

# **Policy Regimes and Governance: Constructing Homeland Security**

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## **Policy Regimes and Governance: Constructing Homeland Security**

### **Abstract**

Widespread crises that spill over into multiple policy areas and different levels of government provoke demands for greater policy cohesion. Policy regimes that crosscut elements of different policy subsystems and induce players within them to pursue similar ends—what we label boundary-spanning policy regimes—hold the prospect for fostering the desired cohesion. Stronger regimes accomplish this by reinforcing a shared purpose, mobilizing efforts of key players and supporters, and focusing the attention and authority of multiple subsystems in support of a common goal. We develop these notions and illustrate them in analyzing attempts in the United States to construct a unified approach to homeland security. The homeland security case is instructive because all the ingredients for fashioning a powerful regime were evident. For a variety of reasons that we discuss, the results are far from cohesive. The lessons we draw from our study of the homeland security regime are more general ones regarding the evolution of boundary-spanning policy regimes and the challenges of governing across policy subsystems.

## **Policy Regimes and Governance: Constructing Homeland Security**

One of the central challenges for governance is the unification of governmental efforts to achieve public purposes across a variety of policy areas and levels of government. This challenge is particularly acute in the aftermath of crises that highlight disarray in existing governmental efforts. Problems posed by crime, drugs, deteriorating infrastructure, energy disruptions, poverty, and terrorism have each at one time or another reached crisis status in recent history in the United States with ensuing calls for governmental action. The responses have entailed multi-pronged initiatives—often invoking a war metaphor—that sought cohesion at both national and subnational levels of government.<sup>1</sup> These initiatives call for actions across multiple policy sectors, within and across different levels of government, and among private and public entities.

Efforts to fashion policy responses to messy problems like these confront the basic fact that the requisite responses do not fit within traditional boundaries for organizing policy solutions. This is typically portrayed as a consequence of fragmented structures that necessitate governmental reorganization or reliance on other coordination mechanisms like policy czars.<sup>2</sup> These organizational reforms seek to overcome long-standing ways of doing business built into the governmental machinery that tend to pull in different directions. This type of solution makes sense when the problem is viewed as a structural one. But the diagnosis of balkanized governmental structures misses the larger political dynamics associated with fragmented policy subsystems in American politics and policymaking. Policy process scholars have long observed the consequences of this fragmentation in producing disjunctive policymaking and fostering disjointed policy implementation.<sup>3</sup>

In terms of policy processes, a central issue for achieving more unified governmental efforts is overcoming the inertia that is embedded in different subsystems for policymaking. Each provides a different lens about “the problem” and “the solution” that fits the distinctive history and perspectives of the subsystem. These forces pull in different directions and thwart

policy integration. Though organizational reforms may be part of the solution, we argue that these alone are insufficient for addressing the disintegrative forces. Our contribution builds on this understanding of politics and policymaking in further developing notions about *policy regimes* and their prospects for inducing policy cohesion.

We consider policy regimes that crosscut elements of different policy subsystems and induce players within them to pursue similar ends. Policymakers establish governing arrangements and undertake implementing actions that allow these regimes to take form and to gain strength. We consider the role of four forces in this equation that are commonly identified in the broader literature about regimes. One is an issue of concern that calls into question existing governing arrangements and motivates a search for new approaches. A second element is a central idea that serves as a motivating purpose or goal. Ideas are the engine of coordination without which efforts across multiple areas of policymaking will often work at cross-purposes. A third element is supportive interests that provide the energy and political power behind the regime. A fourth element is an institutional force to meld purpose and policy implementation.

In order to ground our discussion of boundary-spanning policy regimes we address the experience in the United States with what we label the homeland security policy regime. The homeland security case is compelling for study for a number of reasons. It illustrates the role of crises in highlighting the disarray that is endemic to our American political system. We identify elements of eight different subsystems that are important components of different aspects of homeland security. The distinctive histories among these subsystems well illustrate the challenges of messy problems for which regime solutions are appropriate. Though some scholars question the agenda for the Bush administration's homeland security efforts,<sup>4</sup> there is little doubt that policymakers sought to bring about greater cohesion and stronger policy integration for these efforts at all levels of government. The prominence of homeland security issues makes this topic especially appropriate for analysis by political scientists.

There is no shortage of scholarly accounts of homeland security issues and challenges in the United States. Donald Kettl's insightful depiction of the events of 9/11 and Hurricane Katrina as disruptive forces that challenge governing arrangements in the United States—a “system under stress”—encapsulates the broader political and policy context for our study of the homeland security policy regime.<sup>5</sup> A variety of accounts of the challenges posed by the organizational design of the Department of Homeland Security (DHS) underscore the difficulties of bringing about institutional cohesion. The relevant point for our purposes is the limits of reorganization as a coordination mechanism for messy problems like homeland security given the vast array of organizations and variety of public and private entities that need to be brought on board.<sup>6</sup> These complexities carry over into the intergovernmental arena as highlighted by various discussions of the intergovernmental challenges for homeland security. Of particular relevance are the intergovernmental tensions that undermine the ability to mobilize subnational governmental efforts around common goals.<sup>7</sup> Clarke and Chenoweth suggest these intergovernmental challenges entail “more than a matter of coordination” for which a marshalling of shared goals and mobilization of local governmental resources around them is required.<sup>8</sup>

These accounts underscore the complexities of many facets of fashioning cohesive approaches to homeland security. Unlike many of these analyses, we do not seek to provide policy prescriptions. Rather, we take advantage of the research opportunity that we had in studying homeland security to ground our discussion of boundary-spanning policy regimes. The lessons we draw are more general ones concerning the potential for and limits to governing across policy subsystems. Some may see this as simply introducing more terms into an already complicated governance terminology. As we discuss, the regime concept is widely employed in international relations, comparative politics, American political development, and urban politics. Moreover, it is not a new term for policy process and implementation scholars that we have conjured up from whole cloth.

## **Conceptual Underpinnings**

The unique characteristics of messy policy problems provide the conceptual underpinnings for our discussion. We consider problems that span multiple policymaking subsystems and situations for which widespread crises introduce opportunities to reshuffle existing ways of doing business. This leads to consideration of boundary-spanning policy regimes as governing arrangements that put pressure on players in different subsystems to pursue similar ends. The features that give formation and strength to this type of policy regime are suggested in the broader literature about regimes as discussed by scholars of international relations, comparative politics, American political development, and urban politics. It is also useful to distinguish what we mean by boundary-spanning policy regime from other uses of the policy regime terminology.

### **Messy Policy Problems**

Many contemporary problems crosscut multiple areas of policy. Rittel and Webber first highlighted the complexity of social problems in coining the phrase “wicked problems” to refer to their inherent messiness.<sup>9</sup> But, only in recent years have boundary-spanning aspects been highlighted as illustrated by Duit and Galaz’s discussion of a range of complex biophysical and human problems.<sup>10</sup> Arjen Boin discusses how “transboundary crises” can jump functional boundaries “from a financial system into an industrial system; from private to public; from one sector of industry to another.”<sup>11</sup> The challenges of such boundary-spanning problems are especially acute in the face of widespread crises. For these in particular, there often is a strong push for reform to address disarray in existing governmental efforts.

The nature of fragmented policy subsystems in American politics and policymaking is central to our discussion. A key precept of the policy process literature is the existence of fairly distinctive subsystems for policymaking comprised of relatively stable sets of actors, more or less common problems and approaches to addressing them, and institutional ties that govern the decision-making context. The terminology differs in referring to variations of the subsystem

concept that include subgovernments,<sup>12</sup> policy monopolies,<sup>13</sup> and policy domains.<sup>14</sup>

Notwithstanding these distinctions, there is broad consensus in the literature that policy subsystems help to establish boundaries for policymaking<sup>15</sup> and function to bring “stability to the otherwise volatile process” of policymaking.<sup>16</sup>

Most policymaking and the solutions that policymakers develop fit within more-or-less distinctive subsystems. Boundary-spanning policy problems do not. The fact that these crosscut multiple subsystems creates a fundamental problem that is far more than a structural one of fragmented governmental institutions. The myopic nature of policymaking among policy subsystems is the culprit. Each of the relevant subsystems provides a separate lens through which to view problems. Each also has different ways of addressing problems given that they have separate policymaking histories and serve different interests. The threat of terrorism looks very different to players in the domestic preparedness subsystem that is concerned with responses to weapons of mass destruction and other catastrophic attacks than it is to players in the subsystem that is concerned with food safety. It might be different if the 9/11 events involved mass poisoning of the food supply. Because of the distinctive perspectives of different subsystems, achieving the desired unification among elements of diverse policy subsystems for any given boundary-spanning issue is the Achilles’ heel of governing.

