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## The Local Role in Homeland Security

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There has been considerable discussion since September 11 of the enormous resource that local police potentially represent in the fight against terrorism. This article identifies limits to the local role in homeland security by analyzing a case study of Dearborn, Michigan. Partly because Dearborn is home to one of the largest concentrations of Arabs in the United States, its experience with homeland security highlights two kinds of burdens that cities incur when they engage in proactive surveillance to identify potential terrorists: damage to their reputation (since police surveillance implies that its objects are not trustworthy) and damage to police legitimacy (since new surveillance may undermine trust between police and the community). Because the benefits of efforts to identify terrorists typically accrue to jurisdictions other than the one that engages in it—unlike street crime, terrorism is a national or even international problem—local governments have little reason to pursue it. Instead, cities such as Dearborn have reason to emphasize what I call the “community protection” aspects of homeland security, such as target hardening and emergency response. This finding has more general implications for our understanding of the police role and the politics of policing, showing how both are shaped by the structural location police occupy in federalist systems of government.

**I**n the face of a national problem such as homeland security, the most striking feature of American policing is its decentralization: the overwhelming majority of U.S. police are distributed across nearly 13,000 autonomous local police departments. As many participants in the debate about homeland security have observed, there are more than 600,000 local police but only 12,000 FBI agents, and from this fact they conclude that the nation will maximize its ability to prevent new attacks by enlisting local police in the search for terrorists (Berger 2002; Biden 2003; Flanagan 2002; Northeast Regional Homeland Security Agreement 2003). Schol-

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ars, too, have come to expect that local police will play a large role in many aspects of homeland security. One recent analysis indicated that local police would soon be “developing new areas of investigative expertise, cooperating much more with federal law enforcement and intelligence agencies, working more closely with the military, increasing their levels of surveillance over their communities, [and] paying more attention to the safety of critical infrastructure” (Maguire & King 2004:21).

This view about the local role in homeland security is opportunistic in the sense that it treats the massive institutional capacity of local policing as a resource that can be mobilized for any end that policy makers desire. It reflects an understanding of federal systems in which “any activity performed by nations can be performed by cities” (Peterson 1981:15), so local governments can easily be enlisted in the service of national goals. In political science, this conception of federalism had its heyday in the 1970s after Grodzins (1966) described the federal system as a “marble cake,” meaning that policy functions were distributed somewhat arbitrarily among local, state, and national governments. But as Peterson (1981) has argued, this perspective fails to account for the distinctive limits within which local government operates.

This article analyzes how the fragmented and decentralized nature of American government shapes the local role in homeland security by investigating the experiences of the Dearborn, Michigan, police department. To guide this investigation, I draw from and extend Peterson’s (1981) theory of local government—one of the leading theories of local government in political science, but one that has not been incorporated into sociolegal studies. Peterson’s theory sheds light on the local role in homeland security by showing how local government’s limited powers influence the interests cities have, the political dynamics that express those interests, and the policy choices that emerge. That analysis extends our understanding of the police function and the politics of local policing by showing how both are shaped by the decentralization of American government. Moreover, by bringing Peterson’s theory to bear on policing, this analysis extends that theory (via a return to its Weberian roots) to incorporate the distinctive interests implicated by legal institutions.

Dearborn is a fruitful place to examine these issues. Because it has one of the nation’s largest concentrations of Arab Americans and has been a major focus of national attention since 9/11, its experience illustrates with special clarity how a city’s interests in honor and the legitimate use of police authority are relevant to its homeland security efforts. In Dearborn, those interests drove police to emphasize what I call the community protection functions of homeland security (especially emergency response and protective security for

potential targets) and avoid what I call the offender search functions (investigative efforts to locate those who have committed or intend to commit terrorist acts). If the forces that shaped Dearborn's decisions are general, then local governments are well-situated to administer community protection functions but poorly situated to administer offender search—a conclusion that challenges the opportunistic view of the local role in homeland security.

### Local Government and the Police Role

Recent research already suggests limits to the local role in homeland security. To support its lobbying efforts asking the federal government for increased homeland security funds, the U.S. Conference of Mayors surveyed 192 cities to document their new homeland security activities and costs since 9/11. Of the 159 cities that described those activities, only five listed even minimal investigative efforts focused on potential terrorists, and the report's own summary of the most common activities identified 10 categories of community protection tasks (e.g., hazmat response, building security, and investigation of suspicious packages delivered locally) and no offender search tasks (U.S. Conference of Mayors 2002:11). The survey was hardly systematic, and it may well misreport the level of local offender search activities. Nevertheless, it is striking that even in a political document commissioned to demonstrate how extensive local homeland security efforts are, very few cities reported any offender search work at all.

On reflection, this pattern is not surprising. Local governments are responsible for the well-being of particular territories, and that responsibility limits the policy functions they can and should pursue. For example, if a policy mainly benefits jurisdictions other than the one that bears its burdens, it is unlikely that any local government will pursue it; indeed it would generally be inappropriate for a local government to do so because local governments should mainly serve local interests (Peterson 1981). That obvious fact has important implications for the local role in homeland security because there is often a geographic mismatch between the costs and benefits of anti-terrorism activities. The distinction between community protection and offender search helps make this point more precisely. Community protection encompasses all the tasks involved in protecting a specific *place* against terrorism, including target hardening, preventive patrol focused on likely targets of terrorist attack, response to threats against a specific target, and the development of emergency response plans. Offender search encompasses all the tasks involved in identifying and investigating particular *people* suspected of involvement in terrorist

activities, either to bring them to justice after they have committed an attack or to prevent them from doing so in the first place. This distinction is important because the two tasks typically distribute their benefits and costs differently. When a city pursues community protection, both the benefits and the costs redound to the city itself because community protection safeguards just those people and places the city chooses. But since terrorism is a national or even international problem, the benefits of offender search do not necessarily accrue to the city where potential terrorists reside, while the costs do. A city that increases its offender search efforts must spend its own resources and place its own residents under increased surveillance to prevent acts of terrorism that in all probability will take place elsewhere.

It is instructive to compare homeland security to conventional crime control in this regard. As Thacher (2001a) and Wilson (1972) observed, community concerns about police harassment generate pressure for police to minimize police surveillance when they target street crime, but concerns about safety create countervailing pressures to increase it. These conflicting concerns make policing street crime a contentious issue, but since pressures arise in both directions, the final equilibrium usually does involve some attention to offender search when the topic is crime control. When the topic is homeland security, however, the people who suffer the burdens of police surveillance often differ from the people who enjoy its benefits, so no local police department has much reason to pursue it.

### **Localism in the Police Role**

Scholarship about the police sometimes makes little of their territorial commitments, suggesting that police focus not on specific places but on specific functions such as order maintenance (Banton 1964; Wilson 1968), information-brokering (Ericson & Haggerty 1997), the situationally rational use of force (Bittner 1990), or crime control (Skolnick 1975; Bayley 1994). For example, William Westley concluded that police felt they got more credit for getting “a good pinch” than for keeping a “clean beat” (1953:35–6). From that perspective, what matters is whether offender search activities offer police the opportunity to make good pinches or perform any of their other defining tasks, not whether they improve the well-being of a particular place. As I will show later in this article, such occupational norms often did influence Dearborn’s initial approach to homeland security. Nevertheless, it would be a mistake to ignore the territorial commitments of police entirely.

At the level of individual officers, many studies demonstrate that police take responsibility for law and order mainly within their

assigned beats, ignoring or even contributing to illegality and disorder elsewhere. Rubinstein captured this focus clearly, writing that a patrol officer “has no need to know about places beyond the district’s limits. The first thing he learns about his district, after the location of the station house, is its boundaries. His knowledge of what lies beyond them is limited and his curiosity restricted” (1973:129). More recently, Herbert analyzed police territoriality at length (1997a, b). The bulk of his analysis examined how police use control of space to maintain order, but in places his work also suggested how geography defines the limits of police responsibility. In one anecdote, two officers near the eastern boundary of their beat frisked four suspicious youth:

None of these searches bear fruit, so they release the young men and tell them to leave the area. They begin to walk west, but the officer in charge yells at them to walk in the other direction. He wants them to walk east because they will cross the boundary between two patrol divisions. Once on the other side of the boundary, the men become some other officer’s concern. (1997b:90)

Since police sometimes actively displace crime *into* other jurisdictions, it should surprise no one if they are reluctant to take costly and controversial steps to try to prevent it from arising there.

Policing scholars have said less about this territorial commitment at the organizational level, where the relevant questions are how and in what sense a police department becomes committed to the well-being of its city and how that commitment shapes its organizational and policy choices. When the literature has raised these questions, it has done so by investigating how local politics shapes police decisions. Such studies typically echo the broader literature in urban politics, and like that broader literature they can be classified according to whose influence they emphasize. For example, the view that a “power elite” controls local policymaking (Hunter 1953) appears in Skolnick’s earliest work, which refers to the demands of “the so-called power structure of the community” to explain why police emphasize crime control over legality (1975:242), and the view that the push and pull of interest groups shapes local policy (Dahl 1961) dominates the community policing literature, which often treats the community organizations that partner with police as devices for bringing neighborhood interests to police attention (Henig 1978; Skogan 1988; Bass 2000; Thacher 2001a). Other scholars imply that police decisions come from the preferences of the electorate as a whole (Ostrom & Whitaker 1973), from police themselves (Wilson 1968:227–32; Lyons 1999), or from a mix of pressures from all these actors (Heinz et al. 1983). Finally, Wilson’s seminal study of the politics of policing suggests that in those rare cases when the local polity influences police decisions at

all, it typically does so through party politics and interest group pressure (1968:236–71), which enforce a “zone of indifference” within which police exercise discretion (1968:233).

