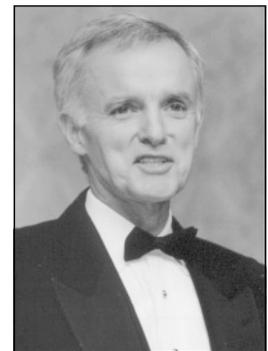


## Increasing Security Without Sacrificing Freedom Combatting Terrorism in the Aftermath of September 11, 2001

Former U.S. Senator Bob Kerrey, scheduled to deliver the 2001 *Lovett C. Peters Lecture in Public Policy* on ethics and integrity in government, instead used the occasion to address a topic that weighed most heavily on the minds of his audience—the terrorist attacks that had occurred less than a month earlier. Long regarded as a reflective, distinguished public servant and serious student of policy issues, J. Robert Kerrey served two terms in the Senate from Nebraska and one term as his state’s governor. A decorated Vietnam veteran who served as a member of the elite Navy SEALs, he was a candidate for the 1992 Democratic presidential nomination. During his public life, he was known for staunch political independence, determination to address intelligently important national issues, and particular concern for fiscal responsibility and civic values. His *Lovett C. Peters Lecture*, excerpted below, was characteristically direct and insightful.



Senator Bob Kerrey, the 2001 Lovett C. Peters Lecturer in Public Policy.

In New York City, death has shaken the eight million people who live there, and it has also awakened us. Writing in the *New York Times* about a trip he made to Ground Zero, Jim Dwyer thought of Seamus Heaney in the poem, “The Toome Road.” The poet met armed invaders in camouflage on a quiet morning in the countryside and said,

How long were they approaching down my roads  
As if they owned them? The whole country was sleeping.

We were asleep to the real danger of terrorism, especially when it is motivated by the religious belief that suicide and murder are tickets to salvation. We were asleep to the dangers that are inherent in the openness and the freedoms of our own country. And we were asleep to the fact that every fully fueled aircraft is a high order explosive.

We were also asleep to the possibility of value in every stranger that we pass on the street. We were asleep to the drama, to the passion, and to the importance of their lives compared to our own. We are asleep no longer.

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[www.pioneerinstitute.org](http://www.pioneerinstitute.org)

85 Devonshire St., 8<sup>th</sup> floor  
Boston, MA 02109  
617-723-2277 | Tel  
617-723-1880 | Fax

The lives of more than 6,000 victims have come into our hearts, and we are awakened to their worth. One of my favorite recent books is called *We Were Soldiers Once and Young*, written by Joe Galloway and Hal Moore, an Army general. The book tells the story of an epic battle that took place in Vietnam in the Ia Drang Valley in 1965 between U.S. and North Vietnamese forces. On the cover is a picture of Rick Riscorla; he's holding the rifle with the bayonet.

Riscorla's platoon was in the 7th Cavalry and bore the brunt of a massive night assault by North Vietnamese in this Ia Drang Valley battle. His platoon has taken the perimeter in place of another platoon that had been destroyed earlier that day. After shortening his sector, digging in and clearing the elephant grass to his front, putting out trip flares, and making all the other preparations for an attack of this kind, he steadied his men in the dark by singing songs like *Wild Colonial Boy* and others from his boyhood. When the attack came, his platoon held.

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Rick Riscorla wasn't born in the United States. He was from Cornwall, England. He came here in 1962 when he was 23 years of age and immediately became a citizen and joined the United States Army. And when his service was up, he went back to New York City.

On the 11th of September, Rick was the Chief of Security for Morgan Stanley Dean Witter, whose offices were on the 100th floor of the South Tower of the World Trade Center, the second to be hit by the terrorists. He was responsible for the safety of thousands of people as he had been in 1993 when the World Trade Center was first hit by terrorists.

When the plane hit his building, the word came over the loud speaker for everyone to sit tight. But Riscorla didn't buy it, and he went from floor to floor, from office to office, rounding up as many people as he could and telling them all to get out. They were frightened. He counted heads to make certain that he had them all, and he led them all down 100 flights of stairs and out to safety. As he was bringing them out, he steadied them as he had his men in Vietnam by singing songs to them. Of the 3,000 people in the company in the building, they lost only five when the tower collapsed. Rick Riscorla was one of them, as we went back up to get four people who were unaccounted for.