Widespread crises like those at different points in American history surrounding crime, drugs, energy shortages, poverty, and terrorism have been highly destabilizing for the normal functioning of multiple subsystems. Three aspects of this instability are particularly relevant. One is the uncertainty that policy disruptions foster about the dimensions of the problem at hand and available solutions.<sup>17</sup> This provides noteworthy challenges as policymakers attempt to reduce these uncertainties and prevent further system failure or breakdown. A second aspect of the destabilizing influence is jurisdictional ambiguity among key policymaking committees in Congress due to the disruptions to multiple subsystems. This fosters cross-subsystem competition as policymakers from different subsystems seek to gain policymaking authority and

define issues to fit their purview.<sup>18</sup> A third aspect is the desire of presidents to centralize authority in the time of crisis and eschew Congressional action, which further complicates the jurisdictional ambiguities and increases policy instability.<sup>19</sup>

### **Regimes and Paradigmatic Change**

Destabilizing influences open a variety of possibilities for policy entrepreneurs to redefine fundamental directions of policy. This entails the type of change that Peter Hall labels paradigmatic policy change.<sup>20</sup> Adam Sheingate theorizes that the institutional and other ambiguities created under such circumstances open up new possibilities for “speculative acts of creativity” as part a process of “entrepreneurial innovation and institutional change.”<sup>21</sup> In a similar vein, Baumgartner and Jones suggest the potential for uncontrollable spillovers across areas of policymaking for which “a large-scale issue redefinition can determine the fundamental direction of public policy for decades.”<sup>22</sup> This is consistent with Sabatier and Jenkins-Smith’s argument that “significant perturbations external to the system” have the potential to alter the alignments of long-standing coalitions within and among affected policy areas.<sup>23</sup>

Stated differently, the destabilizing forces of widespread policy disruptions set the conditions for the introduction of new, boundary-spanning policy regimes. In order to conceptualize these further, it is useful to consider notions about regimes that have been developed in scholarship concerning international relations, comparative politics, American political development, and urban politics. Each of these traditions has considered variants of the regime concept while proceeding relatively independently. More recent contributions by policy scholars develop notions of regimes of relevance to specific policy reforms. Taken together, these literatures highlight the roles of four key attributes—issues, ideas, interests, and institutions—in regime formation and change.

Perhaps the most developed notions about regimes come from international relations scholars who have utilized the concept to understand patterns of activity in and around internationalized policy areas. Stephen Krasner describes an international regime as “sets of

implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations."<sup>24</sup> International regimes are fundamentally about crafting institutions in the international sphere for governing responses to particular policy problems such as hazardous waste and food, or to promote particular ends such as trade.<sup>25</sup> Policy problems that demand coordination within the international sphere create conditions that are ripe for the development of international regimes.

The discussion of regimes by these and other scholars of international relations underscores the point that institutional arrangements alone do not constitute a regime. Institutions are only meaningful insofar as they embody and reinforce shared understandings and beliefs regarding the problem at hand. For example, treaties governing climate change by regulating carbon emissions do not signify the existence of a climate change regime; a regime requires the coupling of an ideational component, signified by shared principles, beliefs, and goals with an institutional component. As discussed by Martin and Simmons, regimes foster the desired convergence among actors in diverse settings only when the international institutions that are created advance agreement about shared principles, beliefs, and goals.<sup>26</sup>

Scholars working with the regime concept in other traditions have more explicitly highlighted the centrality of power and interest groups in regime formation and change. Foremost among these is the work of Clarence Stone and his colleagues, who apply the regime concept to the study of power arrangements in urban politics.<sup>27</sup> According to Stone, the challenges of urban governance are "coalition building, resource mobilization, and devising schemes of cooperation."<sup>28</sup> This framework suggests that interest groups lend strength to governing arrangements but, unlike international regimes, cooperation does not necessarily signal shared values or beliefs.

A similar progression of ideas developed in comparative politics where scholars have brought attention to structural power relationships between the state and society. Kitschelt defines political regimes "as the rules and basic political resource allocation according to which

actors exercise authority.”<sup>29</sup> In this tradition, Esping-Anderson considers the role of labor in shaping different welfare state regimes.<sup>30</sup> From this perspective, coalitions of political actors shape the direction and capacity of the regime to act as buttressed by the power of ideas and the formation of supporting institutions. Those writing within the traditions of historical institutionalism with the American political development literature adopt a similar stance in arguing that new regimes are made possible by the embracement of organizing ideas by new coalitions of political actors. As characterized by Orren and Skowronek: “As [political] regimes transform new ideas about the purposes of government into governing routines, they carry on the reformer’s central contention as the political common sense of a new era, a set of base assumptions shared (or at least accepted) by all the major actors in the period.”<sup>31</sup> These literatures suggest that while ideas and institutions are important components for developing governing regimes, the alignment of political power is central to their strength and durability.

### **Different Types of Policy Regimes**

Scholars working in the policy process tradition have employed regime concepts in examining particular policy reforms or classes of reforms. Particular reforms involving new policy-specific regimes have been characterized by Carter Wilson as containing a policy paradigm, an institutional basis that structures policymaking and implementation, and a set of interests that provide political support.<sup>32</sup> A variety of considerations of this type of policy regime can be found in the recent policy process literature along with extensive use of policy regime terminology in various scholarly accounts of different policies. Consider some examples. Susan Clarke develops notions about performance regimes in analyzing workforce development policy in Denver.<sup>33</sup> Patrick McGuinn discusses regime change in federal education policy that shifted focus from equity to accountability, transformed K-12 institutions, and involved new coalitions of actors around the accountability regime.<sup>34</sup> Gila Menahem addresses the transformation of higher education regimes in Israel since the 1990s.<sup>35</sup> Rogers, Beamer, and Payne discuss differences among American states in their welfare and income support regimes following reforms at the

national level.<sup>36</sup> Williams discusses the creation of a new financial services regime in Canada in response to the credit crisis.<sup>37</sup>

A subset of the policy regime literature concerns implementation regimes as the arrangements for carrying out policies. Robert Stoker introduced this terminology when considering the challenges of intergovernmental implementation. He defines an implementation regime as “an arrangement among implementation participants that identifies the values to be served during the implementation process and provides an organizational framework to promote those values.”<sup>38</sup> For example, Clarke and Chenoweth discuss the potential for local performance regimes aimed at enhancing the resilience and responsiveness of local governments to terrorist attacks and other extreme events.<sup>39</sup> More generally, one can think of implementation regimes as comprised of a set of arrangements, inducements, and signals that both structure and facilitate implementation.

Regime terminology has also been employed by policy scholars in talking about classes of reforms. Emphasizing the relevance of paradigm change, scholars studying regulatory reforms have used regime terminology to describe the adoption of new regulatory approaches. For example, Marc Eisner suggests “[o]ne can recognize the emergence of a new regime when regulatory policy initiatives and institutional innovations introduced across a number of areas reveal similar goals, patterns of state-economy relations, and administrative models.”<sup>40</sup> In a related vein, Eric Patashnik considers different examples of policy regimes in discussing the durability of what he labels “general interest reforms” that eliminate or curb special-interest benefits.<sup>41</sup>

Our focus is a particular type of policy regime—a boundary-spanning policy regime—that crosscuts elements of different policy subsystems and induces players within them to pursue similar ends. This focus has three important implications. It eliminates conflation of the concept of a policy regime with the notion of a policy subsystem. It distinguishes our perspective from that of those who study policy regime formation for particular policy areas that comprise single

subsystems of policymaking. And, it draws attention to the cross-subsystem dynamics of regimes in overcoming the inertia that is built into the individual policy subsystems that are addressed by a given regime.

We choose the case of homeland security in the United States in order to ground our discussion of boundary-spanning policy regimes. A variety of other examples of this type of policy regime are discussed by Jochim and May.<sup>42</sup> These include: the “community empowerment regime” of the late 1960s and early 1970s that embraced urban renewal through decentralized planning; the “pollution abatement regime” of the early 1970s that emphasized end-of-pipe pollution control; the “drug criminalization regime” of the 1980s that embraced “zero tolerance” for illegal drug use; the “disability rights regime” of the 1990s to the present that seeks to ensure socio-economic independence of disabled individuals; and, “the welfare responsibility regime” that transformed the approach to welfare and employment in the mid-1990s. Each of these examples spans elements of multiple subsystems and instilled some degree of cohesion among them through the interplay of the forces we discuss below.

The contours of a given policy regime can be difficult to identify given the range of possibilities and the status of the viability of the regime. Policymakers establish governing arrangements and undertake implementing actions that allow boundary-spanning regimes to take form and to gain strength. The emergence or collapse of a policy regime is not an all-or-nothing phenomenon but an evolutionary process that can play out over a period of time. Jochim and May provide examples of widespread crises that have not led as yet to viable boundary-spanning policy regimes.<sup>43</sup> Deficiencies in infrastructure, the obesity epidemic, the depletion of oceans, and the persistence of poverty each constitute messy policy problems that demand solutions that crosscut elements of multiple policy subsystems. Each has a more or less identifiable set of issues. But to varying degrees, at present they lack a common focus upon which to base governing activities. Without a core idea to provide focus to policymaking, institutional capacity and interest support remain fragmented for these messy problems.

## **Studying the Homeland Security Policy Regime**

Elements of a variety of policy subsystems that for decades have surrounded different aspects of protecting society from widespread harms are potentially relevant to homeland security. The federal role has evolved since the 1950s when the Civil Defense Act of 1950 (P.L. 81-920) authorized a federal domestic preparedness program that grew into a powerful subsystem.<sup>44</sup> Since that time, a variety of different preparedness-related subsystems have evolved to address risks associated with food safety, natural disasters, public health emergencies, wayward technology, information security, transportation safety, and other public risks. Each of these has historically involved distinctive political and policy responses to different catastrophes. Melding elements of these with attention to their terrorism-related concerns into a more cohesive effort broadly constitute what today can be considered as the homeland security agenda.<sup>45</sup>

Table 1 shows eight subsystems with elements that comprise what we label the homeland security regime. Each has a fairly distinctive public risk at the core, a lead or a few lead federal agencies, a history of legislative action surrounding the risk, and a distinctive terrorism-related issue focus after 9/11. We recognize some of the subsystems that we identify can be characterized as part of larger subsystems. Border protection, for example, is part of both immigration and drug policy subsystems. Rather than addressing the larger subsystems in these instances, we choose to work with the component subsystems that are most relevant to the homeland security focus.