These studies have made valuable contributions to knowledge about the politics of policing, but they share an important limitation with the broader urban politics literature that they echo. In an influential critique of that literature, Peterson described it as an “internal” perspective on local policymaking that looks for the factors that influence policy choices by examining political forces *within* the city—“the rivalry among groups, the patterns of coalition formation, the presence or absence of competitive political parties, the power of local elites, or the vagaries of political campaigns” (1981:3). Peterson argued that this overt drama offers only a surface view of local policymaking because the roles its actors play are partly shaped offstage.

In making this argument, Peterson emphasized that local governments have only a fraction of the federal government’s powers —“they cannot make war or peace; they cannot issue passports or forbid outsiders from entering their territory; they cannot issue currency; and they cannot control imports or erect tariff walls” (1981:4)—and he suggested that the implications of these limits pervade local policymaking. For example, local governments’ inability to set monetary policy, forbid businesses and wealthy households from leaving, or prevent influxes of unskilled workers puts them in a precarious position that limits their policy choices; in particular, it makes redistributive policies nearly hopeless at the local level.

Peterson suggested that politicians, bureaucrats, and even interest groups all tend to become aware of these limits, at least implicitly, so they influence the positions that rational political actors take in the overt drama the internal perspective examines. For example, he criticized community power studies as follows: “When ‘power-elite’ theorists identified a small group of power holders, they regarded the decisions this group made as the primary factors determining local policy. In fact these leaders were largely responding to factors external to the community that were quite beyond the control of the ‘power elite’” (1981:5). City politicians and bureaucrats have even more reason to adapt their preferences to those limits: if they do not, they risk driving dissatisfied residents away and ultimately going bankrupt (1981:29). Aware of these risks, city officials deflect political pressure to make bad policy choices (1981:182–3), and they embrace outside groups whose interests align with the city’s (1981:141). In this way, “reputation, respectability, popularity, and power flow to those who take the city’s interests as their own, or who are fortunate enough to have special interests that converge with those of the city” (1981:145).

In offering this critique, Peterson did not claim that analysts should ignore the push and pull of local politics entirely. He simply argued that to interpret the meaning of that visible drama, scholars should consider how structural features of local government shape it (1981:131–83). For example, where much of the policing literature has treated the expressed demands of political actors as brute, un-analyzable facts about the world (e.g., Skolnick 1975:242; Wilson 1968:228; Thacher 2001a:776), Peterson directed attention to the features of local governance that shape these preferences in the first place, recognizing that the limits of local government constrain the kinds of policy preferences that political actors can sensibly pursue and city officials can reasonably accommodate. This analytic strategy may give some coherence to an otherwise ad hoc review of arbitrary political demands.

To conceptualize the constraints on local government concisely, Peterson proposed to treat cities as a particular kind of social structure that, like all social structures, have interests determined by “their place in the larger socioeconomic and political context” (1981:4). “Just as we can speak of union interests, judicial interests, and the interests of politicians, so we can speak of the interests of that structured system of social interactions that we call a city” (1981:17). While recognizing that there exist diverse roles within a city, Peterson defined city interests as the component of individuals’ overall interests that they have by virtue of their residence or movement in a particular legal jurisdiction—one whose powers are limited in the ways noted above (1981:21). Peterson went on to argue that local governments have reason to pursue just those policies that advance city interests defined in this way.

This argument does not imply that city interests *determine* policy choices. In many cases it is debatable whether a policy will serve a city’s interests, so the ideal of serving city interests shapes the kind arguments that political actors make without determining the conclusions they reach (Peterson 1981:22, 132–3). In other cases, policy decisions have little effect on the interests of the city as a whole but simply allocate a fixed pie of benefits to various groups, so the preferences political actors express will more obviously reflect group interests (1981:150–66). Finally, in later work Peterson argued that local governments occasionally act *against* the city’s interests, particularly when highly professionalized occupational groups implement federal programs (though even here, professionals may be reined in if an issue attracts publicity or political leaders exercise especially rigid control) (Peterson et al. 1986). This last idea is very relevant to the local role in homeland security, since I have already noted how occupational norms in policing may support offender search activities.

Peterson's theory remains one of the most influential analyses of local government in political science, but like any influential theory it has been subject to incisive criticisms (e.g., Stone 2004). This is not the place to review those criticisms in detail, since the most significant focus on details of Peterson's framework that are not relevant for my purposes (such as his claim that what he calls "developmental" policies inspire little political controversy) or details I will challenge myself (such as his claim that the city has a unitary interest in enhancing its economic position). Instead, I propose to ask what follows from our understanding of local policing—and particularly the local role in homeland security—if we pursue Peterson's basic idea that it can be useful to treat cities as social structures with interests of their own.

### ***City Limits Revisited***

Peterson developed his theory of city interests by applying a more general argument from Weber, who argued that all social actors have interests in their economic position, social honor, and political power (1978:926–40), but he quickly set aside honor and power as matters of little importance for cities to focus on their economic interests—in particular, their "attractiveness as a locale for economic activity" (Peterson 1981:22). This perspective works reasonably well for policy issues such as infrastructure, land use, and economic development, where costs and benefits are primarily economic, but a conception of city interests that focuses mainly on economic interests does not adequately capture the interests implicated by legal institutions. Police efforts to maintain order and control crime do help local economies to function, but police also play a role in a system of punishment that maintains the moral order as much as the economic order. More important, the costs of policing are only partly economic costs. Legal institutions distribute not only financial benefits and burdens; they also, and more distinctively, distribute the benefits and burdens associated with the use of governmental coercive authority—notably the surveillance and information-gathering used to identify deviance (Marx 1988) and the coercive force used to stop it (Bittner 1990). The challenge is to conceptualize the city's interests in a way that connects with these features of legal institutions.

It is more difficult to meet that challenge than it may first appear (Imbroscio 2003). Since the goal is to treat the city as a social actor in its own right, it will not suffice to incorporate *individual* interests as they relate to police surveillance and coercion; instead, one must adequately define the interests of the city itself. I propose to meet this challenge by returning to the two Weberian interests Peterson set aside.

The first is the interest status honor. Since police surveillance implies that the object of surveillance cannot be trusted, and the use of coercion stigmatizes its object as outright blameworthy, policing implicates the interest in status honor. A few scholars have recognized how officers' *street-level* decisions can confer honor and stigma on individuals (Oberweis & Musheno 1999; Ericson & Haggerty 1997:443; Applebaum 1996), but the Dearborn case illustrates how police *policy* decisions can confer honor and stigma on groups—particularly the city's large Arab American community (as Weber noted, status honor attaches especially to racial and ethnic groups [1978:390–3]), and also on the city as a whole. To be sure, surveillance does not always have this consequence. If surveillance targets a generic and abstract class of suspected criminals, no identifiable social group need be singled out for suspicion. But when surveillance focuses heavily on an identifiable group, the group's honor may be damaged, particularly if it is already precarious. This distinction is important in the context of homeland security because of the ethnic overtones of current discussions about terrorism. Since most Americans assume that offender search focuses on Arabs, new efforts may threaten that group's honor by implying that its members are untrustworthy. In a city such as Dearborn, whose public image is tied closely to its ethnic composition, effects on Arab honor carry over to the city's own reputation, and to preserve its honor it must either preserve the reputation of the relevant ethnic group or disentangle its public image from that of the group. The Dearborn case illustrates how these conflicts over ethnic honor and city reputation are partly fought out in, and therefore shape, homeland security decisions.

Second, policing also implicates a city's interest in the legitimate use of authority, since its political power depends on perceptions of local government legitimacy (Weber 1978:213).<sup>1</sup> If police use their authority recklessly, they may undermine public cooperation (Tyler 2004) and suffer instability and interference from their overseers (Crank & Langworthy 1992). In extreme cases, local agencies have been placed under the oversight of state commissions or court receivers because they misspent their authority rather than their money (Moore 1995:209)—incidents that vividly illustrate how the limited sovereignty of local government shapes cities' policymaking freedom. A desire to avoid this fate gives city officials reason to worry about the legitimate use of authority, just as a desire to avoid

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<sup>1</sup> Here the city is a somewhat awkward social actor for the Weberian typology of interests. Its power is not a matter of its ability to *seize* the reins of local government (Weber 1978:939)—something it enjoys almost by definition in a decentralized system—but of the strength, and hence legitimacy, of the government it controls.

fiscal bankruptcy (Peterson 1981: Ch. 10) gives them reason to worry about economic interests.

The challenge facing both scholars and political actors is to define what makes the use of authority legitimate. That challenge is particularly difficult today because, as recent scholarship demonstrates, modern policing relies less on outright coercion than on surveillance and information-gathering (Ericson & Haggerty 1997; Marx 1988). Since those techniques do not obviously involve coercive authority (Ericson & Haggerty 1997:133; Foucault 1977:177), some observers worry that it may be difficult to define legitimate boundaries for their use. Thus Foucault, whose ideas partly inspired this scholarship about policing, argued that there is a mismatch between the concepts of modern political theory and the practices of modern power—that the juridical language the Enlightenment developed to regulate the exercise of power cannot do the job adequately because disciplinary power evades its categories (1977:223, 303; 1980:107–8). There are reasons to question Foucault’s bleak conclusion, since his analysis of resistance to disciplinary power suffered from serious empirical (Brenner 1994) and normative (Fraser 1981) gaps; indeed, even his specific argument that modern political theory cannot regulate modern power seems overdrawn, since it is not clear that traditional juridical ideas about the legitimate use of state authority (such as those that emphasize individual rights and the procedural regularity required by the rule of law) have outlived their usefulness (Walzer 1983b:489). Still, Foucault’s analysis contains the kernel of a valid concern, so there remains a need to study the reasons for resistance to disciplinary power.

