

An in depth view of the department of homeland security research paper example

[Law](#), [Security](#)



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Political Science

An in Depth view of the Department of Homeland Security

History of the Department of Homeland Security

The Department of Homeland Security was brought about by the tragedy of the September 21 terrorist attack of the Al-Qaeda group. It was during this time the two airplanes purposely targeted to cause destruction of the Twin Towers in New York City and the Pentagon in Washington D. C. This event was regarded as the worst act of terrorism in America after the loss of 3, 000 innocent lives. It was during this difficult time that the world grieved for America and together their condemned the ruthless act of terrorism. As a response to the catastrophe, it was then President Bush who promised his countrymen that security measures will be taken to hunt down the terrorists of 9/11 and such brutality will not be left unpunished.

As part of the reinforcement and security measures of the country, the U. S.

government caused the creation of a new department known as the Department of Homeland Security (DHS). The purpose of establishing the DHS is to empower the agency that will be delegated the responsibility of protecting America and its people from forthcoming terrorist outbreaks that may take place. The primary mission of the DHS is to prohibit potential criminals, illegal immigrants, smugglers and terrorists from setting foot in the country. The responsibility of the department involves four major tasks which are: To protect the country against future terrorists and securing all entry and exit points where they can enter; To prevent any loss or damage to the country and be able to carry-out a timely recovery for the country brought about by terrorist attacks; To discover new anti-terrorism technologies for the safety of America and the general population; To be able to gauge the efficiency by testing new anti-terrorist technologies that will be used by law enforcement agencies. It bears stressing that the agency was established specifically to respond to terrorism and regarded as a co-equal of crucial cabinet offices in the U. S.

Thesis Statement: The role of the Department of Homeland Security has the tendency to violate the guaranteed individual rights and liberties found in the Constitution since the public ministers and consuls of the agency are empowered by the President to enforce national policies within the country. It was during the presidency of George Bush that the U. S. government has identified Saddam Hussein's group Al Qaeda that was the principal author of the September 11 attack. President Bush declared apathy over Al Qaeda's supporters, including Iraq as one of the recognized countries that provided support to terrorist movements. In order to have an in depth view of the of

the Department of Homeland Security, it is vital to discuss the role of the department, its goals, the applicable laws and the counterterrorism measures that have been implemented to promote national security.

Role of the Department of Homeland Security

As a result, the DHS is regarded as a co-equal of crucial cabinet offices in the U. S. to defend the country against impending danger to the nation. One of the positive effects of the creation of the agency is that it was able to provide protection to the government and the people from impending terrorist attacks that will impede national security. After careful analysis of the responsibilities of the department, it has become the catalyst for America to improve the security system of the country for the protection of its people. The 9/11 incident became a realization for America to end all forms of terrorism of global reach and should be defeated. It was a manifestation that the American government experienced vulnerability which prompted the creation of the DHS. The immediate response of the Bush administration caused the signing of the USA Patriot Act of 2001 into law. With this law, the Office of the Homeland Security was ordered to directly report to the President. In 2004, the Department of Homeland Security (DHS) was tasked to identify, define and carry-out a preparedness goal for the country against all hazards, international and domestic to develop the awareness and readiness of the people for future national catastrophes that may take place. Under this definition are terrorist attacks. The approach that was used by the department is capabilities-based planning (CBP) that was influenced by the Department of Defense (DoD) of

the country. The CPB approach was used in order to enhance the capabilities of the department in goal setting and prioritization to be able to address the challenges and circumstances which may affect the nation. The main considerations are primarily the cost and sustainability of the objectives of the agency.

Goals and Strategies of the Department of Homeland Security

The DHS had to come up with a Security National Strategy, herein referred to as the National Strategy, which will provide the framework of the targeted results and expectations. This National Strategy was able to clearly provide a definition of the mission and goals of the department by implementing prioritization of goals, reporting of present accomplishments, and to make recommendations to both the federal and non-federal governments and the private sector. The cornerstone of the strategy if the DHS is divided into six objectives that have emphasized on areas such as prevention, response and recovery, vulnerability diminution and the expectations from the department. The mission areas cover: 1.) Intelligence and warning by prohibiting the terrorist activity as part of the preventative, and protective action; 2.) Monitoring of border and transportation of exit and entry points by ensuring that there is a steadfast flow of goods, and services for the people across borders. At the same time, the terrorists shall be prohibited to use the transportation systems to for the furtherance of their objectives; 3.) Provide domestic counterterrorism measures in order to detect and stop terrorist activities immediately in places where they are detected. It shall be the duty of the DHS to ensure that the terrorists are tried in the courts of