**Table 1. Policy Subsystems Relevant to Homeland Security**

<b>Subsystem</b>	<b>Federal Agencies <sup>a</sup></b>	<b>Issue Foci <sup>b</sup></b>
Border Security	Bureau of Consular Affairs (State) & US Customs Service (Treasury) -- <i>absorbed DHS</i>	Border security
Domestic Security	FEMA Domestic Preparedness -- <i>absorbed DHS</i>	Domestic preparedness
Food Safety	Department of Agriculture -- Food Safety and Inspection Service & Animal and Plant Health Inspection Service – <i>part absorbed DHS</i>	Food safety and agro-security
Information Security	Department of Commerce -- National Telecommunications and Information Administration & Critical Infrastructure Office - <i>absorbed DHS</i>	Information security
Natural Disaster Preparedness	FEMA Preparedness, Response, Mitigation -- <i>absorbed DHS</i>	All hazards
Public Health Emergencies	Centers for Disease Control (HHS)	Bioterrorism
Technological Hazards	Bureaus within Energy, EPA, Nuclear Regulatory Commission, and Department of Transportation – <i>some absorbed DHS</i>	Infrastructure protection (security)
Transportation Safety	Department of Transportation multiple bureaus -- <i>some absorbed DHS</i>	Transportation security

**Notes:**  
<sup>a</sup> Agencies with lead roles prior to 9/11; status of these agencies after creation of DHS noted in italics.  
<sup>b</sup> Terrorism-related issue foci for each subsystem.

**Data and Measures**

Our empirical analyses characterize the issues, ideas, interests, and institutional alignments that span relevant elements of these eight subsystems as they relate to the evolution of a homeland security regime. We rely on congressional hearings as our main source of information. Policy scholars have long used data from congressional hearings to characterize issue composition, involvement of different actors, and the policy dynamics of individual

subsystems.<sup>46</sup> Our primary data source is the content of congressional hearings for each policy subsystem for the post-9/11 period—from September 2001 through 2004. The frame for identifying relevant hearings for our research is the congressional hearings dataset composed of a comprehensive archive of hearings coded by substantive topic and available for electronic access at the Policy Agendas Project.<sup>47</sup> We had research assistants examine 1,281 hearings that we identified from this archive in order to assess whether each hearing in fact addressed a homeland-security related topic. Many did not as they pertained to other topics that were incorporated in the same Policy Agendas Project subtopic.<sup>48</sup> This review narrowed our dataset to 459 hearings that pertained to elements of the eight policy subsystems we study for the post-9/11 period.

Our tracing of interest involvement and endorsement of key regime concepts is based on a coding of witnesses who appeared at the various hearings. We identified a total of 2,844 witness appearances. We also analyzed testimony of key witnesses in order to identify the degree to which the ideas that undergird the concept of homeland security were embraced. The relevant measures are described in the following paragraphs.

Terrorism Issue Focus. This is a measure of issue attention. For each hearing, coders identified by looking at the title and summary of the hearing whether or not the hearing explicitly addressed terrorism (terror, terrorists, or related terms) or terrorist events (such as 9/11) as a subject. This yielded an indicator variable that takes on a value of one if terror or the terrorist-events were a subject and a value of zero otherwise.<sup>49</sup> Aggregating these by year as a proportion of all hearings in a given subsystem provides a measure of the degree to which each subsystem focused on an aspect of terrorism post-9/11 and after the creation of the DHS.

Ideational Uptake. This concerns the extent to which the organizing principles of “homeland security” and “all-hazards” preparedness are embraced by witnesses in different subsystems. To measure these, we collected and analyzed testimony of 575 witnesses appearances of federal officials who held senior policymaking roles (i.e., cabinet secretaries, agency administrators, and their deputies) or had key line operating functions (i.e., bureau heads)

along with the testimony of 97 witness appearances for individuals who represented key intergovernmental organizations (e.g., International Association of Fire Chiefs, National Emergency Management Association, National Governors Association, National League of Cities, U.S. Conference of Mayors).<sup>50</sup> Using the content analysis package QSR NUD\*IST Version 4, we searched these testimonies in order to identify the degree to which the ideas that undergird the concept of homeland security were mentioned by these witnesses.

Interest Involvement. We trace the composition of interests within each of the component policy subsystems and overall. We measure this as the percentage distribution of interests among seven categories of different types of interests—business interests, federal agency personnel, local government administrators and officials, professional and governmental associations, research experts, state and regional government administrators and officials, and outside interests (consumer, environmental, labor, good government, and other interests). We analyze various combinations of these categories with particular attention to the intergovernmental aspects of interest involvement in the homeland security policy regime.

Federal Agency Involvement. We further categorized federal agency witnesses as coming from one of 74 federal bureaus and offices that have homeland-security related functions.<sup>51</sup> This resulted in the identification of 944 witness appearances for the post-9/11 period for personnel from federal agencies, including both top-ranking and other personnel. By mapping the relevant subsystem and the agency that the witness represented for a given hearing, we are able to trace the composition of federal agency involvement in policymaking for different subsystems.

### **The Dynamics of Policy Regimes: Constructing Homeland Security**

Our discussion of the homeland security regime illustrates the role of crises in the emergence of policy regimes and the difficulties of fashioning strong boundary-spanning regimes. In what follows, we first discuss the emergence of the homeland security regime. We then turn to a more extended discussion of the four forces that help shape the strength and viability of policy

regimes—issues, ideas, interests, and institutions—for which we assess the role of each for the homeland security regime.

### **Homeland Security Regime Emergence**

Widespread crises can be highly destabilizing for the normal functioning of multiple subsystems. The instability is a result of uncertainties that policy disruptions foster about the dimensions of the problem at hand and available solutions, the jurisdictional ambiguity that is created for policymaking within Congress, and the tension created by presidential desires to centralize authority in times of crisis. The policy responses to the terrorism attacks of September 11<sup>th</sup> 2001 led to dramatic shifts in media attention, legislation, and symbolic undertakings. More than 450 bills and resolutions relating to these events were introduced in the 107<sup>th</sup> Congress.<sup>52</sup> The presidential choice to create the Office of Homeland Security on October 8<sup>th</sup> 2001 provided a visible response that centralized control through a White House coordinating entity.<sup>53</sup>

The limitations of the Office of Homeland Security and the politics of the situation soon led to renewed calls for the creation of a cabinet-level agency. Though originally opposed out of a disdain for large bureaucracy and creation of a new government department, the Bush administration responded to the shifting political environment and worked with Congress to fashion a super-agency. In announcing his plan for the Department, Bush cited a “need to unite essential agencies that must work closely together” in providing the “best opportunity to succeed by organizing our resources in a way that is thorough and unified.”<sup>54</sup> Both the Bush administration and Congress were seeking fundamental institutional change with the creation of the DHS. From the outset there was recognition that the requisite tasks, however defined, were beyond the scope of the federal government alone. As such, the DHS can be viewed as an institutional force for advancing homeland security efforts across the federal government, at other levels of government, and within the private sector. This is embodied in the DHS strategic plan in stating: “We will continue to work cooperatively [with other federal, state, local, and tribal

institutions; and the private and non-profit sectors] to ensure that all the instruments of national power are brought to bear on the challenges we face in a coordinated and unified manner.”<sup>55</sup>

The creation of the DHS, a series of presidential executive orders, a variety of legislation, and numerous speeches by the President and DHS officials established governing arrangements and reinforced actions that allowed the homeland security regime to take form. Rather than recounting the details of these actions, the important point for our purpose of illustrating regime dynamics is that each of the four unifying forces that undergird boundary-spanning policy regimes was present: (1) a widespread problem—threats posed by terrorism and other extreme events; (2) a common purpose—homeland security; (3) engaged stakeholders—federal agencies, state and local governments, experts, and business interests; and, (4) institutional redesign—the creation of the DHS. In what follows we discuss each unifying force and assess the role of each in affecting the strength of the homeland security regime.

### **Fragmented Issue Attention**

As discussed by Jones and Baumgartner, a key hurdle for policy action is gaining the attention to particular dimensions of a problem.<sup>56</sup> Widespread crises, problems, or other disruptions by definition garner attention of relevant actors in affected policy subsystems. But as shown by May, Sapotichne, and Workman the timing and duration of shifts in attention to new dimensions of a problem differ according to the degree that affected subsystems were previously attending to aspects of the relevant problems.<sup>57</sup> We get at these disjunctions for homeland security by considering the degree of attention to terrorism as an issue for each of the subsystems under study. Table 2 shows the distribution of hearing activity post-9/11 and the degree to which terrorism issues were considered at different points in the post-9/11 period.

More than two-thirds of the hearing activity took place within subsystems that were directly impacted by the events of 9/11—domestic security, transportation safety, public health emergencies, and border security—in comparison to the more limited attention to the issue in the remaining homeland security subsystems that were not as directly impacted.<sup>58</sup> The former

subsystems were “in the game” while the latter were sitting on the sidelines. This makes sense given the nature of the events of 9/11 and the subsequent anthrax scare.

**Table 2. Terrorism Issue Attention**

Subsystem	Hearing Distribution <sup>a</sup>	Terrorism Focus <sup>b</sup>	
	Post 9/11 <sup>c</sup>	2001-2 <sup>d</sup>	2003-4
Domestic Security	39%	91%	72%
Transportation Safety	17%	56%	48%
Public Health Emergencies	13%	88%	58%
Border Security	10%	73%	38%
Information Security	9%	50%	27%
Technological Hazards	5%	45%	7%
Natural Disaster Preparedness	5%	27%	8%
Food Safety	3%	0%	20%
All subsystems		73%	49%
Number hearings	459	170	110
Statistics - chi-square <sup>e</sup>		28.45 p < .01	

Notes:

<sup>a</sup> Cell entries are percentages of total number of hearing in each category for the designated period. Totals do not add to 100 percent due to rounding.

<sup>b</sup> Cell entries are the percentage of total number of hearing in each category for the designated period. Totals do not add to 100 percent due to rounding.

<sup>c</sup> Hearings held from September 2001 through December 2004.