The Dearborn case contributes to such study by illustrating how surveillance and information-gathering can have chilling effects on a city’s social life that may undermine trust and cooperation with police. As Nagel argued, the degree to which our private and community lives are exposed to the watching eyes of a broader public affects our ability to maintain trusting social relationships. As “interpersonal spheres of privacy protected from the public gaze” erode (Nagel 1998:20), many of our relationships may become untenable. If they persist at all, we enter them burdened by a need to conform to the expectations of the wider society that watches us, unable to speak and act in ways that give expression to our own sense of who we are and how we fit into the local social milieu. Thus police surveillance and information-gathering may undermine trusting relationships between police and the community, so cities have a reason to want to minimize it (though of course other interests may give them countervailing reasons to increase it). Even procedurally well-regulated police surveillance threatens this city interest, so this analysis supplements recent literature that mainly associates police legitimacy with procedural fairness.

These extensions to Peterson's theory offer useful conceptual tools for the analysis of legal institutions, which Peterson himself mostly neglected. As I demonstrate, interests in honor and the legitimate use of authority particularly influence the local role in homeland security, driving local police to embrace community protection while contributing to controversy about offender search.

## The Study

To investigate the city interests that shape the local role in homeland security, I analyzed how that role evolved in Dearborn in order to develop what Dworkin would call a "constructive" interpretation of the city's decisionmaking (Dworkin 1986). Such an interpretation must both fit empirical evidence about what the city did and provide a normative argument that explains why those actions were valuable (e.g., because they serve particular interests or exemplify particular moral principles). Dworkin developed the concept of a constructive interpretation to clarify how judges and legal scholars should analyze a body of law, but as several scholars have suggested (Dworkin 1986:46–73; Nonet & Selznick 1978; Thacher 2001b, forthcoming), constructive interpretations can be developed for many social practices other than adjudication. Here I propose to do that for the governance of cities. Conceiving of a city's decisionmaking in some policy area as a particular kind of social practice, I aim to develop a constructive interpretation of that practice that both fits the main details of what political actors do and identifies the purpose of their actions in terms of the city interests they can plausibly be taken to serve. The normative dimension of this analysis is indispensable because (notwithstanding Greenstone & Peterson 1975:60–3) any claim about what a city's interests really are cannot help but be a normative claim, and as such it requires normative justification.

This agenda requires a detailed historical account of Dearborn's homeland security activities and the public and internal debates that informed them. To develop that account, I gathered information through interviews, observations, and document review. On the community side, I conducted open-ended interviews with leaders and members of the city's most prominent Arab American institutions (including the Arab Community Center for Economic and Social Services [ACCESS], the Lebanese-American Heritage Club, and a neighborhood organization serving the neighborhoods with the city's largest Arab population) as well as two informal leaders in the Arab community; I also held shorter conversations with members of the American-Arab Anti-Discrimination Committee (ADC) and the American-Arab Chamber of

Commerce. On the government side, I conducted interviews with the mayor, the police chief, and several Dearborn Police Department (DPD) command staff members, focusing on those who were closely involved in homeland security. (Because Dearborn is a strong-mayor city characterized by relatively centralized control, it was particularly important to discuss major decisions with the mayor.) I also observed and interviewed the city's community policing officers, and I observed several neighborhood association meetings. Finally, I reviewed information from written documents, including government reports, articles in Detroit and Dearborn newspapers since 1988, and more than 100 informational e-mails from community groups.

As I reviewed the case study material, I sought to identify a manageable number of homeland security decisions the city made that together would cover its most important policy initiatives in this area. In the end, I focused on four: the city's response to the threat of hate crimes after 9/11, its response to media attention after the attacks, its decision about the role it would play in federal interviews with recent immigrants about terrorism, and its creation of a local homeland security office. I do not think it will be controversial when I claim that these are the most significant parts of Dearborn's homeland security practice. My account of how these episodes unfolded, however, may be more controversial—that is inevitable in this kind of research—but since I have foregone the usual custom of disguising place names, in principle readers can verify, contest, or elaborate on my account by returning to (most of) my sources, something that is a common practice among historians but perhaps rarer than it should be among social scientists. In any case, I have shared a draft of the case study with several people I spoke with in Dearborn (including the mayor, three members of the DPD's command staff, the DPD patrol officer involved most directly in homeland security, and two community leaders), and none objected to my account.

In analyzing these four episodes, I aimed to develop a constructive interpretation of Dearborn's homeland security practice that both fit the details of the decisions the city actually made and identified the city interests those decisions served. Readers who wish to challenge my interpretation need to show that I failed in this effort—i.e., that my interpretation does not account for the choices Dearborn officials made or that it does not recognize important city interests or obligations that are relevant to those choices. My analysis was mostly inductive, though it inevitably drew on my knowledge of related literature. As I reviewed all the evidence that described how the city made a particular decision, I tried to identify recurrent interests that either seemed to drive those responses or were relevant to it even where the participants

did not recognize (or admit to) that fact. Doing that meant focusing not only on the reasons that interviewees themselves gave for their actions, but also asking how their actions might serve interests they did not mention. Often that meant supplementing information from city officials with information from other interviewees, from observations, or from review of written documents; although official decision makers usually knew more than anyone else about the city's policy decisions, in some cases they also had more reason to shade the truth.

With its large and vibrant Arab community, Dearborn is clearly an extreme case, but because it is extreme it highlights important dynamics that are otherwise hard to discern (Burawoy 1998). Concerns about honor and the legitimate use of authority may be less salient in most other American cities, so those cities may have more scope for offender search. At the same time, the Dearborn case does have implications for national discussions about homeland security—not only because it calls attention to forces that operate less visibly in other cities but also because it does probably reflect the dynamics of exactly those cities where policy makers would most like to gain local cooperation for offender search. For example, when the U.S. Department of Justice sought to interview 5,000 recent immigrants about terrorism, Dearborn apparently had the largest number of interviewees per capita in the nation (see U.S. General Accounting Office [GAO] 2003:29–31, and the discussion of the number of interviewees in Dearborn below).

## **The Evolution of Homeland Security in Dearborn**

More than 200,000 Arab Americans live in metropolitan Detroit, making the region home to one of the largest concentrations of Arabs in the world outside the Middle East. Dearborn, a near-in suburb that borders Detroit to the west, is in many ways the center of this regional ethnic community. Dearborn is the location of many important regional institutions and events, including ACCESS, the Midwest headquarters of the ADC, the American-Arab Chamber of Commerce, and the Dearborn Arab International festival (which organizers describe as the largest annual Arab festival in the nation). Dearborn's Arab population has grown steadily since the 1960s, when waves of displaced immigrants began arriving from troubled areas in the Middle East, joining a smaller number of earlier immigrants who had come to Dearborn seeking economic opportunity in the auto industry. All told, Dearborn is home to 98,000 residents, 29,300 of whom told U.S. Census interviewers they were of Arabic ancestry. The largest group by far is Lebanese, but other sizable groups include Iraqis, Palestinians, and Yemenis

(U.S. Census Bureau 2000). City officials say the city's daytime population is three times its residential population; among other businesses, Dearborn hosts the world headquarters of the Ford Motor Company.

Dearborn's Arab community has had a rocky history with local police. The city's Arab population began to grow at a time when a reputation for racial intolerance still tarred Dearborn, which was run from 1942 to 1978 by openly segregationist Mayor Orville Hubbard. Hubbard's extreme racial views focused mainly on blacks (in one notorious incident, he stood on Dearborn's border with Detroit holding a shotgun and dared blacks to cross city lines), but longtime members of Dearborn's Arab community also recall police harassment toward Arabs during the final years of Hubbard's reign. "As this became an Arab community, you had things like anti-war demonstrations down here," one Arab resident explained, referring to the 1960s and 1970s. "And a lot of public activity down here which the police also played a directing role in. Like somebody who was with a megaphone, they would take it away from them. And also a sense that the police were spying on pro-Arab activity in the community." In the late 1980s, the police department faced two scandals that further damaged its relationship with the Arab community: one of the department's few Arab officers sued the city for a hostile work environment, and residents and business owners accused two community substation officers of harassment. Well into the mid-1990s, Dearborn police still had a poor reputation in the Arab community. After an incident at a local high school in 1990, community leaders prevailed upon the FBI and the local U.S. Attorney to investigate the department for abusing several Arab students. Eventually the FBI concluded that there was no evidence officers had behaved improperly, but the city later settled a civil suit filed by the alleged victims without admitting any wrongdoing. The result of these and other incidents, one Arab resident of the city explained, was that "there were about five years of just outright hostility to city government and the police" during the early 1990s. Police themselves emphasized the federal investigation into the high school incident as a low point in their relationship with the community.

City officials took several steps to try to repair this relationship, including hiring more Arab police officers and working more closely with organizers of community events. The city's most extensive effort, however, came in 1996, when it opened a new community policing substation in predominantly Arab East Dearborn. City officials hoped the program would improve community relations by providing less-contentious opportunities for officers to interact with residents and build trust. Today, officers who work for the station describe their main job as interacting with the

community to provide services and address quality of life concerns that patrol officers do not have time for. One explained that as a result, community residents “feel comfortable telling me [about a problem] instead of some guy they never saw before that just showed up on a radio call.” Arab community leaders, who uniformly applaud community policing in Dearborn, echoed the sentiment. By all accounts, these initiatives did help mend the DPD’s relationship with the Arab community, even if they did not relieve every source of tension. One Arab community leader who has been critical of police explained:

I wouldn’t say that everything is hunky-dory but people are willing to give some benefit of doubt to the police now. There’s an old saying: if your friend does something he made a mistake; if your enemy does it he did it on purpose. I think that that’s what’s going on here. They’re less in the enemy camp from people’s point of view. They’re not exactly considered our best friends in the community by most Arab Americans. But they’re not considered the enemy either anymore.

Other leaders in the Arab community echoed this basic conclusion, and many offered a more optimistic account of police-community relations.