His wife Susan has said that he rang her up as he tried to evacuate the staff, and he said, "If anything happens to me, I want you to know you made my life." She said, "He knew every song in the world and loved to sing. He made me smile and he made me laugh. He was just a wonderful, wonderful man."

The papers are full of stories like that today, of people we did not know before. Prior to the bombing and his death, Rick Riscorla blended into a faceless crowd. The bombing has awakened us to the stories of thousands of men and women who had been outside the spotlight. They were the ones we passed as we were in a hurry on our way to work, the ones we rode with in silence on the subway or up the elevator to our office. Before September 11, we were too lost in our own problems and our own worries to notice them.

We now look at our law enforcement and public safety professionals differently than before. More died in the World Trade Center bombing than in any other single incident in the history of the United States of America. They knew the risk and they took it. It could have been me they were coming to save or it could have been any one of you. It didn't matter who was up there, what color they were, how much money they had, what language they spoke, or any other factor that too often determines whether we will reach out to help.



*Senator Kerrey is greeted by Pioneer founding chairman and lecture namesake Lovett C. Peters.*

Hundreds of thousands of people followed the lead of our public safety professionals and came to the aid of those in trouble. They gave blood, they served food, they donated clothing, they offered shelter. In short, they did whatever they could do to make things right again. And they did it without being ordered to do it by anyone, nor did they follow a carefully written plan. They followed their consciences.

Matching the humble and awe-inspiring heroism of all those who have done what they could has been the response of our nation. The actions of our national leaders from the President on down, called upon by some to respond quickly with force, have been measured and restrained. They know that vengeance is a poor motivator for national policy.

On a United Airlines flight from Denver to New York last week, a flight attendant asked me to answer this question from the pilot: How do you think all the changes that have been implemented by the airlines and the federal government are working? My answer was that we passengers have figured out that, prior to the 11th of September, the airline rules were counterproductive. We were told to sit in place, that they would negotiate with the terrorists after they landed, and that we were more likely to be safe if we offered no resistance at all.

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Now, if one or several passengers jumps up again with knives or box cutters or any other sort of implement, no matter what rules, no matter what procedures are adopted by the airlines and the Federal Aviation Administration, we're not going to cooperate and sit in our seats. We're going to rise up and forcibly subdue those who threaten us. We're going to rise up, without being told or ordered to do so, and we're going to use whatever is available to us to finish the job. And we darn sure are not going to live in fear of using our cell phones again.

I don't doubt that a well-trained and armed sky marshal would make our job easier. I don't doubt that locking and securing the pilot's cabin will help as well. I don't doubt that even the remarkable step of federalizing security at airports is going to establish professional standards and practices that might help.

I pointed out to the pilot that of all the changes they've made, one did stand as a possible impediment, and that is the substitution of plastic knives for metal knives. That might actually hinder us; it may be more difficult to get the job done with plastic knives, but even with plastic knives, my guess is the passengers will get it done. I don't offer this as a trivial example. I offer it as a serious example as we try to

calculate what needs to be done. There's no shortage of laws and rules that actually produce the opposite of their intended purpose. I could spend the evening giving you examples of laws that fall under the law of unintended consequences.

With that cautionary flag planted, let me say that in Washington, DC, today, I see a different sense of purpose, and I pray that it is sustained longer than just until the next election. I see elected representatives who are more willing to put the nation's interest ahead of their personal interest. Not only will this give citizen confidence in our democratic institutions a much needed jolt, but it also increases the chances that constructive change will happen, especially in those areas where political terror and an unwillingness to surrender power are the two most important barriers to progress.

*Now that we're fully awake to the dangers of terrorism, our political leaders...must encourage us to acquire the physical courage needed to continue our lives without panic and terror.*

Understand that what the terrorists did was to exploit a loophole, a weakness that prior to the 11th of September we simply did not recognize. They must have said, "My god, it's so easy. There's a bomb taking off every 30 seconds or so from some northeastern airport." Well, in my view there are simple and relatively low-cost measures that can be taken to ensure that no American airliner is ever hijacked again. And for the sake of our safety, our economy, and our society, we must do so as soon as possible. We must also close lots of other loopholes. The way, for example, that we license hazardous material truck drivers is very sloppy. Those trucks also would be very low cost delivery mechanisms for someone willing to die in the exercise of killing other human beings.