<sup>d</sup> Hearings held from September 2001 through December 2002

<sup>e</sup> Chi-square comparison of the distribution of the percentage of hearings pre-versus post-DHS that were terrorism-related for the eight subsystems.

As can be seen in the two right-hand columns of Table 2, there was a 35 percent reduction in the number of hearings that were concerned with terrorism for the 2003-4 timeframe in comparison to the earlier period. With the exception of the food safety subsystem involving only two terrorism-related hearings, the percentage of hearings in 2003-4 concerning terrorism was substantially lower in each subsystem. This suggests that the disruptions associated with the terrorism events of 9/11 had been absorbed within each subsystem by 2003 with most policymaking within these subsystems returning more or less to business as usual. Although still prominent in some subsystems, the attention to terrorism by 2003 could no longer be considered a galvanizing issue across the board.

## **Lack of a Unifying Idea**

A key notion advanced in scholarship about regimes is that shared ideas are essential for fashioning a common understanding of policy purpose and for securing policy commitments. Ideas can be thought of as a set of political commitments that provide the substance to a given regime's governing activities, shape the direction of supporting institutional development, and propel the actions of concerned interests.<sup>59</sup> In keeping with these notions, we suggest ideas serve as the organizing principle for integrating actions across subsystems—the glue of the regime. Ideas can be powerful in this regard as was the case for the common goal of “pollution abatement” as a rallying point for various federal and state environmental protection efforts in the 1970s and 1980s. But as discussed by Paul Schulman, the motivating ideas can also be vague.<sup>60</sup> Daniel Moynihan's study of the War on Poverty shows that the central motivating concept of community action was not well understood even among those who crafted the idea.<sup>61</sup>

The Bush administration recognized the need for a motivating purpose or goal early on in adopting “homeland security” as the centerpiece of their anti-terrorism efforts. This was reflected in the naming of the Office of Homeland Security and in issuing the July 2002 “National Strategy for Homeland Security.” This document defined homeland security as “a concerted national effort to prevent terrorist attacks”<sup>62</sup> while emphasizing the role of emergency preparedness and response at all levels of government.<sup>63</sup> Subsequent presidential documents expanded the concept of “homeland security” while also establishing “national all-hazards preparedness goal” with the issuance in December 2003 of Homeland Security Presidential Directive 8.<sup>64</sup> By 2007 the meaning of homeland security had evolved, as reflected in the Homeland Security Council's discussion of “today's realities in homeland security” in writing “[t]his *Strategy* therefore recognizes that effective preparation for catastrophic natural disasters and man-made disasters, while not homeland security *per se*, can nevertheless increase the security of the Homeland.”<sup>65</sup>

The shifts in efforts to define “homeland security” have led to confusion at federal, state, and local government levels. Some of this was a backlash over the almost exclusive emphasis of

the DHS in focusing preparedness-planning efforts on the threat of terrorism. A noted homeland-security specialist, Christopher Bellavita, observes in summarizing different perspectives on “homeland security”:

[I]n my experience, the emergency management “community of interest” and the fire services tend to constellate around the *All Hazards* definition, law enforcement tends to cohere around *Homeland Security as Preventing Terrorism*, people who work for a federal agency tend toward *Terrorism and Major Catastrophes*, and the Department of Defense sees homeland security as what civilians do. No doubt there are exceptions to these generalizations.<sup>66</sup>

We treat the extent to which “homeland security” and “all-hazards” preparedness serve as unifying ideas as empirical issues. To get at these, we consider the degree to which relevant federal agency officials and representatives of state and local government organizations refer to these concepts in their congressional testimonies—the ideational uptake of the concepts. Our analyses are based on a content analysis of electronic transcripts of these testimonies for which we searched for key words and documented the number of sentences in which they appeared. Table 3 contrasts the frequency of references to the integrative concepts with the frequency of references to terrorism-related terms that are more specific to each of the subsystems that we study. This is based on an analysis of 575 witness appearances by high-level federal agency officials at a total of 288 hearings held from September 2001 through December 2004.<sup>67</sup> Our measures of different emphases are percentage of sentences in each testimony that contained the relevant term. We aggregate results for each subsystem in reporting mean percentages.<sup>68</sup>

**Table 3. Homeland Security Ideational Uptake**

Subsystem ( <i>Terrorism Focus</i> )	Ideational Attention of Federal Officials <sup>a</sup>			Number witnesses <sup>e</sup>
	Subsystem Specific Foci <sup>b</sup>	Homeland Security <sup>c</sup>	All Hazards <sup>d</sup>	
Information Security ( <i>information/cyber security</i> )	3.40 (0.83)	0.16 (0.13)	0.00 (0.00)	53
Food Safety ( <i>food/agro security</i> )	2.12 (0.99)	0.08 (0.08)	0.00 (0.00)	13
Border Security ( <i>border security</i> )	1.77 (0.35)	0.59 (0.16)	0.00 (0.00)	71
Transportation Safety ( <i>transportation/airline security</i> )	1.49 (0.27)	0.38 (0.12)	0.02 (0.02)	74
Technological Hazards ( <i>infrastructure protection/security</i> )	0.87 (0.51)	0.22 (0.14)	0.11 (0.07)	34
Public Health Emergencies ( <i>public health/bioterrorism preparedness</i> )	0.83 (0.23)	0.26 (0.04)	0.08 (0.38)	82
Domestic Security ( <i>domestic security/preparedness</i> )	0.17 (0.05)	2.01 (0.25)	0.02 (0.01)	229
Natural Disaster Preparedness & Response ( <i>emergency/disaster preparedness</i> )	0.07 (0.05)	0.00 (0.00)	1.03 (0.54)	19
Mean number of mentions <sup>f</sup>	1.34 (0.39)	0.46 (0.23)	0.16 (0.13)	--
Total number testimonies <sup>g</sup>	154	139	16	575

Notes:

<sup>a</sup> References in witness testimony by federal agency witnesses for hearings held during the period of September 11, 2001 to December 31, 2004. Cell entries are the mean percent sentences per testimony that contain mentions of the key concepts. Standard errors are in parentheses.

<sup>b</sup> References to the relevant terrorism-related subsystem focus, noted in parentheses in the first column.

<sup>c</sup> References to the term “homeland security” not including references to the Department of Homeland Security.

<sup>d</sup> References to the terms “all hazards” or “all-hazards.”

<sup>e</sup> Number of federal witness testimonies for the subsystem during this time period.

<sup>f</sup> Mean percent sentences that contain mentions of the subsystem-specific concept, homeland security, and all hazards.

<sup>g</sup> Total number of testimonies mentioning each term.

These results are striking in showing how infrequently the key ideas of “homeland security” and “all-hazards preparedness” appear, especially in comparison to the more specific concerns of each subsystem.<sup>69</sup> The term “homeland security,” not including the DHS title, is only prevalent for agency testimony in the domestic security subsystem as suggested by the connotation it gained as a proxy for anti-terrorism efforts. The “all-hazards” term is only prevalent for testimony in the natural disaster preparedness and response subsystem. This reflects the fact that the emergency management community promoted the all-hazards concept well before 9/11 in order to promote their role in extreme-event preparedness.<sup>70</sup>

The relative dominance of references by agency officials to subsystem-specific terms is more noticeable. This is particularly striking given that we restrict our attention to top officials, who might be expected to embrace the more integrative terms if for no other reason than to show they are team players. Indeed, our review of specific mentions of “homeland security” shows that just over half of those mentions are largely symbolic or honorific uses of the term. Examples of such non-substantive references to the term include mentions by agency heads of the “historic proposal to unify our homeland security efforts” and “this important initiative to improve our homeland security.”

In order to get at the extent to which the motivating ideas behind homeland security gained acceptance among other levels of government, we also considered the ideational uptake of witnesses who represented intergovernmental associations. Our analysis of 44 testimonies of representatives of key state and local governmental organizations garners a mere six references to all-hazards preparedness (or variants of it), constituting a mean of .14 percent of sentences per testimony containing this reference. Specific mentions by intergovernmental organizations of the term homeland security occurred at a higher rate of two percent of the sentences per testimony containing the reference. This is on a par with the extent of references by federal officials in the domestic security subsystem, suggesting some traction for this concept at state and local levels. However, our review of these testimonies shows that over one-third of these were symbolic or

honorific references. These include statements that “we are the front-line troops in the new army of homeland security” and “I am honored...to come and participate in this important discussion about the role and direction of our nation’s homeland security efforts.”

Taken together, these results underscore the limited impact of the concepts “homeland security” and “all-hazards” preparedness as they have been promulgated despite desires to make them centerpieces of the homeland security regime. Rather than acting as integrative forces, these concepts have been only weakly embraced by most federal agency officials and by representatives of key state and local governmental associations. Although the subsystem-specific purposes that have been more strongly embraced are related to the broad homeland security mission, the endorsement of these more specific agendas pull federal efforts in different directions rather than unifying them. These patterns of adoption of the central organizing ideas of the homeland security effort are a far cry from the principle of “One Mission, One Team” championed by DHS officials.

### **Varied Interest Involvement**

Though a shared purpose is a primary unifying force, regimes need support of stakeholders in order to gain momentum and to achieve legitimacy. Scholars who study urban regimes argue that such support is central to establishing the governing capacity of a regime. In this vein, Gerry Stoker’s “iron law” of urban regimes holds that regime viability is dependent upon the mobilization of interests commensurate with its main policy agenda.<sup>71</sup> For policy regimes, the bases of support are in principle derived from the affected interests. But, relevant stakeholders may or may not have the same sense of urgency and the same degree of “buy in” to the shared purpose of a policy regime. Worsham refers to the fragility of interest support within subsystems as “wavering equilibriums” with instability greatest in times of high policy uncertainty.<sup>72</sup> We generalize from this in highlighting the potential for and necessity of interest realignments across subsystems in support of emergent boundary-spanning policy regimes. In

short, the interests that undergird the elements of the policy subsystems that comprise a given policy regime have the potential to either reinforce or pull apart the emerging cohesion.

