris W. "The Quintessential Force Multiplier: The Inherent Authority of Local Police to Make Immigration Arrests." *Albany Law Review* 69. 2005, 183.
- King County Healthcare Coalition. *Involuntary Isolation or Quarantine Legal Team Protocol*. Seattle: KCHC, April 12, 2006.
- . *Business Resiliency Workshop for Healthcare Providers*. Seattle: KCHC, 2008.
- Kratz, Ellen Florian. "For FedEx, It Was Time to Deliver: Years of Coping with Calamity Have Taught the Huge Supplier to Improvise." *Fortune*. October 3, 2005. 83.
- Kroeger, Alix. "EU Pins Skills Hopes on 'Blue Card.'" *BBC News*. October 23, 2007; <http://news.bbc.co.uk/2/hi/Europe/7057730.stm> (accessed on February 10, 2009).
- Landis, James M. "The Need for Civilian Protection." *Vital Speeches of the Day* 8. March 1, 1942.

- Leiken, Robert S., and Steven Brooke. "The Moderate Muslim Brotherhood." *Foreign Affairs* 86. March/April 2007, 108.
- Leonard, Devin. "The Only Lifeline Was the Wal-Mart: The World's Biggest Company Flexed Its Massive Distribution Muscle to Deliver Vital Supplies to Victims of Katrina." *Fortune*. October 3, 2005, 74-80.
- Limbacher, Carl et al. "1999 Hurricane Swamped Clinton's FEMA." *NewsMax*. September 7, 2005; <http://archive.newsmax.com/archives/ic/2005/9/7/134914.shtml> (accessed on February 10, 2009).
- Lipton, Eric. "Security Cuts for New York and Washington." *New York Times*. June 1, 2006, A1.
- Loyka, Stephan A., Donald A. Faggiani, and Clifford Karchmer. "Volume 4: The Production and Sharing of Intelligence." *Protecting Your Community from Terrorism: The Strategies for Local Law Enforcement Series*. Washington, DC: Police Executive Research Forum, February 2005.
- Lynch v. Cannatella. 810 F.2d 1363. 5th Cir. 1987.
- MacFarquhar, Neil. "Egyptian Group Patiently Pursues Dream of Islamic State." *New York Times*. January 20, 2002, 3.
- Manigault v. Springs. 199 U.S. 473. 1905.
- Masse, Todd, et al. "The Department of Homeland Security's Risk Assessment Methodology: Evolution, Issues, and Options for Congress." CRS Report for Congress. Washington, DC: GPO, February 2, 2007.
- Mauck, Elwyn A. "History of Civil Defense in the United States." *The Bulletin of the Atomic Scientists* 6. September 1950, 265-70.
- McGee, Marianne Kolbasuk. "Could Europe's New 'Blue Card' Cause Global Tech Talent to Shun U.S.?" *InformationWeek*. October 26, 2007; <http://www.eetimes.eu/uk/202601886> (accessed on February 10, 2009).
- McQuaid, John and Mark Schleifstein. "Washing Away: Part 4: Tempting Fate." *New Orleans Times-Picayune*. June 26, 2002; <http://www.nola.com/hurricane/content.scf?/washingaway/part4.html> (accessed on February 10, 2009).
- Mexican American Legal Defense and Educational Fund. "Civil Rights Coalition Challenges Arizona Employer Sanctions Law." ACLU Immigrants' Right Project. September 4, 2007; <http://www.maldef.org/news/press.cfu?20=431> (accessed on February 10, 2009).
- Micek, Peter. *Access Washington: Lawsuit Targets Homeland Security 'No Match' Rule*. September 19, 2007; New America Media, 1.
- Mitchell, Richard P. *The Society of the Muslim Brothers*. London: Oxford University Press, 1969.
- Mueller, John. "A False Sense of Insecurity: How Does the Risk of Terrorism Measure up against Everyday Dangers." *Regulation*. Washington, DC: CATO Institute, Fall 2004, 42.
- Murphy, Gerald R. and Martha R. Plotkin. "Volume 1: Local-Federal Partnerships." *Protecting Your Community from Terrorism: Strategies for Local Law Enforcement*. Washington, DC: Police Executive Research Forum, March 2003.
- Muslim Brotherhood. "Credo of the Muslim Brotherhood." Muslim Brotherhood Movement Homepage. 2008; <http://www.ummah.net/ikhwa> (accessed on February 10, 2009).
- National Emergency Management Agency. "Emergency Management." NEMAWEB. 2008, 3.
- National Commission on Terrorism. *Countering the Changing Threat of International Terrorism*. Washington, DC: GPO, June 7, 2000.

