



**NAVAL
POSTGRADUATE
SCHOOL**

MONTEREY, CALIFORNIA

THESIS

**MAKING THE NATION SAFE IN THE TWENTY-FIRST
CENTURY**

by

Brenda L. Heck

December 2009

Thesis Advisor:
Second Reader:

Robert L. Simeral
John Rollins

Approved for public release; distribution is unlimited

THIS PAGE INTENTIONALLY LEFT BLANK

REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE December 2009	3. REPORT TYPE AND DATES COVERED Master's Thesis	
4. TITLE AND SUBTITLE Making the Nation Safe in the Twenty-First Century			5. FUNDING NUMBERS	
6. AUTHOR(S) Brenda L. Heck				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING/MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. government.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited			12b. DISTRIBUTION CODE A	
13. ABSTRACT (maximum 200 words) This thesis addresses how the United States national security system better protects the nation given that twenty-first century threats are borderless, adaptive, and complex. To best respond to these new and ever changing threats, the United States' security system needs the ability to quickly translate covert intelligence into law enforcement action, creating both a proactive and reactive response to twenty-first century threats. This paper proposes the following recommendations to make the nation safe: 1) combine domestic intelligence and law enforcement functions and formally create a national security organization—the FBI; 2) create a new national security doctrine which defines national security, domestic security, domestic intelligence, law enforcement, and homeland security for the twenty-first century; and 3) change the mindset and culture of the current national security players so as to transform the system into a megacommunity. It is acknowledged that it will take time to achieve these recommendations as it has taken decades to build the walls of today's national security system. Within these walls lie individual stove-piped agencies that compete as opposed to being a community of networked, interconnected, and decentralized agencies working in unison. The national security system needs to undergo dramatic reform, which will require the national security system players to learn, unlearn, and relearn. But the stakes have never been higher.				
14. SUBJECT TERMS National Security Organization, Federal Bureau of Investigation (FBI), megacommunity, starfish, evolving threats			15. NUMBER OF PAGES 93	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UU	

NSN 7540-01-280-5500

Standard Form 298 (Rev. 2-89)
Prescribed by ANSI Std. Z39-18

THIS PAGE INTENTIONALLY LEFT BLANK

Approved for public release; distribution is unlimited

MAKING THE NATION SAFE IN THE TWENTY-FIRST CENTURY

Brenda L. Heck
Section Chief, Federal Bureau of Investigation, Washington, D.C.
B.S., James Madison University, 1982

Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
(HOMELAND SECURITY AND DEFENSE)**

from the

**NAVAL POSTGRADUATE SCHOOL
December 2009**

Author: Brenda L. Heck

Approved by: Robert L. Simeral
Thesis Advisor

John Rollins
Second Reader

Harold A. Trinkunas, PhD
Chairman, Department of National Security Affairs

THIS PAGE INTENTIONALLY LEFT BLANK

ABSTRACT

This thesis addresses how the United States national security system better protects the nation given that twenty-first century threats are borderless, adaptive, and complex. To best respond to these new and ever changing threats, the United States' security system needs the ability to quickly translate covert intelligence into law enforcement action, creating both a proactive and reactive response to twenty-first century threats. This paper proposes the following recommendations to make the nation safe: 1) combine domestic intelligence and law enforcement functions and formally create a national security organization—the FBI; 2) create a new national security doctrine which defines national security, domestic security, domestic intelligence, law enforcement, and homeland security for the twenty-first century; and 3) change the mindset and culture of the current national security players so as to transform the system into a megacommunity.

It is acknowledged that it will take time to achieve these recommendations, as it has taken decades to build the walls of today's national security system. Within these walls lie individual stove-piped agencies that compete as opposed to being a community of networked, interconnected, and decentralized agencies working in unison. The national security system needs to undergo dramatic reform, which will require the national security system players to learn, unlearn, and relearn. But the stakes have never been higher.