This history is important background because after the September 11, 2001, terrorist attacks by 19 Middle Eastern men, police-community relations in Dearborn’s Arab community became a major concern, as Arab Americans’ relationship with law enforcement became strained throughout the country. In the event, although some strain between local law enforcement and Arab Americans did arise in Dearborn, it never spiraled out of control to create a serious crisis of police-community relations in the city. In one police commander’s estimation, the city’s ability to avoid this potential crisis was a direct result of the trust that had developed between police and Dearborn’s Arab community:

I guess the best way I can explain all this is that it was like a stepladder. You know, we were at the bottom of the stepladder there for a while. And then we took the first step, and then each rung leading right up to 9/11—which [is] when it really proved to be invaluable. . . . I’ll swear by the day I die that if [9/11] were five years sooner, or six or eight years before we started really developing that stepladder . . . .

It was not only that the new relationship between police and the Arab community helped the city cope with the challenges of 9/11. It was also that the earlier history of mistrust between police and the Arab community served as a vivid warning about the challenges that could return if police did not take community concerns

seriously, including federal investigations, harsh media coverage, and political pressure from community groups.

The remainder of this case study examines more recent history in Dearborn in two parts. First, the next three sections describe three major interests relevant to the city's homeland security plans by recounting three episodes in which each interest played a central role. Second, the final section illustrates how all three interests came together to shape the mandate of the city's Office of Homeland Security.

### **Protecting the Community Against Retaliation**

The DPD displayed its orientation toward community protection in its immediate reactions to 9/11. In its first significant response, the city convened a series of community meetings with local Arab leaders to learn about community concerns during this unprecedented time. As Mayor Guido explained, "It was a very unsettling time—if there's anything we learned it's just that everybody in town just felt uncomfortable, so we were unsure about what might be on the minds of Arab community leaders." Consequently, staff from the mayor's office and the police department used their newly forged community networks to contact several community leaders immediately after the attacks, inviting them and anyone they wanted to bring to a series of informal meetings in the DPD's training room. The initial meetings, held weekly, were standing-room only, with several dozen city officials and community leaders attending. "We just wanted information about what they were thinking and how they were feeling so that we could react to the issues that we felt we needed to," Guido explained.

That is not to say that city officials internalized all the views they were exposed to. Community leaders who attended the meetings said they focused mainly on two themes: protection from hate crimes and concerns about their civil liberties. Some believed police were responsive to both sets of concerns, but others suggested that police listened more closely to the first set. One explained:

I think the police wanted to project a view that everything's OK in Dearborn and everybody's getting along and everybody's protected. I think from our point of view we did not feel that way, and we wanted assurance in a larger sense than they were able to convey [about] defense of our rights and that kind of stuff. I think they were more trying to project an image. But to be fair they did several things that were useful—put police out at mosques during certain periods and so forth.

Indeed, some DPD members remembered only part of the concerns community leaders said they raised. "It was usually about safety issues," one police official remembered of the meetings.

“About extra patrol and how we can secure and make their community feel a little more safe, because they were certainly concerned about retaliatory action.” Notably absent in this account is any mention of the concerns that community members said they raised about respect for civil liberties, and the accounts of other police (though not all of them)<sup>2</sup> are similar in this respect. It is not that police actively resisted the community’s civil liberties concerns. Frank discussion of civil liberties did take place later around specific issues such as the Justice Department interview project. It is just that police seized more quickly on concerns about public safety because they resonated more easily with their own sense of their professional responsibilities.

In keeping with this view about its primary mission, city government responded quickly to concerns about retaliation. Mayor Guido appeared on local television the afternoon of September 11 to warn viewers against committing hate crimes, and the DPD deployed patrol cars near potential Arab targets by early afternoon. On September 12, the DPD put officers on 12-hour shifts for the first time in many department veterans’ memory to offer extra patrol around mosques, the Arab business district, and local schools with large Arab populations. One police commander explained these efforts as follows:

I heard from several people that the Arabic people in the community were actually fearful for their selves because the media was spinning this so much that a lot of people were fearful to come out. There was a drop in business for a while [in] our restaurants and grocery stores . . . And we met with them over and over and over and the chief explained, “We are doing this. We did go to 12-hour [shifts]. We are obviously more concerned. We know what we have to do, we’re doing it.” That is what we do for a living.

This account, echoed by other police, suggests how easily the community calls for protection resonated with the core concerns of police—the sense that “that is what we do for a living.” In particular, this commander expressed a hope to provide a level of protection that would enable the city’s business life to return to normal. So although the department’s community networks ensured that it was exposed to the concerns of Arab leaders, that dialogue was filtered through the lens of the police’s sense of their primary role as the guarantors of public order; police internalized and acted most readily on community concerns that spoke to that self-image.

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<sup>2</sup> One DPD member who attended the meetings recalled, “They were up front. They wanted to know are we going to pull them over, call INS, and stuff like that. We told them no. It’s going to be regular stuff, legit stuff.”

As the DPD stepped up patrol to protect Arab institutions and neighborhoods against hate crimes, it also tried to prevent them by discouraging large demonstrations that could become targets. City officials did ultimately approve all demonstrations that community members proposed, but they also appealed to community leaders to exercise restraint. For example, during an early meeting between city officials and community leaders, a Yemeni leader indicated that his community wanted to organize a demonstration to express support for America and condemn the terrorist attacks. City officials, however, asked him not to. "Because other people are going to interpret that as a protest so soon after," a DPD manager explained. "It could cause some serious mob rioting type problems. So they listened to us and there was never a march. . . . I think we prevented a lot of people from getting hurt." Instead, he suggested, community members might show support for the United States by writing newspaper articles and letters. Other city officials raised similar concerns about marches. Mayor Guido explained:

We did sit down and ask [community leaders] to review the rules of marches and demonstrations. . . . From a public safety perspective, I can't have public streets blocked and I can't bring in 100 police officers while people protest Israel, Palestine, or the U.S. policy on Iraq. . . . It's a safety hazard and given current tensions, it could cause future problems for our community. Protests can lead to all kinds of unforeseen conflicts with passersby, both on foot and in cars. Some angry guy out in a cabin in the middle of Montana will watch this on the news, see where in Michigan it's taking place and say to himself, "I think I'll go over there." We don't need that.

Here the city's concern about hate crimes was not just a response to community sentiment. To the contrary, in this example it arose out of officials' own sense that maintaining public order was their primary goal. Eventually, however, many Arab community members came to share city officials' viewpoint, as discussed below.

In any case, the DPD's focus on public safety concerns was evident in these two ways: by the rapid steps it took to provide security for potential targets, and its discomfort with public demonstrations that might call attention to the city and make it a target for retaliation. Dearborn's quick response to the threat of hate crimes after 9/11 earned it praise in a report from Human Rights Watch (2002), which singled out Dearborn as the only city among six studied nationally that responded adequately to the threat. That quick response was made possible by two converging factors: the city's pre-existing relationship with the Arab community, which gave police information about where concerns about retaliation were most debilitating, and police views of their role as guarantors

of public order in the city. In this case, police concerns and community knowledge reinforced one another to single out an important interest for local government to pursue.

### **Shrinking From the Spotlight**

Discomfort with political demonstrations also had another dimension, one that illustrates concerns about the city's national image. In the months after 9/11, city residents and officials became concerned about the level and type of media attention Dearborn was receiving. In a widely circulated e-mail, one Arab resident vented frustration about the recent surge in demonstrations:

Yes, I support freedom of speech, freedom of expression, freedom of assembly, peaceful expression of different opinions, etc. But frankly I am sick and tired of all of the demonstrations and/or marches that are so often organized to take place in Dearborn. . . . Possible examples of the downside to the numerous demonstrations/marches in Dearborn: The continual negative publicity and spotlight on Dearborn; the drain on local taxpayers for additional police personnel, including overtime; the disruption to traffic, residents, and businesses; the potential for lowering of property values; businesses not wanting to locate in a possibly volatile, unstable location; the potential for violence; and the local ill will created which often lingers long after the demonstrations/marches.

Mixed in among a number of pragmatic concerns, such as the drain on city finances for crowd control, was a concern about "the continual negative publicity and spotlight on Dearborn." The ADC's Imad Hamad responded sympathetically, writing, "I hear you very well and I do not think that you are out of track here. I personally not a fan of demonstration period except in very rare occasions." Elsewhere, Hamad himself had raised concerns about what he ruefully called "the Dearborn Syndrome"—the prominent place Dearborn had unwillingly come to occupy in national discussions about terrorism and 9/11 (Niemiec 2002). Thus even the region's most politically active Arab organization, which might be expected to resist any attempt to temper public demonstrations, ultimately echoed city officials' concerns.

Both residents and city officials saw two subtexts to what they viewed as the excessive coverage of Dearborn in local and national media. First, they felt that many media stories implied that Dearborn might be home to Arab terrorists or sympathizers. (At times the implication was explicit, as when radio talk show host Howard Stern repeated false rumors that Dearborn Arabs had rioted in the streets to celebrate the attacks—rumors that also plagued other Arab centers such as Paterson, New Jersey [Moritz 2001].) The implication was worse than troubling, for it questioned the

patriotism and loyalty of city residents at a time when that aspect of Arab American identity was under siege. As one Arab American from Dearborn told a reporter a year after September 11, “To say things changed is an understatement. All of a sudden, we had to prove how American we are” (Cohen 2002:S-8). Lebanese immigrant Abed Hammoud, who challenged Mayor Guido in the city’s 2001 mayoral election, felt the need to print up a flier denouncing the terrorist attacks and indicating his loyalty to the United States. In this context, the explosion of media coverage about Dearborn seemed to reinforce the idea that the city’s Arab population might be less than patriotic.

The second concern about media coverage, more important for the city’s image in Southeast Michigan than at the national level, was what city officials saw as overdrawn media interest in stories about hate crimes in Dearborn. In reporting these stories, city officials felt, the media portrayed Dearborn’s white residents as intolerant holdovers from the segregationist days of Mayor Hubbard. Where stories about local support for terrorists defamed Dearborn’s Arab community, stories about hate crimes defamed its non-Arab community.