The ability to gain and sustain this support depends in part on the contours of policy networks that have previously engaged the issues at hand. Hugh Hecló first called attention to the role of “issue networks” in helping to refine the contours of policy while suggesting that members of these networks do not automatically provide a supportive coalition for a given policy direction.<sup>73</sup> Formation of such support requires the involvement of policy entrepreneurs who forge linkages among policy communities through their entrepreneurial efforts to promote the ideas that are reified in particular policy solutions.<sup>74</sup> Grant and MacNamara discuss how different policy communities become joined when a new issue of concern creates a condition of linked fate.<sup>75</sup> The ability to forge such linkages across players in different subsystems is enhanced if the relevant policy networks span those subsystems. Jochim and May illustrate this dynamic in suggesting the drug criminalization, pollution abatement, and community empowerment regimes each were successful in mobilizing supportive constituencies that crosscut multiple subsystems among law enforcement officials, urban mayors, and environmental groups respectively.<sup>76</sup> Though each of these regimes had detractors, the powerful forces behind each and their ties to political power provided a basis for at least initially warding off opposition.

Creation of a constituency for homeland security could overcome some of the deficiencies in shared concerns and motivating ideas for sustaining a homeland security regime. We identify potential constituencies for homeland security by tracing the extent to which different categories of interests were represented at congressional hearings in the post-9/11 period for each of the subsystems that we consider. Because we track witness appearances and not the tone of their testimony, we are unable to characterize their support of opposition to policy proposals or initiatives. This does not strike us as problematic given that homeland security is a valence issue for which few oppose the idea of protecting society from potential harms. Though interests may have differing views about the means, costs, or extent of appropriate actions, we

argue a starting point for examining the governing capacity of a homeland security regime is identification of relevant interests.

**Table 4. Interest Involvement**

Subsystem	Categories of Interests <sup>a</sup>			
	Federal & Experts <sup>b</sup>	Business <sup>c</sup>	Local & State <sup>d</sup>	Other <sup>e</sup>
Border Security	62%	15%	10%	13%
Domestic Security	57%	9%	26%	8%
Public Health Emergencies	55%	17%	17%	11%
Technological Hazards	48%	18%	24%	10%
Food Safety	41%	45%	7%	7%
Information Security	40%	38%	9%	14%
Transportation Safety	33%	38%	13%	16%
Natural Disaster Preparedness	30%	46%	9%	15%
All Subsystems <sup>f</sup>	48%	23%	17%	11%
Number witnesses <sup>g</sup>	1238	588	449	293

Notes:

<sup>a</sup> Row entries are the distribution of percentages of interest categories for each subsystem for witnesses who appeared at congressional hearings from September 2001 through December 2004. Due to rounding, not all rows sum to 100 percent.

<sup>b</sup> Federal agency witnesses, academic experts, and witnesses from think-tanks and other research organizations.

<sup>c</sup> Witnesses representing agricultural producers, banking, food processing, insurance, international trade, manufacturers, defense contractors, and industry associations.

<sup>d</sup> Local, state, and regional government witnesses along with witnesses from local or state related governmental associations.

<sup>e</sup> Comprised of non-government related professional associations and outside interests (environmental, public interest, labor, and related groups).

<sup>f</sup> Distribution of the percentage of witnesses for all of the above homeland security-related subsystems.

<sup>g</sup> Total number of witness appearances for each category of interests.

Table 4 shows the distribution of different categories of interests appearing at congressional hearings for the subsystems that we consider in the post-9/11 period. In order to

simplify the presentation, we collapse our original categorization of seven categories of interests into four broad categories.<sup>77</sup> These results show the difficulty of creating a cohesive constituency for a homeland security regime. Federal personnel and experts constitute the greatest percentages of players for half of the subsystems and the second largest category of players for the remaining subsystems. These are not interests that typically form a strong basis for constituency support. The literature on interest-group involvement at national levels highlights the advantages that accrue to business interests as the traditional base of support (and bias) in federal policymaking.<sup>78</sup> But, our results show that business interests are not noteworthy players relative to other interests in the framing of key elements of the homeland security regime—domestic security, border security, and public health emergencies.

It is useful to consider the involvement of state and local interests in more detail. These groups are important players on the frontlines of homeland security and also critical links for the intergovernmental aspects of a homeland security regime. As shown in Table 4, they have a noticeable presence in policy debates for subsystems (in decreasing order) concerning domestic security, technological hazards, public health emergencies, and transportation safety. Table 5 disaggregates the involvement of these interests by distinguishing different categories of state and local interests for subsystems with more than 50 witness appearances in the post-9/11 period and for all subsystems.

The obvious kernel for a constituency is local government first responders (emergency services, emergency health personnel, fire, and police) that constitute the largest category of local interests. Two challenges are evident for this. One is the lesser involvement of these groups in the transportation safety subsystem.<sup>79</sup> A second constraint is the difference in first responders for subsystems addressing domestic security (emergency services, fire, and police) and the public health emergencies (health and sometimes fire personnel). Clarke and Chenoweth discuss how this interest fragmentation presents challenges for forging a meaningful “local performance coalition” given the diversity of relevant local actors and their separate organizational networks.<sup>80</sup>

As shown in Table 5, no single category of state and regional interests dominates the subsystems we study. We are also struck that representatives of local and state professional associations do not have a stronger presence in hearings concerning elements of homeland security.

**Table 5. Local and State Interest Involvement**

Interest Category	Distribution of Local and State Involvement <sup>a</sup>			
	All <sup>b</sup>	Domestic Security	Transportation Safety	Public Health
Local Interests				
First Responders	27%	35%	6%	36%
Officials	9%	12%	10%	5%
Other <sup>d</sup>	13%	7%	42%	7%
Associations <sup>e</sup>	11%	14%	10%	11%
State Interests				
First Responders	13%	14%	3%	21%
Officials	5%	4%	1%	0%
Other <sup>f</sup>	18%	13%	23%	5%
Associations <sup>g</sup>	5%	3%	4%	15%
Total	100%	100%	100%	100%
Number witnesses <sup>e</sup>	445	224	69	61

Notes:

<sup>a</sup> Cell entries are the percentage distribution of state and local government-related witnesses appearing at congressional hearings from September 2001 through December 2004 for designated subsystems. Only subsystems with more than 50 state and local government witness appearances are shown.

<sup>b</sup> Distribution for the eight homeland security related subsystems included in this study.

<sup>c</sup> Witnesses from associations that include the International Association of Fire Chiefs, National Association of City and County Health Officials, National League of Cities, U.S. Mayors Conference, and other local-government related associations.

<sup>d</sup> Examples are witnesses from the Chicago Transit Authority, Jackson Hole Airport, and Seattle-Tacoma International Airport.

<sup>e</sup> Witnesses from associations that include the Association of State Floodplain Managers, National Emergency Management Association, National Governors Association, Western Governors Association, and other state-government related associations.

<sup>f</sup> Examples are witnesses from Massachusetts Port Authority and the West Virginia State Rail Authority.

<sup>g</sup> Total number of local and state witness appearances for each subsystem.

The reception of first-responders and local officials to the partnership efforts of the DHS undermined the creation of these groups as supportive constituencies. In recounting these efforts, Peter Eisinger concluded “the local government ‘bill of particular irritants’ regarding the nature of the homeland security partnership with the federal government is a long one.”<sup>81</sup> The rocky relationship with state and local governments stemmed from the uncertainties surrounding grant programs and the reluctance of the agency to treat state and local first-responders as knowledgeable partners. One well-known director of county emergency preparedness encapsulated the views of first responders in a *Washington Post* opinion piece in writing: “Those of us in the business of dealing with emergencies find ourselves with no national leadership and no mentors. We are being forced to fend for ourselves, making do with the ‘homeland security’ mission.”<sup>82</sup>

These results point to a diverse set of interests for homeland security that impair the fashioning of coherent policies for addressing public risks, approximating what May characterizes as a “policy without publics.”<sup>83</sup> Almost by definition, homeland security issues have lurked in the shadows of American politics with limited attention by broader interests except in the aftermath of specific incidents. The issues of threat, preparedness, and response are arcane ones that historically have been largely the province of experts within federal agencies and among academic and research settings. The kernels of a constituency lay with local and state interests, but our findings point to constraints in forming these into a cohesive base of power that enhances the governing capacity for a homeland security regime.

### **Institutionally-Imposed Cohesion**

Perhaps the least understood aspect of regime formation and evolution is the role of institutions. Our perspective is straight forward in suggesting that institutionally-induced cohesion can be a unifying force across elements of policy subsystems. This is accomplished by institutional designs that structure authority, attention, information flows, and relationships in support of a policy regime.<sup>84</sup> There is no single institutional design that accomplishes these

purposes as much depends on the nature of the prior interest relationships and power of the coalescing idea. As suggested by Robert Lieberman, institutions—rules, norms, and organizations—interact with ideas and interests in order to achieve change; they do not operate independently of them.<sup>85</sup> The analytic issue is the degree to which a given form fits the circumstances of a particular policy regime.

We address one key aspect of institutionally-induced cohesion by considering the extent to which the DHS fostered a new alignment of key federal agencies for the subsystems that grapple with the homeland security agenda. This can be assessed by the degree to which personnel from the DHS are involved in each subsystem and by observing changes in the composition of agency involvement. A measure of the extent to which any agency dominates a subsystem is a Herfindahl index of concentration for which higher scores indicate greater concentration and lower scores indicate more diversity across relevant categories.<sup>86</sup> Table 6 shows the degree of involvement of personnel from the DHS in each subsystem along with Herfindahl scores for the composition of each subsystem before and after the creation of the agency.