THIS PAGE INTENTIONALLY LEFT BLANK

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	PROBLEM STATEMENT	1
B.	RESEARCH QUESTIONS.....	4
C.	LITERATURE REVIEW	4
D.	METHODOLOGY	18
1.	Interviews.....	18
2.	Comparative Study	18
II.	UNITED STATES NATIONAL SECURITY SYSTEM	19
A.	YESTERDAY’S NATIONAL SECURITY SYSTEM.....	19
B.	THE NEW WORLD ORDER—GLOBALIZATION CREATES AN UNPRECEDENTED INTERCONNECTED WORLD.....	21
C.	TODAY’S NATIONAL SECURITY SYSTEM IN THE POST-9/11 ENVIRONMENT	23
III.	HOW AND WHY THE NATIONAL SECURITY SYSTEM NEEDS TO LOOK, THINK, AND ACT DIFFERENTLY	29
IV.	COMPARATIVE STUDY OF THE SECURITY MODELS OF THE UNITED KINGDOM AND FRANCE	35
A.	HOW THE SECURITY MODELS OF THE UNITED KINGDOM AND FRANCE ARE STRUCTURED ORGANIZATIONALLY, INTEGRATE INTELLIGENCE AND LAW ENFORCEMENT FUNCTIONS, AND PROS AND CONS OF EACH MODEL.....	36
1.	United Kingdom: Separated Domestic Intelligence and Law Enforcement System	36
2.	France: Combined Domestic Intelligence and Law Enforcement System.....	40
3.	Pros and Cons.....	42
B.	HOW THE SECURITY MODELS OF UNITED KINGDOM AND FRANCE LOOK, THINK, AND ACT	44
1.	United Kingdom: Decentralized, Reactive and Proactive Through Integration with Law Enforcement Agencies, and Maturing Level of Resilience	44
2.	France: Hybrid Decentralized and Centralized, Reactive and Proactive Through Combined Law Enforcement and Intelligence Functions in One Agency, and Maturing Level of Resilience	45
V.	RESULTS AND ANALYSIS OF INTERVIEWS	47
VI.	CRITERIA TO JUDGE APPROACHES AND MATRIX.....	57
VII.	CONCLUSION AND RECOMMENDATION	61
	LIST OF REFERENCES.....	69
	INITIAL DISTRIBUTION LIST	77

THIS PAGE INTENTIONALLY LEFT BLANK

LIST OF FIGURES

Figure 1.	Law Enforcement /War Approach	25
Figure 2.	Toffler Associates Diagram	34
Figure 3.	Strategy Canvas	59
Figure 4.	Megacommunities.....	65

THIS PAGE INTENTIONALLY LEFT BLANK

LIST OF ABBREVIATIONS AND ACRONYMS

BSS	British Secret Service
CPS	Crown Prosecution Service
CTC	Counterterrorism Command
DCPJ	Judicial Police
DCRI	Central Directorate of Interior Intelligence
DGSE	General Directorate for External Security
DHS	Department of Homeland Security
DoD	Department of Defense
DST	Directorate of Territorial Security
FBI	Federal Bureau of Investigation
GCHQ	Government Communications Headquarters
HSC	Homeland Security Council
HUMINT	Human intelligence
IC	Intelligence community
MI-5	Military Intelligence Section 5
NCTC	National Counterterrorism Center
NCTC	National Counterterrorism Center
NSC	National Security Council
NSPD	National Security Presidential Directive
RG	General Intelligence Directorate
SET	Strategic Execution Team
SIS	Secret Intelligence Service
UK	United Kingdom

THIS PAGE INTENTIONALLY LEFT BLANK

ACKNOWLEDGMENTS

I would like to dedicate this paper to the memory of my father, Edwin A. Heck and to my mother, Norma J. Heck.

During a task force mission in World War II, my dad had to ditch his Corsair in the Inland Sea off the island of Kobe. His air-to-sea rescue was one of the Navy's first. I imagine that as he floated alone and within enemy sight, relying on his mae west and wondering if he would be rescued, his immense sense of patriotism, integrity, and honor are what saw him through. These principles, set high by him, have always been my handholds.

Additionally, I am forever grateful to my mom for her undying love and belief she has placed in me throughout my life. Throwing the word "can't" out of my vocabulary when I was a little girl filled me with confidence and perseverance to chance all of my dreams. I am forever indebted.