- The National Commission on Terrorist Attacks upon the United States. Final Report of the National Commission on Terrorist Attacks upon the United States. New York: W.W. Norton & Company, 2004.
- National Fire Protection Association. NFPA 1600: Standard on Disaster/Emergency Management and Business Continuity Programs. 2007 Edition, Washington, DC: NFPA.
- Nelson, Otto. Non-Military Defense in the Shadow of Nuclear Attack. May 15, 1956.
- New Oxford American Dictionary, 2nd ed. New York: Oxford University Press, s.v. "Risk," May 2005.
- . s.v. "Resiliency."
- Nichols, Bill and Richard Benedetto. "Govs to Bush: Relief Our Job." USA Today. October 2, 2005, 1A.
- Nixon, Richard M. Executive Order 11725. Federal Register 38. June 29, 1973.
- Nolin, Robert, Linda Kleindienst, and Brittany Wallman. "Gov. Bush Accepts Blame for Slow Relief Response Days after Wilma." Florida Sun-Sentinel. October 27, 2005; <http://www.sun-sentinel.com/news/local/southflorida/sflwilma,0,1170061.story> (accessed on February 10, 2009).
- Nossiter, Adam. "Nagin Re-elected as New Orleans Mayor." New York Times. May 21, 2006, A1.
- Nowak, Joey. "Hazmat Vehicle Just Sitting in Garage." Columbus Dispatch. July 13, 2008, B3.
- Ohio Emergency Management Agency. Assistance Toolbox. Columbus: OEMA, August 2005.
- . Application Packet for the State Disaster Relief Program. Columbus: OEMA, September 2007.
- . Continuity of Operations Plan (All Hazards) Overview and Guidance for Local Government. Columbus: OEMA, September 2006.
- . Cost Documentation Workshop. Columbus: OEMA, July 2007.
- . Damage Assessment Workshop. Columbus: OEMA, May 2007.
- . EMA Preliminary Damage Assessment Field Guide. Columbus: OEMA, October 2006.
- . Ohio Response System. Columbus: OEMA, undated.
- . Plan Development and Review Guidance for Local Emergency Operations Plans. Columbus: OEMA, May 2008.
- . Public Assistance Handbook. Columbus: OEMA, September 2007.
- . Recovery from Disaster: Role of Local Government. Columbus: OEMA, March 2008.
- . State of Ohio Individual Assistance Program. Columbus: OEMA, November 2, 2006.
- Ohio History Central. "Biography of Ted Strickland." Ohio Historical Society. March 14, 2008, 1.
- Pestritto, Ronald J. Woodrow Wilson: The Essential Political Writings. Lanham, MD: Lexington Books, 2005.
- Peters, Katherine McIntire. "Congressional Oversight of Homeland Security Comes under Fire Again." Government Executive. July 30, 2008; <http://www.govexec.com/dailyfed0708/073008kpl.htm> (accessed on February 9, 2009).
- Preston, Julie. "Employers Fight Tough Measures on Immigration." New York Times. July 6, 2008, A1.
- Poindexter, John. "Overview of the Information Awareness Office." DARPA Tech 2002 Conference. August 2, 2002.

Post-Katrina Emergency Management Reform Act of 2006. Public Law 109-295, U.S. Statutes at Large 120. 2006.

Plyler v. Doe. 457 U.S. 202. 1982.

Qutb, Sayyid. *Milestones*. Indianapolis: American Trust Publications, 1990.

Raphaeli, Nimrod. "‘Ayman Muhammad Rabi’ Al-Zawahiri: The Making of an Arch Terrorist." *Terrorism and Political Violence* 14. Winter 2002, 20-22.