The involvement of officials from the DHS in different subsystems varies greatly. They only have a dominating presence within the border protection subsystem. The strong presence of officials from the DHS within the natural disaster preparedness subsystem belies the demise of that subsystem after 9/11 for which in 2003 and 2004 there were only eight hearings involving a total of nine federal witnesses, six of whom were from the DHS. The modest presence of DHS officials in the information security, domestic preparedness, and transportation safety subsystems might seem anomalous given the strong emphasis of the DHS on each of these functions. But, the presence of strong bureaucratic counterweights—particularly the departments of Justice and Transportation—limits DHS involvement. Agencies that were dominant prior to the creation of the DHS for subsystems concerning food safety, technological accidents, and public health preparedness continue their dominance.

**Table 6. Limited DHS Impact on Subsystem Make-up**

Subsystem	DHS Involvement <sup>b</sup>	Post-9/11 Subsystem Make-up <sup>a</sup>	
		Pre DHS 2001 -2002 <sup>c</sup>	Post DHS 2003 - 2004
Natural Disaster Preparedness <sup>d</sup>	67%	.12 (none)	.51 (DHS)
Border Protection	60%	.28 (DOJ)	.41 (DHS)
Transportation Safety	38%	.54 (DOT)	.36 (DOT)
Domestic Security	34%	.15 (DOJ)	.21 (DHS)
Information Security	24%	.23 (DOJ)	.21 (DHS)
Food Safety	9%	.50 (USDA)	.51 (USDA)
Public Health Emergencies	8%	.33 (HHS)	.42 (HHS)
Technological Accidents	8%	.18 (DOE)	.23 (NRC)
Number agencies <sup>e</sup>	--	15	16
Number witnesses <sup>f</sup>	139	473	420

<sup>a</sup> Cell entries are Herfindahl measures of concentration based on appearance of witnesses from different agencies in congressional hearings. Higher scores indicate greater dominance of one or a few agencies in a given subsystem. The dominant agency within the subsystem is indicated in parentheses. DHS = Department of Homeland Security; DOE = Department of Energy; DOJ = Department of Justice; DOT = Department of Transportation; HHS = Department of Health and Human Services; NRC = Nuclear Regulatory Commission; USDA = Department of Agriculture.

<sup>b</sup> Percentage of federal witnesses for each subsystem that are from the Department of Homeland Security at congressional hearings conducted in 2003 and 2004.

<sup>c</sup> Based on hearings held from September 12<sup>th</sup> 2001 through 2002.

<sup>d</sup> No dominant agency pre-DHS (3 witnesses each for Commerce, Defense, Justice, and Treasury). Only 9 witnesses involved post-DHS for which the Herfindahl measure is unreliable.

<sup>e</sup> The addition of the DHS in post-DHS column accounts for the change in number of agencies.

<sup>f</sup> Total number of DHS witnesses in the DHS involvement column; total number of federal agency witnesses for each time period in the remaining columns.

The comparison of Herfindahl scores pre- and post-DHS also shows a selective impact of DHS subsystem involvement on the composition of different subsystems.<sup>87</sup> The positive impact of the DHS in providing a more unified federal agency presence for the natural disaster preparedness and border protection subsystems reflects their dominant influence in overcoming bureaucratic competition from other agencies. However, the influence in the natural disaster preparedness subsystem is anomalous due to the limited activity within this area. The remaining

impacts are limited or counter-productive as indicated for the transportation safety subsystem by the tug between Department of Transportation officials and DHS offices that address similar issues.

Simply put, powerful institutional forces act as constraints for the structural inducement of cohesion among federal agencies. One constraint is bureaucratic competition for dominance of homeland security-related issues and funding, as especially evident in the transportation safety, domestic preparedness, and information security subsystems. Sean Nicholson-Crotty highlights the role of this kind of bureaucratic competition in subsystems. He notes that this competition is particularly strong for functional rivalries as is the case for the more fractured subsystems that we study.<sup>88</sup> Put differently, the turf issues that affected the composition of the DHS are also evident in other elements of a homeland security regime.

An additional constraint for institutional cohesion is provided by the diversity of congressional committees that are involved. The Herfindahl scores for congressional committee involvement from 2001 through 2004 show little committee dominance over policymaking within the individual homeland security-related subsystems.<sup>89</sup> The average score among subsystems is .17, which ranges from a low of .09 (domestic security) to a high of .31 (transportation safety). There is little difference between the scores before and after the creation of the DHS. This is largely because of the fixed number of standing committees that can hold hearings, many of which were already involved prior to 9/11.

These findings also show how institutional misalignment undermined the fashioning of a unified policy regime around homeland security. The key linchpins of subsystems—the committee system in Congress and the involvement of federal agencies—were out of alignment after the creation of the DHS. For 2003 and 2004, the correlation between the degree of agency concentration and committee concentration among the eight subsystems is only .35 ( $p = .44$ ) when excluding the disaster preparedness subsystem for which congressional activity was atrophied. Just as agencies are engaging in bureaucratic competition to define the turf,

committees are engaged in the “congressional jurisdictional battlefield.”<sup>90</sup> Moreover, the structure of congressional jurisdiction is working at cross-purposes with the institutional effort to meld a cohesive homeland security agency much as Charles Jones and Richard Strahan found for institutional misalignment in governmental responses to energy supply disruptions.<sup>91</sup> As stated by Cohen, Cuellar, and Weingast: “Because the creation of the DHS made massive changes to the bureaucracy while leaving the existing structure of congressional jurisdictions in place, congressional incentives work against the goals of centralization and coordination.”<sup>92</sup>

### **An Anemic Homeland Security Regime**

The potential unifying forces for melding a cohesive homeland security regime were present after the terrorist attacks of September 2001—a widespread issue of concern, a common purpose, engaged stakeholders, and institutional redesign. But, our empirical analyses show that weakness in the development of each led to what we label an anemic homeland security regime. The regime exists as evidenced by the fact there are many players across relevant subsystems attending to issues of homeland security. This comprises a far different assembly of efforts than that which existed prior to the events of September 11<sup>th</sup> 2001. But as we demonstrate, the relevant players are largely pursuing separate homeland security agendas that reflect their particular concerns and historic ways of doing business. The net result of this has been characterized by Paul Light as “the homeland security hash.”<sup>93</sup> Like the food product, this hash has little consistency.

Why is this? We suggest that in trying to do much, little is accomplished in the way of shared purpose, supportive interests, and unified institutions. In particular, the central motivating idea or purpose advanced, based on the concepts “homeland security” and “all-hazards” preparedness, is poorly understood and not widely shared among different elements of the federal government or at subnational levels. The failure to foster a strong constituency among state and local interests or among first-responders has undermined cohesion. The constituencies for different components of the homeland security agenda differ, which serves to pull apart rather

than unify these components. The institutional locus—the Department of Homeland Security (DHS)—is a weak force for inducing cohesion. Our findings also show how institutional misalignment undermined the fashioning of a unified policy regime around homeland security.

A caveat to our findings is that we only address what happened in the few years after the events of 9/11 and only for the initial two years of the DHS. The weakness in the integrative forces that we observe might be chalked up as a shake-out period for the homeland security regime for which greater integration will come about once the reforms in creating the DHS take hold. We do not think this was (or will be) the case given the fading issue attention to terrorism, the weakness of the integrative ideas of “homeland security” and “all hazards” preparedness, the lack of a strong constituency for the regime, and the institutional misalignment among relevant subsystems.

The policy uncertainties and regime instability around homeland security have been exacerbated by shifting DHS priorities in response to new disruptions other than terrorism. Examples are the shifts in agency attention brought about by Hurricane Katrina and the collapse of the I-35W bridge in Minneapolis.<sup>94</sup> A *New York Times* editorial title in July 2006—“Homeland Insecurity Department”—is emblematic of the degree of instability that has surrounded the Department and the homeland security regime.<sup>95</sup> Further shifts in emphasis have occurred under the Obama administration. Secretary Napolitano has identified terrorism as “the number one mission” with securing the border and immigration enforcement as the second and third priorities respectively, elevating the latter two to much higher status than the past.<sup>96</sup> There is little doubt that future occurrence of new terrorist incidents, major technological accidents, or catastrophic natural disasters events will add to the instability and challenge the viability of the homeland security regime.

### **Conclusions**

The lessons we draw from our study of the homeland security regime are more general ones regarding the evolution of boundary-spanning policy regimes and the challenges of

governing across policy subsystems. These are particularly apparent for a number of contemporary problems that do not fit within existing policymaking subsystems. Donald Kettl aptly described this conundrum in commenting that “the new challenges of 21<sup>st</sup> century life—from terrorism to pandemics and international trade to climate change—have undermined the ability of boundaries—any boundaries, drawn anywhere—to deal with truly important and inescapable issues.”<sup>97</sup> The central challenge for governance is the unification of governmental efforts to achieve public purposes across these diverse boundaries.

Widespread crises that spill over into multiple policy areas, multiple levels of government, and across public and private entities provide acute instances of messy problems that highlight disarray in existing governmental efforts. The complexities and urgency of such crises are illustrated by the 9/11 terrorist attacks, Hurricane Katrina, and the banking and financial crisis that became a world-wide catastrophe in 2008. The effects of each of these cascaded in unforeseen ways. Recognition of the complexity of such widespread crises has led to scholars to provide new labels of “transboundary crises”<sup>98</sup> and even to suggest that “crises have evolved past the bounds of compartmentalized emergency into the vastness of unstable and chaotic *Terra Incognita*.”<sup>99</sup> Regardless of the hyperbole of such assessments, widespread crises are highly destabilizing for the normal functioning of the American political system. Of particular relevance are the uncertainties that policy disruptions foster and the destabilizing effects they incur for policymaking.