We must close the general aviation loophole where a much lower level of oversight exposes us to unnecessary risk. We need to make certain that previously innocent-looking things like crop-dusting planes don't become delivery vehicles for chemical or biological attacks. And we need a plan to prepare ourselves for this unmentionable horror.

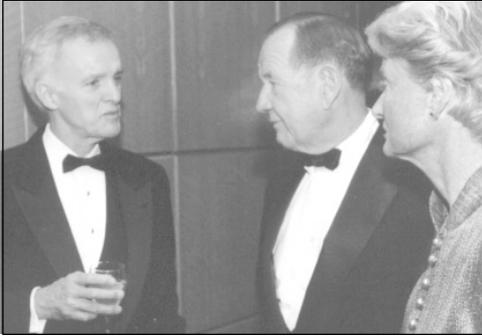
We need to close the loopholes at the Immigration and Naturalization Service, which make it too easy for student visas to be used by criminals. Before September 11th, there was no active check on whether a passport had been stolen, for example. State Department consulates throughout the world did not have access to FBI crime records. Now those crime records are open to other federal agencies, such as the Animal and Plant Health Inspection Service, as well. It was a turf battle. My hope is that it will be solved by Tom Ridge in his role as Director of Homeland Security.

The Immigration Service had focused almost entirely on investigating crimes by foreigners—domestic smuggling, illegal workers. Last year's report from the National Commission on Terrorism said that the United States is *de facto* a country of open borders in spite of elaborate immigration laws and other efforts.

We have to close those loopholes without changing the fundamentally friendly attitude of the United States to immigration. It may require consolidating federal agencies like INS and Customs and FEMA and Border Patrol, who not only have overlapping functions but are overseen by different House and Senate authorizing and appropriations committees. This is the kind of change that is most difficult to get done as the memory of a disaster begins to fade, because committee chairs and ranking members of Congress dislike giving up power almost as much as they dislike losing elections.

To read the remarks of past Lovett C. Peters Lecturers, go to [www.pioneerinstitute.org/events/lecture](http://www.pioneerinstitute.org/events/lecture).

I'd like to talk very briefly about congressional oversight of the Central Intelligence Agency. Two big changes need to happen with our laws in order to make Americans more secure from terrorism. First, the budget of the director of Central Intelligence should be declassified.



Senator Kerrey greets guests Robert and Patsy Lawrence prior to his address.

I am an advocate of secrecy if it provides increased security. There's no better example of a case where secrecy does not equal security than the fact that the budget of the CIA is not known to the citizens of our country. For this organization, secrecy is a regulatory burden. There is regulatory cost, there is paperwork; these reduce the speed with which decisions can be made and increase the friction of the decision-making process in a very important area of our government.

The old argument against declassifying the budget was that we didn't want the Soviet Union to know the exact amount for fear they'd scale a response. The new argument is that intelligence funding itself would suffer if the American people knew how much is actually being spent. I think, in fact, the truth is just the opposite. But then, I know how much we spend on the CIA, and you don't.

Second, Congress should establish permanent oversight committees for intelligence, and the House and Senate appropriations committees should establish a 14th appropriations sub-committee with oversight responsibilities. The good idea behind the select committee, giving more members the opportunity to serve in this important area, is eclipsed by loss of continuity and the loss of influence that seniority brings to our representatives.

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I fear these simple changes will be lost in the midst of high-profile and costly recommendations made by others. Worse, I fear that, in the top-secret environment where such things are discussed, decisions will be made that will make us less secure, not more.

Now that we're fully awake to the dangers of terrorism, our political leaders face a daunting challenge. In the land of the free and the home of the brave, they must encourage us to acquire the physical courage needed to continue our lives without panic and terror. They must demonstrate the moral courage needed to pass good laws and write good rules that increase our security without unwarranted sacrifices of our freedom. And they must lead us to recognize that our lives are not spiritually meaningless if we're willing to give ourselves in love to the well-being of others like the heroes of New York City.

It is my hope that the Pioneer Institute for Public Policy Research will join the debate about how to organize our nation's effort to combat terrorism. We will be much more likely to defeat terrorism if our response emphasizes education, economic opportunity, public management, and the important question of how to help our children gain an appreciation for the democratic values and skills necessary for active participation in self-government. My hope is that this institute will play an important role in helping us make this country not just stronger, but better as well.