City officials believed the media attention to both issues was unfairly damaging the city’s reputation. “All this stuff—that they’re rioting, that they [Arab residents of Dearborn] hate the police department or the city, and that the police department hates them—that’s what the media wants to think,” one DPD member insisted. “We *were* very concerned over retaliation and hate crimes and things like that. We were trying to prevent all that, [but the media was] trying to embellish it into a big problem that really we didn’t even have. . . . Other towns were having more trouble than we were” (emphasis in original). Another police official echoed the point, insisting that “there weren’t any threats—we got more media calls about it than any actual threats.” As they responded to media inquiries, police officials tried to counteract the negative light being cast on Dearborn. One member of the DPD command staff recalled:

I would make statements in the media . . . that I’m very proud of the metropolitan Detroit area and how they’re reacting and handling this sensitive situation of 9/11. . . . I mean there were very few incidents of any type of hate crime. . . . And one of [the] things that I always brag about is that through knowing all these [Arab] community leaders, that if there was actually some type of terrorist activity being planned and they knew about it, they would come to me and tell me. They don’t want this activity either.

Arab leaders echoed these sentiments. “It is a tireless and continuous effort to connect negative events to Dearborn,” Hamad said

of the media attention. “The reality is that Dearborn, as of Sept. 11, prevailed to be a role model city with a good working relationship with law enforcement. It is beyond images that may have portrayed it as a place of residence of many people linked to acts of terrorism” (Lewis 2002:S-10).

The DPD’s wary relationship with the media reflected these concerns about Dearborn’s reputation. Just as Arab American identity was under siege after 9/11, so was the reputation of a city with one of the nation’s largest concentration of Arabs. To defend against the stigma that threatened to taint Dearborn’s image, police officials repeatedly stressed the patriotism of city residents and their condemnation of the terrorist attacks, and they became more attentive to the symbolic implication of their words and actions in ways I describe shortly. These responses to media attention illustrate the important interest that the city developed in defending its honor after 9/11—an interest that a wide range of community groups and city officials shared. Even when the urge to shrink from the spotlight led police to take the potentially controversial step of discouraging public demonstrations, community leaders who might be expected to object never did.

### **Justice Department Interviews of Recent Immigrants**

Concerns about police surveillance and information-gathering—which were always prominent in the Arab community but were initially less central for city officials—took shape in a more complex and uncertain way as city government began to define its role in homeland security. That process is best illustrated by the DPD’s response to a federal request to help interview recent immigrants about international terrorism. Because this episode clearly illustrates the limits of local offender search efforts, I examine it at greater length than the previous two episodes.

On November 9, 2001, the U.S. Department of Justice announced a plan to interview about 5,000 temporary visa-holders who had recently entered the United States from countries reputed to have a substantial Al Qaeda presence to gather information that might be useful in the war on terror. The Justice Department described the interviews as voluntary, but a November 9, 2001, memo from the Deputy Attorney General indicated that the law enforcement officials who conducted the interviews “should feel free to use all appropriate means of encouraging an individual to cooperate” (Office of the Deputy Attorney General 2001). Of the 5,000 men initially targeted for interviews, more than 500 lived in Southeast Michigan, and more than 200 were in Dearborn. By the end of the project, the Eastern District of Michigan would conduct 330

interviews—by far the most of any district in the nation (U.S. GAO 2003:29–31).

Because of the scope of the initiative, the Attorney General looked beyond the Department of Justice for help. “Thousands of individuals have been interviewed,” he wrote in a separate November 9 letter that announced the new plans, referring to earlier post-9/11 investigations. “Federal resources have their limits, however, and we are finding that there are many more people to be interviewed than there are federal agents to conduct the interviews” (Office of the Attorney General 2001). Consequently, the Justice Department planned to enlist help from the regional Anti-Terrorism Task Forces (which were led by the 94 U.S. Attorneys and included federal and local law enforcement officials as participants). FBI representatives initially suggested that state and local law enforcement would primarily conduct the interviews, while federal agents would play a supporting role (Hakim 2001). In this respect, the interview project is an especially clear example of the opportunistic view of the local role in homeland security.

Local reactions to the interview project in Dearborn ranged from wary to outright hostile. Many Arab community members denounced the interviews as unjustified ethnic profiling, and they worried that interviewees would face heightened scrutiny from immigration authorities. One explained that he felt the initiative “challenged [Arab Americans’] civil rights,” stepping over the “dividing line” that separated legitimate law enforcement from illegitimate harassment. At the same time, since Arab Americans’ patriotism and support for the war on terror were under suspicion, Dearborn Arabs had reasons to avoid unqualified opposition to homeland security efforts. One response to this dilemma was to try to distinguish the innocent “us” from the guilty “them.” For example, one Arab American interviewee implied that too much fuss had been made about the interviews, explaining, “If you didn’t do anything, you don’t have to worry.” Even this man, however, complained that federal investigators sometimes continued to press interviewees after they had established that they knew nothing about terrorism, and he worried that the list of interviewees was riddled with mistakes—a concern echoed by other Dearborn residents, police, and even a GAO report (2002). “A lot of the names are pretty similar in Dearborn,” he explained. “You know, there are a lot of people with names like ‘Hussein.’” Since 9/11, he felt, the FBI had become more suspicious of Arabs in the United States and, as a result, such cases of mistaken identity would be harder to resolve. So although he did not oppose the interviews in principle, in practice he worried that Arabs who had done nothing wrong might fall victim to overzealous policing. Many of the men contacted by the Justice Department for interviews apparently had

similar concerns. “When they got these letters they freaked out,” one social service provider who spoke with several of the men recalled. “They didn’t know what was going on and they [thought police] were taking them to jail. And [they said], ‘I didn’t do anything!’” Other Arabs worried that police might misinterpret innocuous statements the interviewees made.

These fears focused on the risks posed by the interviews themselves, but the idea that Dearborn police would help the Justice Department conduct them raised additional concerns. In particular, close collaboration between local police and federal agents might instill everyday police-community interactions with sinister undertones, as local Arabs wondered whether Dearborn officers were passing information to federal agents. In the immediate aftermath of the attacks, many members of Dearborn’s Arab community say they became suspicious of local police in this way. For example, when asked how her views about local police changed after 9/11, one Dearborn Arab explained, “I think there will always be in the back of your head, like, ‘Oh, he could be working with the FBI, this guy’.” Such suspicion infected the most mundane interactions. For example, as part of the city’s increasing attention to neighborhood government, the mayor’s office decided to begin sending police officers to meetings for all the city’s neighborhood associations in 2002. But when the city contacted the associations to make arrangements, it aroused suspicion among some neighborhood groups. One member of a group in a predominantly Arab neighborhood explained:

You’re sending the police to homeowners meetings . . . And I mentioned to [the mayor’s community liaison], “You’ve got to do a little bit of communicating to people what the purpose of this is because at a time like this, you get a call like that from City Hall” —and I said, “What’s the purpose? I know people are going to be asking me.” “Well, the mayor and the police chief want it.” Well, why? Are they spying?

Such concerns were particularly salient after 9/11, as widespread concerns that Arabs were under heightened suspicion had already made many of them more reticent. For example, two Arab interviewees reported that many local Arabs had begun to feel self-conscious about expressing controversial political views (such as their opinions about Palestine) in public places. In this context, Dearborn police had good reason to distance themselves from federal surveillance efforts, which threatened to stifle their relationship with local community members who already felt they were being watched.

In contrast to the predominantly critical view of the interviews in the community, police initially seemed inclined to support the

effort. Some police did question whether the interviews would be effective, and one viewed them as a resource drain for the DPD, but none of those I spoke with suggested that Dearborn should not have participated. In part, their support arose out of a sense of patriotic duty. “You’ve got to help your country,” one DPD member explained when asked why the DPD assisted the Justice Department with the interviews, echoing the language of other police officials. In part, the support arose out of a sense of shared law enforcement mission with federal investigators. “The chief had no problem with it at all,” another manager explained. “He’s an FBI academy grad. He knows the process, he’s a street cop.” Most police and city officials did say that they understood and sympathized with community concerns about the interviews, but many thought those concerns were overdrawn, insisting that the interviews were voluntary and nonthreatening and, therefore, a reasonable law enforcement tactic. “They were concerned about profiling and losing their rights,” one member of the DPD member recalled. “Which of course none of us would ever condone. But I mean there’s still such a thing as—everybody calls it things like racial profiling . . . I call it criminal profiling. It’s so simple.” One Arab American police officer explained:

They [local Arabs] didn’t like it. They thought, “Why them, why them?” And I would tell them, “19 guys or whatever it was on the planes. Well they weren’t 19 Mexicans. They weren’t 19 black guys. They were of Middle Eastern descent. That’s the reason. That’s the bottom line. You can do all the window dressing you want. That’s the *bottom line*.” (interviewee’s emphasis)

A few months after the interviews ended, Mayor Guido publicly questioned whether there was too much concern about profiling. “There is a fine line between safety and political correctness,” he told a reporter. “Sometimes there’s an oversensitivity in terms of profiling. We’re all learning what is the right way to do things” (Pierre 2002:A-3).

Despite their own views, police and other city officials were aware that the interview project was controversial in the Arab community. The controversy made their role in the interviews problematic, since police officers continued to worry about their precarious reputation in the Arab community. One police commander described the conflict he felt when reporters asked him about the interviews. “What can I say? I mean, I’m not going to say that I’m not going to support our federal government. I’m not going to say I’m going to take away the rights of the Arabic community.” In the end, Dearborn officials (unlike their counterparts in cities such as Portland, Oregon) did decide to assist the Justice

Department with the interviews, but community concerns visibly affected the way the city participated.

In particular, while Dearborn police agreed to help federal agents locate interviewees and accompany them as they conducted interviews, they declined the U.S. Attorney's request to conduct the interviews themselves. Mayor Guido, who was directly involved in the decision, explained it as follows:

Guido: We told them that we didn't want to do the interviews. Initially the local police were going to be the information-gathering organization. And we said, "We will assist you, but we're not going to gather the information. We're not going to ask the questions. We'll accompany you, we know how to get you where you want to go, but once [you're] there, you can do what you need to do" [compare with Guido's similar statements to the press in Niemiec 2002].