Reagan, Ronald. *Speaking My Mind*. New York: Simon and Schuster, 1989.

———. Remarks to the American Dental Association. October 29, 1972.

Rector, Robert. "Amnesty Will Cost U.S. Taxpayers at Least \$2.6 Trillion." Web Memo No. 1490. Washington, DC: The Heritage Foundation, June 6, 2007, 1-2.

———. "White House Report Hides the Real Costs of Amnesty and Low Skill Immigration." Web Memo No. 1523. Washington DC: The Heritage Foundation, June 26, 2007, 1.

Reed, Lawrence W. "Grover Cared: Taking Disaster Relief Lessons from a Compassionate Conservative." *National Review Online*. March 2, 2006.

Republican Members of the U.S. House of Representatives. *Republican Contract with America*. Washington, DC, 1994.

Rico, Raymond. "Immigration Was Key in 2006 State Legislation and Ballot Measures." *Immigrants' Rights Update*. March 29, 2007, 1-5.

Ridge, Tom. Letter to Senator Susan Collins. January 26, 2004.

———. *Public/Private Sector Program on Emergency Preparedness*. September 28, 2004.

Robert T. Stafford Disaster Relief and Emergency Assistance Act. Public Law 93-288, 100th Cong., 2d sess. November 23, 1988.

Roosevelt, Franklin D. Second Inaugural Address. January 20, 1937.

Rosenzweig, Paul and Alane Kochems. "Risk Assessment and Risk Management: Necessary Tools for Homeland Security." *Background*. Washington, DC: The Heritage Foundation, October 25, 2005.

Rossiter, Clinton, ed. *The Federalist Papers*. New York: Signet Classics, 1999.

Rumsfeld, Donald. "A New Kind of War." *New York Times*. September 27, 2001.

———. U.S. Defense Department Briefing. February 12, 2002, A21.

Rust, Sunchlar M. *Collaborative Network Evolution: The Los Angeles Terrorism Early Warning Group*. Monterey, CA: Naval Post Graduate School, March 2006.

Sageman, Marc. *Understanding Terror Networks*. Philadelphia: University of Pennsylvania Press, 2004.

Samuelson, Robert J. *The Good Life and Its Discontents: The American Dream in the Age of Entitlement 1945-1995*. New York: Times Books, 1995.

Sanger, Margaret. "A Plan for Peace." *Birth Control Review*. April 1932, 107-8.

Scott, Gina M. "Study Says Real ID Act Will Cost \$11 Billion, Be Logistics Nightmare." *Government Technology*. September 21, 2006; <http://www.govtech.com/gt/articles/101128> (accessed on February 10, 2009).

Seattle/King County Public Health. *Community Communication Network Vulnerable Populations Action Team (VPAT)*. Seattle: S/KCPH, undated.

———. *Windstorm 2006: After Action Report*. Seattle: S/KCPH, February 2, 2007.

———. *Business Not as Usual: Preparing for Pandemic Flu*. Seattle: S/KCPH, 2008.

Seattle/King County Public Health and the Vulnerable Populations System Coordination Steering Committee. *Community Based Organizations: Standards and Indicators for Emergency Preparedness and Response*. Seattle: S/KCPH, May 2008.

Seattle, King County, and the United Way of King County. *Katrina's Lessons: Reach Our Vulnerable Residents Now*. Seattle: S/KCPH, December 15, 2006.

