

Interview

Protecting
the Borders

Alan Bersin

EDITORS' NOTE On March 27, 2010, Alan Bersin was appointed by President Barack Obama to serve as Commissioner of U.S. Customs and Border Protection. Before this, Bersin served as Assistant Secretary for International Affairs and Special Representative for Border Affairs in the Department of Homeland Security. He was appointed by President Bill Clinton as the United States Attorney for the Southern District of California. Bersin served as the Attorney General's Southwest Border Representative responsible for coordinating federal law enforcement on the border from South Texas to Southern California. Bersin is a member of the California and Alaska Bars, and a member of the Council on Foreign Relations and the Pacific Council on International Policy. In 1968, he received his A.B. in Government from Harvard University. From 1969 to 1971, he attended Balliol College at Oxford University as a Rhodes Scholar. In 1974, he received his J.D. degree from the Yale Law School. Bersin was awarded the degree of Doctor of Laws (Honorary) by the University of San Diego in 1994, by California Western School of Law in 1996, and by the Thomas Jefferson School of Law in 2000.

ORGANIZATION BRIEF As the single, unified border agency of the United States, U.S. Customs and Border Protection (CBP) – a division of the Department of Homeland Security – is a 58,000-member federal agency responsible for securing America's borders against all threats, both at and between the ports of entry. CBP (www.cbp.gov) also enforces laws regarding international trade, traveler admissibility, agriculture, and drug interdiction.

In taking over as Commissioner, how did you communicate your need to shake things up and did everyone understand your objectives?

The first rule in approaching a large organization is do no harm and do not presume

**An Interview with Alan Bersin,
Commissioner, U.S. Customs and Border Protection**

that this is solely an intellectual exercise that you can master before you experience the organization and its people. When you come to an agency that has accomplished what CBP has accomplished since 2003 when it was paired up with the Department of Homeland Security, it is a question of learning and listening.

As a CEO or leader, your role is setting the character of an organization, and its key values and ethical tone, and I was comfortable doing that from the outset. With Customs and Border Protection, it is about integrity, the trust that the American people have put in this agency to protect the homeland community and American families from dangerous people and things.

Why did you choose to focus on creating value propositions?

The value propositions were the first attempt to state what we add to the Homeland Security enterprise. At the next level, we integrate those into what it is that defines the CBP mission set.

There are three main mission sets for CBP: one is protecting the borders, both southern and northern. We also work with the Coast Guard on the maritime border and we have aviation borders which we share with a number of agencies including NORTHCOM and FAA.

The second mission set has a more sophisticated view of borders that adapts to the notion that we live in a global world with the ability to move people and goods across the planet in a fashion that is unique to this era. One million people a day enter the U.S.; millions more are en route to entering the U.S.; and 60,000 containers a day enter the U.S., but thousands more are en route. So our job is securing those flows before the containers or people arrive at the physical port of entry and making an assessment about whether or not they present a risk to the homeland.

We also have a third proposition, which applies to any organization – we have to constantly invest in the skills and knowledge of our people to improve their professionalism and their ability to act more productively in the execution of the mission set.

With the need to promote travel and trade on one side and security on the other, how do you balance those?

Conventional thinking about that was, if you increase the level of security, by definition, you are slowing down the movement of goods and people. CBP has developed a risk

assessment and risk management system that governs our security regime, which appreciates the extent to which these are not mutually exclusive. To enhance our security profile, we have to treat trusted shipments and travelers differently from the way we treat those cargo and passengers about whom we have adverse information or insufficient information on whether or not they present a risk.

You have to take into account that 99.9 percent of the flows of goods and people coming toward us represent no threat to the homeland. So as a law enforcement agency, you end up looking for a needle in a haystack. You have to have very specific intelligence that permits you to pluck the dangerous person or thing – the needle – out of that haystack. The quality of intelligence at every level is far superior to what it was when I was last in the federal service in ways that are genuinely dramatic. But that alone is not a sufficient answer to the problem of finding needles in haystacks on a daily basis, which is why we employ 45,000 sworn CBP officers in a way that positions them situationally to find dangerous people and things.

Another method is to make the haystack smaller. We now have just under 22,000 border patrol agents among the 327 land ports, sea-ports, and airports around the country. But we will never have a sufficient number of CBPOs to look at every person and every piece of cargo in the same way, so we have to segment the traffic. Increasingly, we do that by making a bargain with the traveler or shipper: if you give us additional information ahead of time about who you are and your purposes regarding your travel or your shipments of cargo, we'll check you out in a way that maintains the privacy and confidentiality of your information and provides you with the benefit of expedited passage as a legitimate traveler or cargo through the port of entry. It's a win-win.

Is it frustrating when this can sometimes be a thankless job and when anything small that falls through the cracks becomes a huge issue?

When people get by us, they are positioned to do harm to the American homeland and American people. We recognize that. Part of the professionalism that our people display and that we seek to strengthen is being able to handle the ambiguity, improving our skills and knowledge so we can do our job better the next day, and recognizing that we're dealing with a potentially catastrophic consequence for any failure in our operation. ●