Interviewer: Why was that?

Guido: Well, we spent years trying to establish trust and understanding with the Arab community. If we would have directly participated in these interviews, having our officers going around with big clipboards asking, "Where were you the night of September 11?" especially during times when it seemed as if all Arab people and Muslims were under a cloud of suspicion, it would have caused many years of work building these relationships to go down the drain. This role wasn't appropriate for us.

Several police officials echoed Guido's views. So although local police did participate in the interviews, they did so as supporting partners, and they emphasized that fact by noting that the federal government had spearheaded the effort. One DPD member explained, "[People asked me], are you for these interviews? I didn't start or initiate these interviews. The federal government initiated them and we will assist them."

Community concerns about the interviews also led police to think of themselves as something other than just assistants to the federal agents. Local police did help federal agents locate interviewees, and in some cases they served as translators because federal agencies had a shortage of Arabic speakers. But they also tried to help reassure the interviewees and make their experiences as nonthreatening as possible. City officials said they pursued these goals in two ways.

First, during the interviews, Dearborn police viewed their role partly in terms of monitoring federal agents to ensure they acted professionally. "We were present if [the interviewees] had an issue or problem," Mayor Guido explained. Reflecting this idea, the officer who assisted federal agents with most of the interviews in Dearborn explained that at the end of each one, he asked the

interviewee whether he had found the questioning “offensive.” A police manager elaborated on the DPD’s role:

I think [accompanying the federal agents] is a good thing to do because at least we know what’s going on. You know, we know how the federal government is treating these people. Because we’ve got to deal with them on a day-to-day basis, the feds don’t. So if we’re involved, at least we can have some input into what’s going on. And if they [federal agents] do something stupid, you know, we can say [laughing] “Hey, *they* did that” and try to focus the attention—the negative attention—on where it should be focused. (interviewee’s emphasis)<sup>3</sup>

He went on to say that no such complaints arose, and the officers who participated in the interviews concurred with that assessment. “You know they were very professional, the federal investigators, and hopefully our officers were too,” the manager continued. “I have not received any complaints about [the] officers, which is good. Especially in this sensitive area like interviewing immigrants. So I think it worked out well. It was a good idea to have the locals involved.”

Second, at a broader policy level, local police reported that they worked with and reinforced the message of Arab leaders who had formed a working group designed to urge Jeff Collins, the U.S. Attorney for Eastern Michigan, to modify the Justice Department’s plans in his district. The DPD had an important mechanism for relaying those concerns because one of its officers served on the local Anti-Terrorism Task Force, which had the authority to decide how the interview plans would be implemented. A Justice Department spokeswoman told reporters that the U.S. Attorney’s Office welcomed such input from local police (Wilgoren 2001).

After several discussions, Collins agreed to a number of changes, including sending letters before visiting the interviewees’ homes, arriving in plainclothes, and emphasizing the voluntary nature of the interviews. The most significant change was the method of contacting interviewees. At first federal agents planned to contact the interviewees by knocking on their doors unannounced, but Collins agreed to first mail letters asking each interviewee to contact his office to schedule a meeting. The letters stressed that “*we have no reason to believe that you are, in any way, associated with terrorist activities. Nevertheless . . . it is quite possible that you have information that may seem irrelevant to you but which may help us piece together this puzzle*” (Letter from Jeffrey Collins to prospective interviewees, November 26, 2001; emphasis in original). Arab leaders hoped that by sending letters about the

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<sup>3</sup> The police chief in Fremont, California (which has one of the nation’s largest Afghan populations), explained his department’s participation similarly (Herel & Hendricks 2001).

interviews before federal agents knocked on anyone's door, the would-be interviewees would be less intimidated by the agents' visits and have an opportunity to contact a lawyer before deciding whether to cooperate. (ACCESS and the ADC reported referring dozens of clients to lawyers for this purpose.) Collins seemed to endorse these aims, explaining that the changes his office made to its interview plans "represent a conscious decision by law enforcement to initiate contact in a manner that is the least intrusive" (Schaefer 2001:A-1). In the end, Collins's district made more concessions to community concerns about the interviews than any other district in the country, and its changes to the interview protocol eventually served as a model that other U.S. Attorneys copied.<sup>4</sup> With these assurances, a number of local Arab institutions—including ACCESS and the bilingual *Arab-American News*—asked those contacted to cooperate with the government during the initial round of interviews. (Most withdrew their support, however, when the Justice Department announced plans for a second round of interviews with a larger group of immigrants in March 2002.)

Despite these steps by local police, many community leaders remained critical of the DPD's decision to participate in the interviews. Rumors reportedly began circulating that the DPD community policing officer who assisted federal agents with the largest number of interviews was deporting immigrants. At the same time, these rumors eventually died down, and the officer reported no change in his rapport with the community. In any case, the city's decision to assist federal agents with the interviews never became a major source of tension between Dearborn police and local Arab leaders. While some Arab residents continued to object to the interviews, they directed disapproval mainly at the federal government, not local police.

In the end, it is hard to gauge how well the city's efforts to attend to community concerns mitigated the damage the interviews might cause to police-community relations, though it is clear that community leaders appreciated the fact that police discussed the initiative with them at length. The important point here is that concerns about community trust did seem to influence the way the city participated in the interviews, despite the police's own inclination to view the effort as a legitimate law enforcement tool. Local police declined to conduct the interviews themselves, they went to great lengths to explain their participation in a qualified way, and

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<sup>4</sup> These concessions did not apparently undermine the project's investigative goals. At the end of both rounds of interviews, the Eastern District of Michigan had completed 59% of its interviews, placing it in the top quarter of all districts nationally despite its enormous caseload. Among districts that interviewed more than 100 immigrants, the Eastern District had the highest rate of completion in the nation (author's calculations from U.S. GAO 2003: Appendix III). Close to half of the district's interviews were reportedly in Dearborn.

they ultimately adopted the role (at least in part) of monitors for the federal agents and representatives of community concerns. In that way, the role the DPD played in the Justice Department interviews was shaped by the interest local police had in establishing legitimate boundaries around the use of new surveillance and information-gathering efforts, which could otherwise undermine the trust and support they had worked so hard to develop in the Arab community.

### **Dearborn's Office of Community Preparedness**

Early in 2002, Dearborn announced that it would establish a local Office of Homeland Security to spearhead its anti-terrorism efforts. Organizationally, the office would be located in the police department, and a police lieutenant would direct it. Its evolution demonstrates how the three interests described separately so far came together to shape the city's main anti-terrorism initiative.

Community reaction to the announcement was mixed, as many community leaders and media commentators questioned the city's reasons for establishing the office. "People . . . responded very negatively to it," one Arab leader in Dearborn explained. Another concurred: "When the office of security homeland [*sic*] came out, there were a lot of mixed feelings about it in the city . . . People thought that you had to be careful." In particular, this community leader felt that the office's name had overtones of a police state. "I hate that word," he explained. "'Homeland' to me sounds like Nazi Germany." Others worried the office would do more damage to Dearborn's reputation by sending the wrong message to the regional and national audience that seemed to watch the city's every move. The ADC's Imad Hamad expressed this concern succinctly to a reporter at the time: "I don't see that it's needed," he said of the new office. "It might send the wrong signal . . . that a high number of Arab-American people makes Dearborn a dangerous community" (Niemiec 2002:B-1). He went on to suggest that the announcement might reinforce the negative attention Dearborn had been subjected to in the national media, and he indicated that he did not want the city to apply for homeland security funds on the grounds that it had a large Arab population (Niemiec 2002).

The city quickly responded to these concerns by renaming the office. Instead of an office for homeland security, Dearborn would establish an office for community preparedness. Community members expressed approval for the change. "That's a good sign," one commented, and another described the new name as "more palatable." One city official remembered the episode:

We got hung for that one. The federal government can call it homeland security, the state can call it homeland security. Dear-

born says, “OK, we’ve got a homeland security [office].” “Why? Have you got terrorists in your town?” No, that’s not what we said! . . . It was [just] a nice name because it was consistent with the federal government and the state. And of course we quickly changed that name to community preparedness coordinator just so there wouldn’t be any more [criticism]. To quiet the . . . perception that we had a terrorist problem in Dearborn. Because that’s what everyone said, “You’re doing this because you must have this problem.”

Thus although police themselves had not initially recognized how a new office of “homeland security” might exacerbate concerns about the city’s reputation, they did not hesitate to rename it once community members brought that concern to their attention.

Naming the office was only a symbolic act, but the city’s symbolic statement that police would pursue “community preparedness” rather than “homeland security” can serve as a metaphor for the priorities the office has adopted. On that point, DPD command staff, the mayor, and the coordinator of the new office all offered similar accounts, insisting that the office was not designed to support new surveillance efforts focused on Dearborn residents but to coordinate and extend existing community preparedness tasks. So far, the makeup and operation of the office support that claim. For example, in selecting the first community preparedness coordinator, the police chief did not choose an investigator but a former head of the training division who had extensive budgetary experience. That choice apparently reflected the view that one of the role’s core responsibilities would be to apply for federal grants to fund emergency response activities. Discussing the kind of grants he plans to pursue, the coordinator focuses on resources that can help the department cope with the aftermath of terrorist attacks. For example, to illustrate the kind of activity he will try to secure grant money for, the coordinator mentioned a regional consortium of law enforcement agencies mobilized after a 1997 plane crash to gather evidence and manage the crash scene. In this respect, the coordinator views the city’s anti-terrorism needs in the same terms as its needs for other kinds of disasters—an analogy that holds for the community protection side of homeland security but not offender search.