- Seiber, Mitchell D. and Arvin Bhatt. *Radicalization in the West: The Homegrown Threat*. 2007, New York City: NYPD.
- Seper, Jerry. "Counterterror Staff Falls to 62 Percent as FBI Seeks Volunteers." *Washington Times National Weekly Edition*. May 26, 2008, 1-3.
- Sherman, Rexford B. *Seaport Governance in the United States and Canada*. Undated, Washington, DC: AAPA, 3.
- National Governors Association. *2007 State Homeland Security Directors Survey*. December 18, 2007.
- Shao, Yilu. "The Law: Illegal Aliens Travel to Other States for Driver's Licenses." *New York Times*. March 2, 2003, 14WC-5.
- Shlaes, Amity. *The Forgotten Man: A New History of the Great Depression*. New York: HarperCollins Publishers, 2007.
- Simpson, James B. *Simpson's Contemporary Quotations*. Boston: Houghton Mifflin Company, 1988.
- South Carolina State Highway Department v. Barnwell Brothers, Inc.. 303 U.S. 177. 1938.
- Story, Joseph. *Commentaries on the Constitution of the United States with a Preliminary Review of the Constitutional History of the Colonies and States before the Adoption of the Constitution*. Boston: Hilliard, Gray and Company, 1833.
- Sturges v. Crowninshield. 17 U.S. 122. 1819.
- Sullivan, Eileen. "21,000 Slipped Past Borders Illegally." *USA Today*. November 5, 2007; http://www.usatoday.com/news/Washington/2007-11-05-1051006212_x.htm (accessed on February 10, 2009).
- Sullivan, John P. "Terrorism Early Warning and Co-Production of Counterterrorism Intelligence." *Canadian Association for Security and Intelligence Studies CASIS 20th Anniversary Conference*. October 21, 2005.
- . "Analytical Approaches for Sensing Novel and Emerging Threats." *49th Annual ISA Convention*. March 29, 2008.
- Sunnucks, Mike. "Tough Employer Sanctions Measure Pushed for Ballot." *The Phoenix Business Journal*. April 20, 2007, 1.
- Taleb, Nassim Nicholas. *The Black Swan: The Impact of the Highly Improbable*. New York: Random House, 2007.
- Terrorism Risk Insurance Act of 2002. Public Law 107-197, U.S. Statutes at Large 116. 2002.
- Terrorism Risk Insurance Program Reauthorization Act of 2007. Public Law 110-160, U.S. Statutes at Large 121. 2007.
- "Texas v. Ohio." *Wall Street Journal*. Editorial. March 3, 2008, A16.
- Tucker, Jonathan B. "Strategies for Countering Terrorism: Lessons from the Israeli Experience." *Journal of Homeland Security*. March 2003, 3.
- United States and Mexico. "For the Temporary Migration of Mexican Agricultural Workers to the United States as Revised on April 26, 1943, by an Exchange of Notes between the American Embassy at Mexico City and the Mexican Ministry for Foreign Affairs." *The Official Bracero Agreement*. August 4, 1942.
- Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001. Public Law 107-56, U.S. Statutes at Large 115, 2001.
- U.S. Conference of Mayors. *Mayors 2004 Agenda: "Keeping America Strong"*. February 9, 2004.
- . *2005 National Action Plan on Safety and Security in America's Cities*. October 25, 2005.

