

Testimony of Thomas C. Frazier

Executive Director

Major Cities (Police) Chiefs Association

before the

Committee on Homeland Security

United States House of Representatives

On

“Homeland Security Policymaking: HSC at a Crossroads
and Presidential Study Directive 1”

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Chairman Thompson, Ranking Member King, members of the Committee, thank you for this opportunity to discuss the potential merger of the National Security Council and the Homeland Security Council.

My name is Tom Frazier. I'm the Executive Director of the Major Cities Chiefs Association. MCC is the association of the Chiefs of the 56 largest municipal police departments in the United States. MCC members are the Chief Executive Officers of police departments located within metropolitan areas of more than 500,000 population, and which employ more than 1,000 law enforcement officers. Collectively, these departments are the first responders to over fifty million residents in our country.

I'm a retired law enforcement executive, having served a career in the San Jose, California Police Department and as Police Commissioner in Baltimore, Maryland. I also had the honor of serving as the Director of the COPs Office in the Department of Justice during the second Clinton Administration.

On February 23, 2009, President Obama issued Presidential Directive 1 on Organizing Homeland Security and Counter-terrorism. The Assistant to the President for Homeland Security and Counterterrorism was instructed to lead an interagency review of ways to reform the White House organization for counter-terrorism and homeland security. The Directive requires this review to be completed within 60 days.

Before discussing our specific views of the potential merger of the NSC and the HSC, I'd like to set the stage a bit by articulating our perspective of these two organizations, and how we, as local first responders, fit into their respective missions.

First, the NSC. Established by the National Defense Act of 1947, the NSC was originally defined as an organization dealing in military and diplomatic issues beyond the U.S. borders. The NSC was, and is, staffed by personnel from DOD, the State Department, and subject matter experts with an intelligence community background. NSPD-1, signed by President George W. Bush on February 13, 2001 reiterated this NSC focus by stating that, "National security includes the defense of the United States of America, protection of our constitutional system of government, and the advancement of United States interests around the globe. National security also depends on America's opportunity to prosper in the in the world economy."

This external focus fulfils a vital national need, but has no components with backgrounds or experience dealing with the vastly different needs and constitutional responsibilities of state governments, and their tribal and local partners. Public safety leadership has only recently had their domestic viewpoint represented in this forum.

Now the HSC. Established by HSPD-1, signed by President Bush on October 29, 2001, its mission was defined as, "...ensuring coordination of all homeland security-related activities among executive departments and agencies and promoting the effective development and implementation of all homeland security policies."

We see the missions of these two bodies as being fundamentally different. These differences become clear when you look at the players. National security players are primarily federal, and accustomed to working at that level of federal engagement. Homeland security players include federal, but equally and perhaps more important are state, tribal, local, and private sector partners. While the NSC deals with issues that rarely involve state, tribal, local, and private sector entities, the HSC must deal with the interests – and the constitutional responsibilities of State governments – of these partners on nearly every issue.

Now let's consider jurisdictions – a fundamental concept to law enforcement organizations. The NSC deals with military and diplomatic issues beyond the jurisdictions of state, tribal, and local governments. The HSC, however, deals in an entirely different environment where States have constitutionally-defined responsibilities over domestic incidents that the Federal government may not share. Response to disasters belongs with the jurisdiction in which it occurs. The homeland security continuum of “prevent-protect-respond-recover” is one in which federal role is to help plan, coordinate - and support - effective programs which build the collective national capacity for implementation of the activities mentioned earlier.

Our recent experience with the new federal entities, specifically the National Counter-Terrorism Center and its' state and local analytic cell, or ITACG, is also instructive. A Presidential Advisor whose sole responsibility is homeland security is critically important to our nation's internal ability to identify domestic security threats. As our newly combined efforts come to maturity, policy and funding issues that would be lost in an international effort will still receive the focus and importance that is required.

When viewed from these perspectives, it is clear to us at the State and local level of government that our role in the NSC is minimal. Our partners in the emergency management and fire professions agree. It is equally clear that our collective roles in the HSC are fundamental.

Both the NSC and the HSC have extraordinarily important, but very different missions. These missions are set to grow even further in complexity, when you consider General Jones' plans to draw issues like cyber-security, overdependence on fossil fuels, disease, poverty, corruption, and the economic crisis into NSC's traditional mission areas. Likewise, the HSC must now deal with a whole range of growing threats: cross-border issues with Canada, the potential spill-over of Mexican drug war violence into the U.S., and the proliferation of home-grown radicals.

We do not advocate the preservation of the status-quo. There are clearly areas where the HSC can be significantly improved – which may be a good topic for a follow-on hearing. But we see a merger of the HSC and the NSC as a bad idea – one sure to muddle both missions while a newly created DHS absorbs change and settles down.

There are many opportunities to streamline, to improve communication, and to meet jointly. Let's pursue these first, while also working to improve the budget, staffing, and subject matter expertise within the HSC itself.

One final thought while I have your collective ears. At present there are approximately 108 different congressional committees that provide some level of oversight to DHS. A concerted effort by Congress to streamline this Gordian knot of often duplicative and conflicting oversight would be a fundamental improvement.

On behalf of the Major Cities Chiefs Association, I want to thank you for allowing MCC to submit its comments on the important work that you do. We look forward to continued interaction with the Committee on strategies to address this and future issues.