Other city officials echo this perspective. When asked which homeland security activities he asked the new office to pursue, Mayor Guido focused on first response: “For us emergency preparedness—whether it’s a tornado, a flood, or some sort of bombing—requires that proper procedures be put in place. It’s all about determining the best way to react in order to protect and save lives. Whether it’s a tornado or a bombing, we need to be ready.” Guido went on to emphasize functions such as the acquisition of technol-

ogy to handle hazardous materials and the development of protocols for handling bodies in large disasters (compare with his similar account in Associated Press 2002). Once again, by comparing the city's role with regard to terrorism to its role with regard to natural disasters, city officials place offender search activities outside the scope of their homeland security efforts.

Other aspects of community protection round out the main functions of the office. One of the coordinator's duties is to investigate reports of hate crimes in the city, and he oversees efforts to prevent hate crimes. He also has responsibility for organizing the city's response to terrorist threats. In particular, when the federal government announces that it thinks the risk of an attack has risen, those warnings are routed to the coordinator, who in turn communicates with the rest of the force to indicate how officers should tighten up security. For example, when federal officials raised the nation's color-coded terrorist alert level during one holiday weekend, the coordinator received the alert and distributed an announcement throughout the DPD indicating that officers should be especially vigilant for unusual activity, such as suspicious cars parked in city lots over the weekend. Finally, the coordinator follows up on more specific threats when officers become aware of them. For example, on the day I interviewed the coordinator, he had just finished questioning a young Arab man who had allegedly made threats against the police department during an argument with a businessman. In this case, after talking with the young man and the business owner, the coordinator concluded that if the man had made threatening statements at all, they were probably idle. Asked to speculate what he would have done if they had not been, the coordinator said he would hand the case off to federal investigators. Thus local police involvement in offender search is limited even when the investigation is reactive and even when Dearborn itself might be a target.

As important as what the community preparedness coordinator does is what his office does not do. Throughout the evolution of the community preparedness office, the city has emphasized that it will not be engaged in proactive surveillance. City officials took this position early on, in the first of its regular meetings with Arab leaders after a new homeland security office was announced. "Why are we doing it?" Mayor Guido remembered community leaders asking. "Because there's a lot [of] Arabs in this city and they think there are people in the Arab community that are [involved in terrorism]? Are they here to spy on us?" In response, Guido and other city officials say they denied that the office would be involved in "spying," and that the new office only existed to coordinate the community preparedness functions described so far. "I said, 'We're not here to spy—we're not in that business,'" Guido remembers. "The feds have their own setups, the CIA and the FBI and all those people. Ours is

to respond and to react and that's what we've been doing." When asked specific questions about whether the DPD might proactively investigate potential terrorist cells in the city, either on its own initiative or in response to requests from the federal government, city officials uniformly expressed doubts. "We're not, you know, the FBI," one police manager explained.

And if they asked us to do that, we probably wouldn't. . . . We want to keep you safe, and we want to keep that level of protection up. And we're not going to stop doing what we're doing to go do this. If they want to do it they can do it. . . . That's the next level, and I'm not sure if we want to go to the next level. They'd have to come in with some very, very tough evidence that they needed this, that this was absolutely necessary, for us to stand up and do it. We don't want to violate that community-police relationship.

Several other city officials offered similar answers to this question, indicating a widespread reluctance to have Dearborn officers engage in offender search activities. A concern that such activities would undermine community trust seems to animate this reluctance, as the previous quotation indicates.

There is one major exception to this barrier against local involvement in offender search efforts. Dearborn police have assigned one officer to the FBI's Joint Terrorism Task Force (JTTF), which draws membership from federal agencies (notably the FBI and the INS) and local law enforcement. The main function of the task force is to coordinate investigations of potential terrorist activity in the region. For example, an investigation coordinated by the task force led to the arrest of three former Dearborn residents in Detroit in late September 2001. After 9/11, in its most significant commitment of resources to offender search efforts to date, Dearborn assigned one officer to the task force, and its community preparedness coordinator attends many task force meetings.

As might be expected, the city approached this relationship with trepidation. Mayor Guido, for example, emphasized the city's hands-off relationship with the officer who serves as their primary liaison to the task force:

We do have people assigned to the task force, but they are not even in our building and they don't interact with our officers. They're there basically working with the federal government. And any of that intelligence stuff—so and so might be here and this person is there—I don't want to know about it. I want to be able to go up on the avenue and have my lunch and smile at everybody. I don't want to be looking at anybody with suspicious eyes.

Indeed, for some time the community preparedness coordinator did not have security clearance, so he was not privy to much of the information received by the officer his department had assigned to

the task force—an officer who ostensibly reported to him. So the city does contribute to proactive investigations of terrorism by assigning an officer to the federal JTTF, but the officer operates under federal direction, and the city maintains considerable distance between him and the rest of city government, as if to insulate itself from the contaminating effects of offender search activities.

That still leaves the question of why the city maintains any relationship with the task force at all. No doubt one reason is the sense of occupational purpose and national duty that played a role in other offender search activities, such as the Justice Department interviews. But involvement with the JTTF also has direct benefits to the city, by both enhancing its capacity for community protection and—paradoxically—minimizing its offender search responsibilities. First, the relationship with the task force gives police access to federal intelligence about possible terrorist attacks. As one police manager explained, “They [the task force] can share information with us knowing that if there’s something that’s going to happen, at least we can prepare the department and the city.” Second, the relationship relieves local police from the need to investigate terrorist activity by establishing a simple channel they can use to pass information to federal agents. If officers become aware of potential terrorist threats, they can alert the JTTF and return to their regular duties. For example, when the young man mentioned above allegedly made terrorist threats against police, Dearborn’s community preparedness coordinator explained that if the threats had not turned out to be idle, he would have turned the matter over to the JTTF rather than investigate the incident himself. In that respect, the DPD’s relationship with the JTTF reduces rather than expands its own responsibilities for investigating terrorist activity.

Dearborn’s Office of Community Preparedness is the city’s central institutional vehicle for homeland security, and it bears the imprint of the three concerns introduced earlier. After some initial turmoil, city officials shied away from statements about the office that might exacerbate negative perceptions of Dearborn. Moreover, because of concerns about “violating that police-community relationship” and about the consequences of “looking at anybody with suspicious eyes,” the office has shunned new offender search activities, trying to pass them on to federal investigators. Finally, city officials have placed special emphasis on the role the office will play in emergency preparedness and protective security.

## **Discussion**

The evolution of homeland security in Dearborn illustrates the considerations that can steer local government away from offender

search and toward community protection. Since local government is mainly concerned with the well-being of a specific place, it has little reason to bear the costs of new police activities unless the benefits to the city itself are clear. For example, when Dearborn's own safety and vitality were at risk from the threat of hate crimes after 9/11, local police quickly stepped up patrol around potential targets, and they did so with strong community support. But absent specific threats such as these, debates about offender search have focused entirely on the damage it could do to the city—in particular, damage to its reputation and damage to the legitimacy of its police.

In these decisions where the interests of the city itself were at stake (as opposed to the merely “allocational” decisions discussed by Peterson), a wide range of local political actors quickly came to rough agreement about the right course of action, and they exerted influence when and because they helped advance the interests of the city as a whole (Peterson 1981:131–49, 167–83). In the early response to the threat of hate crimes, there was no disagreement among community leaders and city officials who attended the city's post-9/11 meetings. Even when police tried to discourage public demonstrations that might draw negative attention to Dearborn, Arab community leaders who might be expected to object never did so. Police themselves did generate controversy when they named their new anti-terrorism unit an “office of homeland security” and offered initial support to offender search efforts. But they backpedaled quickly and without any real resistance once community leaders called attention to the damage these choices could do to police legitimacy and Dearborn's reputation—despite the fact that they had to act against their occupational ideals and assumptions to do so (compare with Peterson et al. 1986:191–215).

Although the relevant policy issues, city interests, and political actors differ, this deference by Dearborn officials to community leaders resembles Peterson's description of the politics that typify “developmental” policymaking. In that domain, Peterson concluded that city officials often work closely and consensually with business leaders because they “are the people who are aware of the factors that could help promote the community's economic capacity, and they possess sufficient financial and other resources to influence it” (1981:141). Similarly, the community leaders who worked with the DPD are the sort of people who are aware of the factors that enhance police legitimacy, and they possess sufficient clout with the community and media to influence it. Those assets position them well to help design and broadcast an “umbrella of legitimacy” for police actions (Winship & Berrien 1999:54), as Dearborn officials recognized. The city's early decision to convene regular meetings with Arab leaders and its repeated decisions to respond quickly to concerns raised in them reflect an awareness

that Arab leaders were in a better position than police themselves to know how policy choices might affect police legitimacy and the city's reputation. That cooperation had special importance when the DPD faced new questions about the unfamiliar issue of homeland security. In such situations, community leaders' expertise about police legitimacy and city honor is particularly valuable because police must evaluate new uses for their authority, whose effects on community trust may not be clear. Other departments in similar situations have also turned to community leaders for help (Winship & Berrien 1999).

In these respects, Dearborn's homeland security decisions illustrate Peterson's idea that the surface drama of local politics is shaped by the interests of the city as a whole. Although local offender search efforts may serve important national goals, any particular city has little reason to pursue them except in rare cases when local political actors believe that suspected terrorists have targeted *their* city; otherwise, offender search threatens to bring nothing but damage to police legitimacy and the city's reputation. Stung by the crisis of police legitimacy in the 1990s, Dearborn city officials recognized these risks, and they turned to Arab community leaders for help.

Although the Dearborn case reflects Peterson's basic ideas about the role city interests play in local governance, it also challenges and extends his analysis by complicating the kinds of interests that cities have. Economic interests alone cannot explain (much less justify) Dearborn's homeland security decisions. To be sure, the city's emphasis on public safety may reflect its interest in economic vitality. Some city officials explained their efforts to reassure Dearborn's Arab community that police would protect them from hate crimes by citing concerns about falloff in local business activity; and in fact, academic research supports the idea that public safety contributes to economic vitality (DiIulio 1989; Cullen & Levitt 1999). But if Dearborn's interest in public safety can be accommodated easily within Peterson's economics-driven framework, the other two interests that shaped Dearborn's decisions cannot.