- U.S. Customs and Border Protection. Inspection Technology Fact Sheet. Washington, DC, May 2006.
- . Container Security Initiative Fact Sheet. Washington, DC, March 2007.
- . Customs-Trade Partnership Against Terrorism (C-TPAT) Fact Sheet. Washington, DC, June 2007.
- U.S. Department of Homeland Security. Fiscal Year 2004 Urban Areas Security Initiative Grant Program: Program Guidelines and Application Kit. Washington, DC: GPO, 2003.
- . About CERT. Washington, DC: DHS. 2008.
- . About Citizen Corps. Washington, DC: DHS. 2008.
- . Analysis of Federal Requirements Final Report. Washington, DC: DHS. October 2007.
- . Comprehensive List of Staffing Requirements for National Preparedness Goal, Universal Task List (UTL), and Target Capabilities List (TCL). Washington, DC: DHS, February 2005.
- . DHS Announces \$1.7 Billion in Homeland Security Grants: Grants Will Build States' and Urban Areas' Preparedness —Attachment B. Washington, DC: DHS, May 31, 2006.
- . DHS Completes Key Framework for Critical Infrastructure Protection. Washington, DC: DHS, May 21, 2007.
- . Fact Sheet: Ready Campaign. Washington, DC: DHS, October 1, 2004.
- . Fiscal Year 2005 Homeland Security Grant Program: Program Guidelines and Application Kit. Washington, DC: GPO, December 2004.
- . FY 2007 Homeland Security Grant Program. Washington, DC: GPO, July 18, 2007.
- . FY 2007 Homeland Security Grant Program: Program Guidance and Application Kit. Washington, DC: DHS, January 2007.
- . FY 2007 Homeland Security Grant Program: Supplemental Resource - Fusion Capability Planning Tool. Washington, DC: GPO, January 2007.
- . Good Story: Public Health—Seattle & King County's Vulnerable Populations Action Team. Washington, DC: DHS, 2007.
- . Homeland Security Exercise and Evaluation Program (HSEEP). Washington, DC: GPO, February 2007.
- . Interim National Infrastructure Protection Plan. Washington, DC: DHS, February 2005.
- . Interim National Preparedness Goal. Washington, DC: DHS, March 31, 2005.
- . National Infrastructure Protection Plan. Washington, DC: DHS, June 2006.
- . National Planning Scenarios. Washington, DC: DHS, April 2005.
- . National Preparedness Guidelines. Washington, DC: DHS, September 2007, 4--5.
- . National Response Plan. Washington, DC: DHS, December 2004.
- . Partners: Section 287(g), Immigration and Nationality Act; Delegation of Immigration Authority. April 1, 2008.
- . Preparedness Integration with the Regions. Washington, DC: DHS, August 9, 2007.
- . State of the Border —Border Security and Immigration Efforts Successful in Fiscal Year 2007. Washington, DC: DHS, November 6, 2007.
- . U.S. Government Seeks to End Litigation Undermining Expedited Removal of Salvadorans. Washington, DC: DHS, November 17, 2005.
- . Universal Task List: Version 2.1. Washington: GPO, May 23, 2005.

- U.S. Department of Justice. The National Criminal Intelligence Sharing Plan. June 2005.
- . Chiquita Brands International Pleads Guilty to Making Payments to a Designated Terrorist Organization and Agrees to Pay \$25 Million Fine. March 19, 2007. ———.
- “Jail Inmates at Midyear 2007.” Bureau of Justice Bulletin NCJ 221945. June 2008, 1.
- . “Prison Inmates at Midyear 2007.” Bureau of Justice Statistics Bulletin NCJ 221944. June 2008, 1.
- U.S. Government Accountability Office. Management of First Responder Grant Programs and Efforts to Improve Accountability Continue to Evolve. Washington, DC: GPO, April 12, 2005.
- . Homeland Security: DHS’ Efforts to Enhance First Responders’ All-Hazards Capabilities Continue to Evolve. Washington, DC: GPO, July 2005.
- . Homeland Security: Federal Efforts Are Helping to Alleviate Some Challenges Encountered by State and Local Information Fusion Centers. Washington, DC: GPO, October 2007.
- . DHS Risk-Based Grant Methodology Is Reasonable, but Current Version’s Measure of Vulnerability Is Limited. Washington, DC: GPO, June 2008.
- U.S. House of Representatives. Final Vote Results for Roll Call 161 on H.R. 1268. 2005.
- . Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment. The Way Forward with Fusion Centers: Challenges and Strategies for Change. 110th Cong., 1st sess., 2007.
- . Committee on the Judiciary. How Does Illegal Immigration Impact American Taxpayers and Will the Reid-Kennedy Amnesty Worsen the Blow. 109th Cong., 2d sess., 2006.
- . Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. Summary of U.S. Immigration History. 110th Cong., 1st sess., 2007.
- . Committee on Oversight and Government Reform. FEMA Preparedness in 2007 and Beyond. 110th Cong., 1st sess., 2007.
- . Committee on Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management. Recovering after Katrina: Ensuring That FEMA Is Up to the Task. 109th Cong., 1st sess., 2005.
- . Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. 2006.
- . Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment. Homegrown Terrorism. 110th Cong., 1st sess., 2007.
- U.S. Immigration and Customs Enforcement. Fact Sheet: The ICE T. Don Hutto Family Residential Facility: Maintaining Family Unity, Enforcing Immigration Laws. Washington, DC: DHS, April 2007.
- U.S. Senate. Roll Call Votes 109th Congress, 1st Session. On the Conference Report H.R. 1268. 2005.
- . Committee on Governmental Affairs. The Local Role in Homeland Security. 107th Cong., 1st sess., 2001.
- . Committee on Homeland Security and Governmental Affairs. Counterfeit Goods: Easy Cash for Criminals and Terrorists. 109th Cong., 1st sess., 2005.
- . Committee on Homeland Security and Government Affairs. Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?. 109th Cong., 2d sess., 2006.