America, by giving direct support and aid and other sources of support; 4.) It is also vital to protect the crucial infrastructure and primary assets of the country by critically monitoring the weakness and vulnerability of the target; 5.) To develop new methods for defense and strategies to prevent the biological, nuclear or chemical attacks that may occur within U. S. territory; and 6.) Develop emergency preparedness and response for the nation through the coordination of inter-government agencies to protect assets immediately.

Applicable Laws to accomplish the goals of the DHS

USA Patriot Act of 2001

The USA Patriot Act covers the following security matters: enhancing domestic security against terrorism, enhanced surveillance procedures, safeguarding the borders, anti-terrorist financing, removal of obstacles that impede investigation of terrorism, enhancing criminal laws in the country against terrorism and improving intelligence of the department. In order to enhance domestic security in the country by creating a counterterrorism fund to support the operation of the FBI and its technical support system. This shall cover the power of the U. S. President to confiscate any property in the event that the country is engaged in military activities.

As a result, the U. S. government implemented new security policies that strengthened the defense mechanism of the country using technology and communication to monitor the entry and exit points of potential terrorists. The federal agencies such as the DHS are empowered to intercept wire, oral

and electronic communications that has relation to terrorism and computer fraud among others.

Aviation and Transportation Security Act

The country has established counterterrorism policies to prevent terrorist activities such as the Aviation and Transportation Security Act. This law was created for the purpose of conducting closely monitoring of commercial aviation and national security. Some of the recognized objectives of the law include the prevention of future aircraft piracy and hijacks, data analysis and intelligence gathering. Vacca argued that the policy was intended to prevent potential terrorists to board any U. S. aircraft or vehicles used for land transportation and suspected to have in their possession weapons and explosives. The search will require tracing detection devices used by security personnel airports to be more vigilant with the passengers boarding the aircraft. Such technical devices include high powered surveillance cameras situated inside the U. S. airports to look for any explosive residue. The primary features of this act shall cover the federalization of airport security screeners by the investigation of all the travel requirements as well as the baggage, through the use of explosive detection devices and firearms used by the pilots. Any suspicious passenger who is believed to be transporting explosives or weapons of mass destruction shall undergo thorough search using modern detection devices. This means that there are security personnel designated at the airports to perform the search of passengers. One of the computer-generated devices is the high powered surveillance cameras stationed in key airports of the country to detect any residue of

explosives.

In addition, a new device called the bio-monitor device can be found in U. S. airports to scan the heart rate and blood pressure of the boarding passengers even without going through the usual security check process. It is a breakthrough development called the Personal Identification Secure Comparison and Evaluation System or “ PISCES” program that has been regarded as the “ terrorism interdiction system”. The program has the ability to run a series of tests that makes an analysis of the facial figures and biometrics of travelers who enter the airport by screening of the fingerprints of potential terrorists and bombers.

On the other hand, the Radio Frequency Identification or “ RFID” is a new discovery that is contained in a chip where it embeds the passport information of every passenger that can be found in the digital photo while entering the airport premises. This technology helps the security officials to expose the known terrorists under disguise attempting to escape the country. to complete the surveillance gadgets is the National Security Entry-Exit Registration System “ NSEERS” that permits the issuance of provisional visas who are about to set foot in U. S. soil that will ensure the safety of entry and exit points attempting to cause another terrorist activity.

The act of the government in creating counterterrorism policies will promote national security and keep the people safe from surprise acts of terrorism such as the September 11 incident. However, the government must be able to set a balance between civil liberties and implementation of security measures without compromising privacy rights of the people even if counterterrorism policies are carried out by the various government

agencies. Although it quells any event of terrorism, this does not justify non-observance of civil liberties enshrined in the Constitution. There are counterterrorism measures that could have stepped beyond the scope of surveillance purposes and manipulated individual actions by restricting daily routines. The DHS implements strict enforcement of the law which may have violated certain individual rights. As a result security measures of the law enforcement agencies may bring fear, anxiety, anxiousness and invasion of personal liberties of the people. However, there should a limitation on the implementation of the law within the bounds of accepted principles without relying on extralegal factors such as race, gender and social standing regarded by the police as legitimate foundations of government mandated policies.