First, city officials' response to insistent media coverage after 9/11 and their attention to the implicit messages conveyed by Dearborn's homeland security activities were driven not by concerns about economic vitality but by a sense that the city's honor was at risk. City officials and residents alike expressed this concern explicitly, and it clearly underlies both the message they tried to convey to the media and the decision the city made to rename its homeland security office. City officials had good reasons to worry about honor and reputation in these ways, since immigrant groups and the communities where they live often find their social standing thrown into question during times of international conflict

(Higham 1988). Dearborn's reputation was particularly vulnerable because, as a historical matter, its public image had become tied to its ethnic composition and its segregationist past.

Second, the city's complicated response to the Justice Department's interview project and the mission it assigned to its Office of Community Preparedness were shaped by a legitimate interest in maintaining community trust, and thus in the fair and restrained use of the surveillance and information-gathering it requires. Local police sought to work with federal investigators to make sure the interviews followed fair procedures (e.g., by contacting interviewees in advance so that they had a chance to seek legal counsel) and that federal agents treated interviewees with respect, recognizing that Dearborn's Arab community might lose trust in local police otherwise (compare with Tyler 2004). The DPD also tried to limit new offender search activities of its own, fearing that stepped-up surveillance could stifle unguarded expression and damage the relationship police had developed with the Arab community—particularly at a time when Dearborn Arabs felt they were under a “cloud of suspicion,” in Guido's words (compare with Nagel 1998). Where street crime is concerned, these concerns about the costs of surveillance and information-gathering must often give way to an interest in community protection (Thacher 2001a). But in the case of homeland security, where the benefits of offender search typically accrue to other jurisdictions, no *city* interest counterbalances the burdens of police surveillance.

It might be objected that even if Dearborn's interests in honor and the legitimate use of authority were the proximate reasons it emphasized community protection rather than offender search, economic interests still drove that emphasis in some ultimate sense. For example, concerns about the city's honor may reflect deeper concerns that a reputation for unpatriotic sentiments or intolerance could damage the city's business climate (Sharp 1999: 235). Similarly, the city's interest in police legitimacy may also ultimately rest on its economic interests because legitimacy arguably promotes crime control effectiveness and thus economic vitality.

This objection makes an important point, since Weber himself acknowledged that interests in status and power are often intertwined with economic interests in modern societies (1978:932, 938). Nevertheless, Weber insisted that it remains useful to distinguish these interests conceptually, and good reasons support his position. Most simply, although interests in class, status, and power often reinforce one another, sometimes they conflict, and in those cases social action will be incomprehensible if we only consider economic interests (1978:212, 926, 932). More subtly, even when institutions and practices serve instrumental purposes such as economic growth in some ultimate sense, they may still bring into play

new commitments to ideals that transcend their instrumental origins (Selznick 1957). The best-known example is punishment. Even if we *create* the institution of punishment for the utilitarian purpose of crime control, nonutilitarian principles may regulate the *practice* of punishment (Hart 1968). Similarly, even if police legitimacy ultimately matters only because police cannot fight crime effectively without it, police must still abide by independent principles that define what makes the use of authority legitimate in order to safeguard their legitimacy (Weber 1978:212–6; Tyler 2004). That may be why there is no evidence that concerns about crime control effectiveness directly influenced the way city officials thought about protecting community trust in the DPD. Instead, police concerns about community trust were tied to their desire to avoid a repeat of the crisis of legitimacy they experienced during the 1990s, which brought extensive media criticism and a traumatic federal investigation. In that respect, even if police legitimacy promotes public safety and thus serves a city's economic interests in some ultimate sense, the ideal of fair and restrained use of authority still plays an ineliminable role in local governance. The same could be said about the interest in honor: even if a city only wants to shore up its honor for economic reasons, it has to play by the rules of the honor game to do so (Weber 1978:932–8; Walzer 1983a:249–80).

So although the objection I am considering makes the important point that the city's multiple interests are intertwined, each one still defines a partly independent set of constraints on local policy. Everyday politics cannot always live in the world of ultimate considerations because the institutions and practices we create to serve those ultimate considerations set in motion their own distinctive logics of action.

## **Conclusion**

The Dearborn case illustrates how the evolution of American legal institutions is shaped by the position they occupy in our federal system of government. It is easy to miss this fact by focusing mainly on street-level efforts to control crime and disorder, as much of the policing literature has done, since both the costs and benefits of street crime tend to accrue to roughly the same places.<sup>5</sup> By contrast, a national problem such as homeland security draws attention to the way the limited powers and geographic responsibilities of local government shape the local police role. The struc-

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<sup>5</sup> For an interesting normative analysis that is relevant to my argument here (in that it supports police surveillance only when its benefits redound to the same people who bear its costs) see Meares and Kahan (1999), particularly the discussion of "burden-sharing."

tural position of local governments in a federalist system influences their interests, their politics, and the decisions they have reason to make about policing. To date, sociolegal literature has said little about these issues. As noted at the outset of this article, literature about the police role has largely emphasized the commitment of police to particular functions rather than their commitment to the well-being of particular places, and literature about the politics of policing has not recognized how the positions political actors take are shaped by the structural constraints of local government. By bringing Peterson's theory of local government to bear on policing, it is possible to extend our understanding of police organizations to recognize how these territorial commitments and structural constraints are relevant to their practice. Although this extension has general importance for sociolegal theory about the police—and potentially for theory about other legal institutions located at the local level as well—it has special importance for understanding the local role in homeland security.

This application of Peterson's theory to policing also helps extend the theory itself because it reveals the influence of city interests that go beyond economic vitality. Because legal institutions involve the projection of government's coercive powers, not just its expenditure of money, they implicate a city's interests in its honor and the legitimate use of authority. Those interests, which are likely to be important in policy domains other than homeland security,<sup>6</sup> have at least two implications for theories about local government. First, a more complex account of city interests suggests the need for a more complex account of political rationality: although local governments may be rational actors (Peterson 1981), they often need to rely on more complicated forms of rationality than the means-end rationality of economic efficiency—both because they must manage the conflicts *among* their multiple interests (Thacher & Rein 2004) and because their noneconomic interests often require judgments about appropriateness rather than judgments about consequences (March & Olsen 1989:160). Second, the importance of honor and the legitimate use of authority in city policymaking has important implications for our understanding of federalism because of the special characteristics those interests have. If the city's interests are primarily economic, there are limits to the kinds of policies that local governments will *finance*, but there are no limits in principle to the policies they will *administer*, since higher levels of government can simply subsidize them. But if cities have interests in honor and the legitimate use of authority, and if

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<sup>6</sup> Notably the “morality policies” Sharp (1999) analyzed, which often involve police and other regulatory powers (pp. 1–3) and which may have implications for a city's reputation even when they do not (p. 235).

honor and legitimacy cannot be bought, then there may be policies that are more inexorably closed to local government. For example, there may be no practical and ethical way to pay local governments to pursue offender search efforts because honor and legitimacy—the two goods in whose coin the major burdens of offender search efforts are paid—lie on the far side of a blocked exchange (Walzer 1983a:97–103). In such blocked exchanges lie the limits of the intergovernmental transfers approach to federalism.

In addition to its theoretical implications for the literatures about policing and local government, this study has implications for homeland security policy, since it sheds light on the obstacles and opportunities federal policy makers should consider as they turn to local police for help. Federal efforts to stimulate community protection at the local level are likely to move forward with the same enthusiasm that greeted many of the intergovernmental programs in the 1994 crime bill (Public Safety Partnership and Community Policing Act 1994), and they share that characteristic with other intergovernmental programs that serve city interests (Peterson et al. 1986:81–112). If federal officials hope to enlist cooperation from local governments for offender search, however, they should recognize the strong reasons cities have to resist. To succeed, federal policy makers would need to create the kinds of detailed regulations, monitoring efforts, incentives, and widespread professionalization among key occupational groups that have proved necessary for controversial intergovernmental programs such as compensatory education, whose redistributive objectives conflicted with city interests (Peterson et al. 1986:131–59, 170–8). In short, such efforts would require fairly deep structural changes in American government, and even then federal expectations would probably need to be modest (Peterson et al. 1986: 191–215). Consequently, the decentralized nature of American government places sharp limits on the ability of national policy makers to mobilize the great majority of the country's police officers to serve national goals. Those limits involve not just the different operational capabilities of federal versus local law enforcement (Geller & Morris 1992:321) but also the different corporate interests that motivate them. If policy makers and the public conclude that these national goals have grown in importance relative to street crime, they may find it easier to shift resources toward federal police rather than try to reshape local policing.

As I noted at the outset, not only is Dearborn “just one case”: it is an especially extreme case in many ways, and its experiences are unlikely to be replicated exactly in many other cities (though the U.S. Conference of Mayors survey discussed earlier (2002) does suggest that most other cities have emphasized the same aspects of homeland security as Dearborn, and the refusal of cities such as

Portland, Oregon to assist with the federal interview project suggests that Dearborn's wariness about offender search efforts is not unique or even extreme). It seems particularly important to examine whether homeland security efforts evolve differently in cities with smaller Arab American populations, where concerns about honor and the legitimate use of surveillance and information-gathering are likely to be less salient, and in cities perceived to be at great risk of terrorist attack, where a larger share of the benefits of offender search activities redound to the city itself. (It could be especially instructive to investigate how local police define their homeland security role in non-U.S. cities such as Jerusalem, where terrorism is a constant threat in everyday life.) Moreover, from an international perspective, it remains an open question whether the limits on local policing described here only apply if the *formal* structure of a federalist system is in place, since formally centralized systems of policing often behave like decentralized systems (Bayley 1985:54). Nevertheless, despite the continuing need for future research into questions such as these, the Dearborn case already demonstrates that there are significant barriers to local government involvement in offender search activities in precisely those cities where U.S. homeland security policy makers would most like to target their efforts.

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