



# U.S. federalism in the aftermath of September 11

BY EARL FRY

**The** tragic terrorist events of September 11, 2001 have had a profound impact on the United States in general and on American federalism in particular. The 19 terrorists who were responsible for the four plane crashes in New York City, the Pentagon, and rural Pennsylvania were probably working with an annual budget of about one million dollars, but their activities resulted in the loss of over 3,000 lives and literally tens of billions of dollars in damage to the U.S. economy and to many other economies around the world.

Most Americans had never heard the term "homeland security" prior to September 11. The last major destructive act perpetrated by foreign forces on American soil was the attack on Pearl Harbor in 1941, and the last significant incursion on the mainland was the British takeover of Washington, D.C. in 1814.

All Americans are now painfully aware of potential threats from abroad, and within the U.S. federal system, state and local governments will be expected to play major roles in protecting the homeland. The National Governors' Association released the following statement:

"Governors play a critical role in homeland security. State and local law enforcement and health personnel provide the first line of defence in protecting critical infrastructure and public health and safety. Should an incident occur, state and local personnel are the first to respond to an emergency and the last to leave the scene. Governors, with the support of the federal government, are responsible for coordinating state and local resources to effectively address natural disasters, accidents, and other types of major emergencies, including terrorist incidents."

Municipal leaders have echoed similar sentiments about their own key roles, with Mayor Rudy Giuliani and his colleagues being living examples of the critical need for effective local leadership in times of major disaster.

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## ***A new "czar" for homeland security***

At the national governmental level, President George W. Bush issued an Executive Order creating the Homeland Security Council and named Tom Ridge, the former governor of Pennsylvania, to be the Assistant to the President for Homeland Security. Approximately three-quarters of the state governments followed suit by naming their own homeland security directors or task forces to deal with the specific threat of terrorism. With almost 75 percent of Americans living in metropolitan areas

having at least 250,000 people, many mayors and city councils also rushed to set up special teams to deal with municipal security.

If the fight against terrorism is to be successful, intergovernmental cooperation and coordination must be enhanced. After all, the major federal law enforcement agency, the Federal Bureau of Investigation (FBI), has only about 12,000 agents, while at the state and local levels law enforcement personnel number 650,000. Active-duty military forces in the United States total somewhat less than 1.4 million, while another 460,000 are in Army and Air National Guard units under the direct command of state governors (unless "federalized" by the President of the United States in instances of extreme emergency).

Airport security, which will soon be "federalized," is currently bolstered by the presence of National Guard troops. A state such as Utah, which will host the 2002 Winter Olympic games, has recently activated a greater number of National Guard troops than were called to full-time service during either the Vietnam or Persian Gulf wars.

## ***Co-operation among the states***

Combating bioterrorism, whether in the form of anthrax, smallpox, or some other scourge, will also fall mainly on state and local government health-care units. During and shortly after World War I, the so-called Spanish flu killed 675,000 people in the United States, a larger number of Americans than perished on the battlefields of Europe. The small envelope sent last fall to Senator Patrick Leahy of Vermont contained enough anthrax to kill up to 100,000 people, showing the lethal potential of modern-



day bioterrorism and illustrating how serious state and local government officials must be in their counter-terrorism, emergency-preparedness, and public-health planning endeavours.

The need for overall disaster relief and coordination is prompting greater cooperation among state and federal officials. Indeed, since 1996, 41 U.S. states and 2 territories have joined together to participate in the Emergency Management Assistance Compact which permits areas suffering from disasters to request assistance from other member states. The Council of State Governments is also working to extend such cooperative-assistance pacts to Canadian provinces and Mexican states. The Canadian provinces of Ontario and Quebec were particularly noteworthy in extending assistance to the State and City of New York following the September 11<sup>th</sup> attacks.

Ironically, the National Governors' Association sponsored a policy summit on domestic terrorism in July 2001, bringing together state and local level law enforcement, public health, fire, and emergency management personnel to meet with federal officials in an effort to work out a coordinated plan for disaster assistance. A mock exercise was held at the summit, which dealt with the fictional city of "Gotham" in the U.S. northeast. Unfortunately, what actually occurred in New York City two months later went far beyond the parameters of the disaster simulated in the Gotham planning exercise.

### ***Regional governments want a bigger role***

Intergovernmental planning is only in its early stages as federal, state, and local government officials prepare for disasters as diverse as additional plane crashes, anthrax dissemination, dirty bombs which use conventional explosives to disperse deadly radioactive materials, the poisoning of food supplies and water sources, cyber-terrorism, or the destruction of key parts of the infrastructure such as bridges, airports, or hydroelectric dams.

Most state and local leaders want Tom Ridge's position to become permanent and accorded a cabinet-level status. They also want additional federal assistance modeled after the Homeland Security Block Grant Act proposed in the U.S. Senate, which would provide over three billion dollars in discretionary funds to state and local governments to help them prepare for terrorist-related activities within their own areas of jurisdiction.

In addition, state and local governments would like to see communications between the federal and regional governments be increasingly two-way, with Washington, D.C. both giving and *taking* advice on how to prepare for the future. In particular, they want the FBI to share more sensitive information with local law-enforcement agencies and to have these agencies receive advanced notification before the National Homeland Security czar issues a nationwide alert warning of possible terrorist acts.

### ***A nasty side of globalization***

Violent terrorist activity is just one manifestation of the effects of globalization on the United States and other federal systems around the world. Other dimensions of globalization, both positive and negative, include:

- international trade, investment, and tourism;
- immigration;
- organized crime;
- diseases;
- natural resources;
- energy;
- sports and entertainment;
- wars and conflict;
- the proliferation of weapons of mass destruction;
- the environment;
- education;
- religion and ideology;
- and cyberspace.

The United States has benefited from many aspects of globalization, including 18 million jobs, which are directly linked to export, direct investment, and international tourism activity.

Currently, the United States leads the world in the volume of imports and exports, inward and outward foreign direct investment flows, revenues generated from foreign tourists, and the number of foreign students enrolled in institutions of higher learning. Immigration into the United States was also higher during the 1990s than any other decade in American history, reflected in the fact that people born in over 80 different countries perished in the World Trade Centre disaster.

This globalization process has prompted about 40 of the 50 U.S. states to open more than 240 offices abroad and to sponsor frequent international trade missions. Unfortunately, after September 11, some of these trade missions have been cancelled or postponed and many other international pursuits curtailed. The reasons for this curtailment of activities include cutbacks in state government budgets as a result of recessionary conditions, shifting of budgetary items to reflect "homeland security" priorities, and a general fear of being targeted by unfriendly groups while traveling overseas.

### ***More co-ordination needed***

Without any doubt, the terrible terrorist acts of September 11 have been very costly for American society in terms of the loss of precious lives, the deepening and prolongation of an economic recession which began in March 2001, the termination of hundreds of thousands of jobs, a significant decrease in revenues collected by all levels of government, and the diversion of government funding from "butter" programs for societal improvements to "guns" programs for enhanced domestic and international security.

The priorities of almost all governments in the U.S. federal system have shifted dramatically over the past few months. Greater cooperation among those governments will be imperative in order to overcome the repercussions of September 11 and prevent similar cataclysmic events in the future. ☺