Harr, Hess and Orthmann argued that such extralegal considerations of law enforcement agencies disregards that equal protection of the law, due process and privacy rights of the people. In fact, surveillance can be regarded as a curtailment of the right to self-autonomy, right to privacy and freedom of choice. This is the dilemma faced by government agencies including the Office of the Homeland Security since the right to privacy of the people must be upheld despite obtaining confidential information. Thus, the anti-terrorism policies of the DHS must clearly define and set the boundaries of what is permissible under the law. Such being the case, the surveillance should enforce strict measures but does not compromise welfare of the people. This guarantees that abuse of power is not tolerated within law enforcement agencies and respect of the protected rights of the people. This can be illustrated by the disallowance body scanners found in U. S. airports,

which are called the “Rapiscan” scanners after receiving complaints for invasion of privacy of the travelers. The scanners produce naked images of the passengers and identify metallic weapons such as guns, plastic explosives and prohibited drugs. The passengers cause the people to raise privacy issues since the airport scanners showed revealing body images of the passengers by using these machines.

Maras argued that the current social system has been ruled by “panopticism” which has the tendency to violate individual rights. In fact, human rights is at stake since law enforcement agencies may abuse and mishandle the data from the surveillance devices to the detriment of the people. Some of these surveillance cameras controlled by the DHS carried out the pervasive collection of data without due regard to privacy rights. Although the intention of the intelligence devices is to prevent terrorist attacks to occur in the future. Information gathered from surveillance devices can identify renowned leaders and members of the terrorist groups, track bank accounts and paper trail on the sources funds or the countries where weapons, facilities, and allies are located to train new recruits. However, enforcement of counterterrorism policies by the Office of Homeland Security violated ethical concerns such as the Fourth Amendment of the Constitution, particularly on the right of the people against illegal searches and seizures. Hence, the law enforcers should observe the right of the people to be secure in their persons, houses and personal effects against unreasonable searches and seizures, by undergoing the process of obtaining a valid search warrant from the court unless covered by warrantless arrests permitted by the Constitution. This is a clear showing that stringent

enforcement of laws violates the right of the people against illegal searches even without justifiable grounds. The extensive data mining operations directed on private and public data to determine signals for terroristic activities that raises national security concerns has the probability of violating privacy rights of the citizens.

Conclusion

The purpose for the enactment of new USA Patriot Act and Homeland Security Act is to address the issue on terrorism and to prevent the occurrence of tragic attacks carried by terrorist groups such as the 9/11 attacks of the Al Qaeda group. Dale and Lewis stated that this is a concerted effort of law enforcement agencies such as the FBI and Office of the Homeland Security to deter terrorists and similar offenders to enter the country. The full implementation of government and state policies to promote national security require the federal agencies to work together to develop a layered national security strategy to prevent terrorists to successfully carry out their objectives. This will guarantee the protection of national security to deter similar attacks that can destroy innocent lives. Franceschetti and Grossi states that the Office of the Homeland Security usually addresses systems, solutions and issues that relate to natural or man-made events that can threaten life and cause economic losses by the joint activities of bomb squads and tactical teams. It bears stressing that it is during the enforcement of the policy where ethical concerns may arise such as the violation of rights guaranteed under the Fourth Amendment or the Bill of Rights. The law has emphasized on the right of the people to be secure in

the person, houses and personal effects by protecting them against unreasonable searches and seizures without application of a valid search warrant from the court unless the covered by warrantless searches under the law. Such action of law enforcement agencies such as the DHS has the tendency to violate the right of the people against illegal searches even without justifiable grounds and exploitation of confidential data which may violate the right to privacy. At the same time, the surveillance measures caused a restriction of the activities of the people which violates privacy rights.

Finally, it is important to note that even though the act of the government in the implementation of counterterrorism policies promotes national security and public safety, the government should strike a balance between civil liberties and national security by respecting the privacy rights of the people. Thus, there must be equilibrium between the enforcement of law and the giving respect to protected interests of the general public to successfully enforce the intended objectives of the counterterrorism policies.

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