- . Committee on Homeland Security and Governmental Affairs. Hurricane Katrina: A Nation Still Unprepared, Washington, DC: GPO, 2006.
- . Committee on Homeland Security and Government Affairs. FEMA's Level of Preparedness. 110th Cong., 2d sess., 2008.
- . Committee on Homeland Security and Governmental Affairs. Present View of the Terrorist Threat. 109th Cong., 2d sess., 2006.
- U.S. War Department. United States Strategic Bombing Survey Summary Report (Pacific War). Washington, DC: GPO, July 1, 1946.
- Vise, David A. "Gates Cites Hiring Woes, Criticizes Visa Restrictions." Washington Post. April 28, 2005, E05.
- Watson, Alan D. "The Committees of Safety and the Coming of the American Revolution in North Carolina, 1774-1776." The North Carolina Historical Review. April 1996, 132.
- Webster, Daniel. Speech at Niblo's Saloon. New York City, March 15, 1837.
- The White House. National Strategy for Homeland Security. Washington, DC: GPO, July 2002.
- . Fact Sheet: Improving Border Security and Immigration within Existing Law. Washington, DC: The White House, August 10, 2007.
- . The Federal Response to Hurricane Katrina: Lessons Learned. Washington, DC: The White House, February 23, 2006.
- . National Strategy for Homeland Security. Washington, DC: GPO, October 2007.
- . National Strategy for Information Sharing. Washington, DC: The White House, October 2007.
- Williams, Lance, and Eric McCormick. "Al Qaeda Terrorist Worked with FBI." San Francisco Chronicle. November 4, 2001, A-1.
- WNBC-TV. "Poll: New Yorkers Oppose Plan to Allow Illegal Aliens Driver's Licenses." MSNBC.com. October 15, 2007.
- Wohlstetter, Roberta. Pearl Harbor: Warning and Decision. Palo Alto, CA: Stanford University Press, 1962.
- World Islamic Front. Jihad against Jews and Crusaders. February 23, 1998; http://www.pbs.org/newshour/terrorism/international/fatwa_1998.html (accessed February 9, 2009).
- Wright, Lawrence. The Looming Tower: Al-Qaeda and the Road to 9/11. New York: Knopf, 2006.
- Zinn, Howard. A People's History of the United States: 1492-Present. New York: HarperCollins, 2003.

HOMELAND SECURITY AND FEDERALISM

Protecting America
from Outside the Beltway

MATT A. MAYER

Foreword by the Honorable Edwin Meese III

In this most timely book, Mayer uses the principle of federalism to present a compelling case that the best way to protect America from terrorists is to get the power out of Washington and into the hands of governors, mayors, and the countless men and women serving on the front lines in our communities.

His book takes the reader from the streets of Ismailia, Egypt, in 1921 to New York City on September 11, 2001, and from America's Colonial period to the inner workings of the U.S. Department of Homeland Security to show what worked historically and why the approach taken after September 11 failed to heed the bright lessons of history on how best to protect our nation against this new threat.

After asking where today's federalists are—those who will push back on Washington's power grab—Mayer develops a rational risk model to guide where our limited resources should be allocated so that they will lead to less pork and more protection. The book then systematically builds the case that states and localities are uniquely suited to lead efforts on terrorism preparedness, disaster management, illegal immigration, counterterrorism, and community resiliency. Case studies throughout the book highlight best practices from outside the Beltway that, once again, vindicate the role of federalism in solving America's complex challenges.

100% of the net proceeds from the sale of this book will be donated to charity.

PROVISUM
STRATEGIES LLC

Notes and Bibliography