Widespread crises draw attention to an issue and disrupt the normally stable parameters of policymaking. In so doing, they open potential windows of opportunity for reforms—perhaps paradigmatic policy change—given the evident failures of existing ways of doing business. Because the inertia of existing subsystem dynamics and jurisdictional tussles tend to pull in different directions, unified efforts to resolve the uncertainties fostered by crises are undermined. Charles Jones’ and Randall Strahan characterize these counter-veiling forces at work as “reminiscent of Dr. Doolittle’s famed ‘Pushmi-Pullyu’—that magnificent two-directional animal”

as presidents seek an integrated policy apparatus and Congress “allow[s] a pulling apart” that reflected the different subsystems at work.<sup>100</sup>

Policy regimes that crosscut elements of different policy subsystems and induce players within them to pursue similar ends—what we label boundary-spanning policy regimes—hold the prospect for overcoming this disarray. But, these changes do not happen in a vacuum and without involvement of governmental and other actors in pushing for and supporting reforms. Nor do new paradigms exist as ideas alone; they are refined by specialist policy communities, embedded in institutional structures, supported by engaged interests, and reified by governmental leaders. In short, it is much easier to appoint a coordinating czar or to reassign agency responsibilities than it is to fashion a viable boundary-spanning policy regime.

The strength of a policy regime is a function of the interaction of the ideas, interests, and institutions that undergird a given regime. Stronger regimes are effective in fostering cohesion by reinforcing a shared purpose, mobilizing efforts of key players and supporters, and focusing the attention and authority of multiple subsystems in support of a common goal. Our analysis of the homeland security case does not provide sufficient basis for sorting out the relative importance of ideas, interests, and institutions in influencing the strength of a given regime. As suggested by Robert Lieberman in discussing the emergence of the affirmative action regime for civil rights issues in the United States, political context and history are especially important in establishing the role of these forces.<sup>101</sup> In his account, the regime took hold because of the unique circumstances that led the relatively powerless Equal Employment Opportunity Commission to follow through on the promise of affirmative action by building partnerships with labor unions and other interests. In the case of homeland security, the situation is in many ways reversed with a seemingly powerful agency that failed to create a coherent strategy around “homeland security” and to mobilize a supportive constituency.

Relatively strong boundary-spanning regimes are desirable because of the promise they provide of more coherent policies that help to integrate efforts across relevant policy areas, levels

of government, and different types of entities. Yet, these qualities do not necessarily constitute good policy in normative terms. Strong regimes can be ill-founded in the sense that they embrace bad ideas or have undesirable outcomes. Some scholars have argued that the homeland security efforts are ill-advised<sup>102</sup> while others argue that the efforts are appropriate but insufficient.<sup>103</sup> The legitimacy of a given policy regime is at the heart of such debates for which opinions can and will differ as they do about homeland security. In this regard, policy regimes require at least tacit approval of the governed, what Margaret Levi labels “contingent consent,” in order to achieve legitimacy.<sup>104</sup>

Without such legitimacy, the viability of a regime is undermined. As discussed by Jochim and May, the durability of a policy regime is as much dependent on the broader political context as it is on the forces that shape the emergence and strength of a regime.<sup>105</sup> As new political alignments take shape, the existence of some regimes may be threatened. Much depends on the ideological predispositions of political actors and the issues that dominate policy agendas. Orren and Skowronek discuss how regimes remain vulnerable to broader shifts in the public mood and electoral replacement.<sup>106</sup> Policy entrepreneurs who do not subscribe to the guiding principles of a given regime may push alternative policy ideas when they see an opening marked by a change in governing coalitions.

The rise and fall of issues on the agenda also plays a central role in the durability of policy regimes. Once the urgency of crises fades from memory, new problems compete for limited political resources. Policy issues may become displaced as new problems rise on the agenda, either due to new crises or strategic actions on the part of organized groups. For example, in the wake of Hurricane Katrina key components of the homeland security regime were drawn away from the extant focus on terrorism. The forces that propel attention to an issue may fade as aspects of the problem are solved or otherwise disappear. In the absence of attention to the issue underlying a policy regime, the arrangements cease to have relevance for policymaking.

For these same reasons, some regimes remain durable despite their apparent weaknesses. Homeland security encapsulates a highly salient issue that has been resistant to displacement. Because of the continued public concern over the threat of terrorism, partisan coalitions in Congress who benefit from fermenting these concerns have provided patrician support for homeland security efforts despite weaknesses in the regime.<sup>107</sup> The continuing existence of the homeland security regime has not been widely questioned as evidenced by how little attention it garnered in the 2008 presidential election. Despite the instability in priorities and grant programs, the business of homeland security has become well ingrained in the American system through the provision of technology contracts, intergovernmental grants, and governmental activity more generally.<sup>108</sup> Unraveling these would be a herculean undertaking.

Like any approach to governing, a boundary-spanning policy regime is not a panacea. Only for some situations can it be possible to galvanize attention across government and among intergovernmental and non-governmental actors, to rally these around a common purpose, to mobilize widespread engagement of interests, and to bind all with supportive institutional arrangements. The fact that such circumstances are relatively rare is perhaps a reason why this type of policy regime has not been examined more fully. Nonetheless, we argue that a boundary-spanning policy regime is an important concept for the study of governance that deserves more scholarly attention.

## Notes

- <sup>1</sup> See for example, DiLulio 1992; Jones and Strahan 1985; Sundquist 1969.
- <sup>2</sup> Radin and Chanin 2009.
- <sup>3</sup> See in particular, Baumgartner and Jones 1993, pp. 235-251 on fragmented policymaking and Pressman and Wildavsky 1973, pp 87-124 on disjointed policy implementation.
- <sup>4</sup> See Cohen, Cuellar, and Weingast, 2006; Saito, 2005.
- <sup>5</sup> Kettl 2007, pp. 123-143.
- <sup>6</sup> See in particular Kettl 2003; also see Waugh and Sylves 2002, and Wise 2006.
- <sup>7</sup> See Chenoweth and Clarke 2009; Eisinger 2006; Gerber et al. 2005; Scavo, Kearney, Kilroy 2007.
- <sup>8</sup> Clarke and Chenoweth 2006, p. 95.
- <sup>9</sup> Rittel and Webber 1973.
- <sup>10</sup> Duit and Galaz 2008.
- <sup>11</sup> Boin 2009.
- <sup>12</sup> Berry 1989; McCool 1990, 1998.
- <sup>13</sup> Baumgartner and Jones 1993, pp. 6-9.
- <sup>14</sup> Burstein 1991; Laumann and Knoke 1987.
- <sup>15</sup> See Redford 1969, pp. 102-105.
- <sup>16</sup> Worsham 2006, p. 438.
- <sup>17</sup> See Kingdon, 1984, pp. 99-105; Jones and Baumgartner 2005, pp. 55-70.
- <sup>18</sup> See Adler and Wilkerson 2008; Jones, Baumgartner, and Talbert 1993.
- <sup>19</sup> See Jones and Strathen 2005; Moynihan 2005.
- <sup>20</sup> Hall 1993; also see Howlett and Ramesh 1998.
- <sup>21</sup> Sheingate 2003, p. 193.
- <sup>22</sup> Baumgartner and Jones 1993, p. 65.
- <sup>23</sup> Sabatier and Jenkins-Smith 1993, p. 221.
- <sup>24</sup> Krasner 1983, p. 2.
- <sup>25</sup> See Kratochwil and Ruggie 1986.
- <sup>26</sup> Martin and Simmons 1998, pp. 752-753.
- <sup>27</sup> See Stone 1989.
- <sup>28</sup> Stone 2005, p. 309; also see Mossberger and Stoker 2001.
- <sup>29</sup> Kitschelt 1992, p. 1028.

<sup>30</sup> Esping-Anderson 1993.

<sup>31</sup> Orren and Skowronek 1998, p. 694.

<sup>32</sup> Carter Wilson 2000.

<sup>33</sup> Clarke 2004.

<sup>34</sup> McGuinn 2006.

<sup>35</sup> Menahem 2008.

<sup>36</sup> Rogers, Beamer, and Payne 2008.

<sup>37</sup> Williams 2009.

<sup>38</sup> Stoker 1991, p. 55.

<sup>39</sup> Clarke and Chenoweth 2006.

<sup>40</sup> Eisner 1994, p. 159; also see Harris and Milkis, 1989.

<sup>41</sup> Patashnik 2008, pp. 16-19.

<sup>42</sup> Jochim and May 2009.

<sup>43</sup> Jochim and May 2009.

<sup>44</sup> See Wamsley and Schroeder 1996.

<sup>45</sup> We consciously did not select areas for study based on the functions of the Department of Homeland Security (DHS). This would have conflated the tasks of the DHS with the subsystems within which officials from the DHS and other federal agencies are institutional interests. Given our focus on the domestic preparedness aspects of homeland security, we excluded consideration of conventional war and nuclear attack. We also excluded slower-onset threats that have not typically been included within the purview of homeland security such as global climate change and drought along with broader societal disruptions brought about by immigration and demographic changes.

<sup>46</sup> See in particular Baumgartner and Jones 1993, 39-55.

<sup>47</sup> See <http://www.policyagendas.org>. The data used here were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation grant number SBR 9320922. Neither NSF nor the original collectors of the data bear any responsibility for the analysis reported here.

<sup>48</sup> The potentially relevant topics for each subsystem were identified in advance from our investigation of the history of each subsystem. Our coding of the minimum threshold for entry of a hearing into our dataset yielded an inter-coder percent agreement of 83 percent based on dual coding of 607 hearings that are part of the larger dataset from which the data for this article are

drawn. Inter-coder agreement for the coding of policy subsystems was 85 percent based on dual coding 150 hearings.

<sup>49</sup> Inter-coder agreement for the coding of terrorism focus was 100 percent based on dual coding of 122 hearings that are part of the larger dataset from which the data for this article are drawn.

<sup>50</sup> We collected electronic transcripts from Lexis-Nexis, the only electronic clearinghouse of congressional testimony, for the period September 2001 through 2004 for available testimony from 726 top-level federal witness appearances (out of 944 total federal witness appearances) and 187 witness appearances from individuals from 58 different intergovernmental associations. For this aspect of the analysis, we excluded those federal agency witnesses who were clearly only adding a symbolic element such as individual border guards, FBI agents, or military personnel.

<sup>51</sup> This list was constructed from functions identified for different federal offices in the U.S. Government Manual while allowing for changes in function and office designation over time.

<sup>52</sup> See Birkland 2004.

<sup>53</sup> See Executive Order 13228, October 8, 2001.

<sup>54</sup> White House Press Office 2002. Legislation creating the DHS was enacted in November 2002 and the Department was constituted in March 2003.

<sup>55</sup> DHS Strategic Plan 2008, p. 5 with the bracketed list identified earlier in the document. Similar statements can be found in earlier DHS strategic plans.

<sup>56</sup> Jones and Baumgartner 2005.

<sup>57</sup> May, Sapotichne, and Workman 2009.

<sup>58</sup> The hearing distributions are similar when comparing those in the post 9/11 period before and after the creation of the DHS. The chi-square comparison of the distributions is 13.59,  $p = .06$ . For the 2003-2004 period in comparison to the earlier period, the emphasis on domestic security and transportation safety is decreased somewhat while the emphasis on border security is increased.

<sup>59</sup> See Blyth 2003; Orren and Skowronek 1998.

<sup>60</sup> Schulman 1988.

<sup>61</sup> Moynihan 1969; also see Greenstone and Peterson 1973 in discussing the lack of agreement about these precepts among participating mayors and community groups.

<sup>62</sup> White House, Office of Homeland Security 2002, p. 2.

<sup>63</sup> The *New York Times* columnist William Safire notes that the term “homeland defense” had been previously used in 1977 by the Defense Department in a defense review report to Congress. He suggests the substitution of security for defense in the term “homeland security” was

undertaken for two reasons. The term security provides more of an umbrella term that incorporated local and national public health preparedness among other items. And, officials in the Defense Department did not want their agency confused with the new Office of Homeland Security. See Safire 2002.

<sup>64</sup> White House, Office of Press Secretary 2003.

<sup>65</sup> White House, Homeland Security Council 2007, p. 3; emphasis and capitalization in the original.

<sup>66</sup> Bellavita 2008, p. 20; emphases in the original.

<sup>67</sup> To preclude mentions of the DHS, a case sensitive text search was conducted to determine the pervasiveness of “homeland security” terminology. The “all hazards” search allowed for the hyphenated usage “all-hazards” as they have been used interchangeably in government documents, hearing summaries, and testimony transcripts. To capture subsystem terrorism-related foci, we conducted “spanning pattern” searches. Rather than simply counting potentially narrow phrases, this approach facilitated more accurate measurement of key concepts of interest. For instance, our search string for border security captured usages of the terms “border protection” and “border preparedness,” but the string also allowed for such phrases as “strengthening border points of entry by enhancing our zone of security.”

<sup>68</sup> We prefer percentages rather than raw values to enhance comparisons across terms and subsystems. The number of sentences per testimony has no noticeable impact on our measure of ideational uptake. To assess the potential impact, we ran three separate Pearson correlations between our measure of ideational attention and mean number of sentences per testimony. The correlation between subsystem terror foci and mean sentences per testimony is 0.38 ( $p = .35$ ); the correlation between “all hazards” and mean sentences per testimony is 0.19 ( $p = .65$ ); the correlation between “homeland security” and mean sentences per testimony is - 0.39 ( $p = .34$ ).

<sup>69</sup> The differences in mean proportions of references to the subsystem-specific and homeland security terms is statistically significant for paired t-tests at p-values of .05 or less for each subsystem except for subsystems addressing natural disaster preparedness ( $p = .16$ ) and technological hazards ( $p = .21$ ). Mentions of homeland security were more frequent in testimony given in 2003 and 2004 in comparison to the earlier post-9/11 period for subsystems addressing border protection, food safety, and public health emergencies. Mentions of the term were less frequent in the remaining subsystems.

<sup>70</sup> These distinctions in terminology highlight a bureaucratic fight over the organizational location of disaster preparedness planning (see Gerber 2007; May, Workman, Jones 2008). This function

used to be within FEMA but was transferred to other parts of DHS. Recognition of the failures of DHS performance in the response to Hurricane Katrina led Congress to mandate a major reorganization on March 31, 2007 under the Post-Katrina Emergency Management Reform Act (Title VI of P.L. 109-295). This sought to reduce the centralized authority of the DHS by making FEMA a semi-autonomous agency. Congress specifically delegated authority for preparedness and response functions within the DHS by shifting the national preparedness planning and the grant functions being performed by top-level units of the DHS to the re-constituted FEMA.

<sup>71</sup> Stoker 1995, p. 61; see also Stone 1989, p. 21.

<sup>72</sup> Worsham 1997, 1998.

<sup>73</sup> Heclo 1978.

<sup>74</sup> See Kingdon 1984, pp. 188-193.

<sup>75</sup> Grant and MacNamara 1995.

<sup>76</sup> Jochim and May 2009.

<sup>77</sup> This does not affect the results and is simply a matter of ease of communication. The original categories are noted in our discussion of measures. With the exception of three subsystems, the distribution of interests for the post-9/11 period before and after the creation of the DHS does not statistically differ (p-values of .10 or greater for chi-square tests of independence of distributions). In the post-DHS 2003-4 period there was increased involvement of business interests for the information security and natural disaster subsystems, and less involvement of business interests in the transportation safety subsystem.

<sup>78</sup> See Leech and Baumgartner 1998, pp. 93-98.

<sup>79</sup> The category “other administrators” for the transportation safety subsystem at local and state levels includes airport administrators and state, local, and regional port authority personnel.

<sup>80</sup> Clarke and Chenoweth 2006.

<sup>81</sup> Eisinger 2006 p. 542.

<sup>82</sup> Holdeman 2005.

<sup>83</sup> May 1991.

<sup>84</sup> We do not think of a policy regime as an institution per se. Instead, we think of institutions as either facilitating or hindering the formation and evolution of policy regimes.

<sup>85</sup> Lieberman 2002; also see Blyth 2003.

<sup>86</sup> The values of the Herfindahl index are computed for each subsystem by summing across all categories of witnesses the squared proportion of witnesses that fall within each category. We base our calculations on the distributions among federal agencies of witness appearances at

hearings within each subsystem for which we include all agency witnesses regardless of rank. Our original coding of federal agencies was based our list of 74 relevant federal agencies. Herfindahl indices for this many categories, many of which would have zero values, are meaningless. We collapsed the 74 entities into 15 categories for the pre-2003 period: Agriculture, Commerce, Defense, Energy, Health and Human Services, Interior, Justice, State, Transportation, Treasury, EPA, FEMA, FTC, NRC, and other. The DHS was added to the listing for 2003 and 2004. The Herfindahl scores are not directly comparable across the two time frames, as all else equal the index values tend to go down with more categories. To assess this impact, we computed Herfindahl scores for agency involvement in the eight subsystems post 2003 with and without the DHS. The correlation between the two sets of scores is .87. The largest discrepancy in scores is lower Herfindahl score for the transportation safety subsystem when including the DHS. This is consistent with our finding in Table 6 that the involvement of the Department in that subsystem increased, rather than reduced agency diversity.

<sup>87</sup> The Pearson correlation between our measure of DHS involvement and the post DHS Herfindahl scores is .28 ( $p = .50$ ).

<sup>88</sup> Nicholson-Crotty 2005; also see Downs 1967, pp. 9-10.

<sup>89</sup> As with the agency scores, higher scores indicate greater concentration of committee involvement (committee dominance) and lower scores indicate more diversity of committee involvement. We calculate the committee Herfindahl scores based on the percentage of hearings held by designated standing committees within the House and Senate using the committee coding scheme of the Policy Agendas Project. Taking into account changes in committee name and jurisdiction over time, the Policy Agendas Project codes both standing and subcommittees. Of relevance for this research are the designated 22 House standing committees and the 16 Senate standing committees that are identified for the time period for our data.

<sup>90</sup> Baumgartner and Jones 1993, pp. 193-215.

<sup>91</sup> Jones and Strahan 1985.

<sup>92</sup> Cohen, Cuellar, and Weingast 2006, p. 720.

<sup>93</sup> Light 2007.

<sup>94</sup> May, Sapotichne, Workman 2009.

<sup>95</sup> *New York Times*, "Homeland Insecurity Department" (July 17, 2006, A16)

<sup>96</sup> Napolitano 2009.

<sup>97</sup> Kettl 2006, pp. 12-13.

<sup>98</sup> Boin 2009.

<sup>99</sup> Lagadec 2009, p. 474, emphasis and spelling in the original.

<sup>100</sup> Jones and Strahan 1985, p. 175.

<sup>101</sup> Lieberman 2002.

<sup>102</sup> See, for example, Donohue 2008 and Mueller 2004.

<sup>103</sup> See, for example, Flynn 2004.

<sup>104</sup> Levi 1997, pp. 17-21; also see Wallner 2008.

<sup>105</sup> Jochim and May 2009.

<sup>106</sup> Orren and Skowronek 1998

<sup>107</sup> More generally see Goodin 2006, pp. 78-110.

<sup>108</sup> See Chenoweth and Clarke 2009, Roberts 2005.

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