THIS PAGE INTENTIONALLY LEFT BLANK

I. INTRODUCTION

A. PROBLEM STATEMENT

In order to best protect the nation in the twenty-first century, the national security system must interact to its fullest capacity, developing a seamless transition between law enforcement and intelligence efforts to more effectively address the threats of today and tomorrow. In today's threat environment, known state actors have been replaced by globalized insurgencies, many of whom believe that their enemies are the United States and other western civilizations. Rules of engagement are nonexistent as civilians are as much a target as military and government entities. Since 9/11, these shadowy enemies have continued to silently creep onto U.S. soil and lie hidden within U.S. open communities. As a result, today's national security system must do more. It must now and forever ensure maximum and simultaneous leveraging of both its domestic law enforcement and intelligence capabilities to guarantee quick translation of covert intelligence into action; thus, creating a more agile response and ability to keep pace with today's ever-changing threats. But arguably, restructuring the system to look different is not a complete solution. As today's threats have evolved, so too should the security system. In order to achieve the necessary reform, it is equally important that the security system think and act differently through learning, unlearning and relearning (Toffler, year). Unquestionably, since 9/11, the threat environment, expectations, and margins of error have significantly changed for all of the national security system players and stakeholders. The safety of the nation depends, in part, on how quickly and effectively this system responds to today's globally driven security threats with an equally proactive and reactive response.

It is noteworthy that almost nine years after 9/11 national security experts still ponder whether the United States should create a new and separate domestic intelligence agency. However, framing the question in this way creates two presumptions: (1) that the separation of functions is best and (2) restructuring the national system alone is sufficient to address today's globally driven threats. But one cannot help but remember

the question posed long ago in the famous Wendy's commercial, "Where's the beef?" Although generally, it is undisputed that the United States national security system needs both a law enforcement and intelligence capability. However, the debate continues, given the complexity of the United States security landscape, concerning whether it is best to separate domestic intelligence and law enforcement by creating a new domestic intelligence agency or to combine these two functions in one agency, thus creating the National Security Organization. In choosing either one of these options, the national security system will look different, but is this enough? Remarkably, this ongoing debate lacks an equally robust discussion about the need for either the new domestic intelligence agency or the National Security Organization to think and act differently in order to most effectively operate in what is now described as a new world order—one driven by technology and globalization which has made it more interconnected and interdependent than ever before (Gerencser, Lee, Napolitano, & Kelly, 2008, p. 33). Answering all three questions—how the national security system looks, acts and thinks differently to best protect the nation against twenty-first century threats remain today's most critical unanswered questions. As has been noted, "every organization needs help comprehending the challenges and opportunities that come with change," and the national security system is no exception (Toffler Associates, n.d.).

In an effort to determine best practices for the United States, it is instructive to comparatively study the national security systems of distinct security apparatus in two different countries—on one hand, the United Kingdom, which maintains separate intelligence and law enforcement functions, and on the other, France, which more formally combines these functions. Beyond their structures, determining how these services think and act is highly relevant to the outcome of this research.

What is not in question throughout this research is how the world today looks, thinks and acts differently. As President Obama acknowledged in May 2009, "the challenges of the twenty-first century are increasingly unconventional and transnational, and therefore demand a response that effectively integrates all aspects of American power" (Hsu, 2009). It is worth noting that President Obama's reference to "all aspects of American power" seems to imply a "grain to bread" approach (Treverton, 2008b, p. 71).

This would suggest the national security system needs to expand well beyond its initial breadth, created in 1947, and include state, local, and private sector related security players. This research will explore who are today's security actors; the national security system has not undergone a comprehensive reform since its inception.

Although this research began with exploring the question as to whether the United States should separate or combine domestic intelligence and law enforcement functions, additional critical issues emerged—namely, whether the national security apparatus needs to think and act differently as well to better protect the nation against twenty-first century threats. What became apparent during the initial stages of this research was the need to question whether or not the traditional and established mindset and linear way of thinking is a death sentence to any reform of the national security system, given the speed and complexity of today's threat environment. In other words, is there a need for a revolution within the security system that “breaks china” by developing new ways of thinking which move away from traditional, linear thinking and more towards a non-sequential, lateral, agile, and unified way of thinking, thus creating a more resilient and adaptive national security apparatus (De Bono, 2009)? What became important to consider in this research is how this new way of thinking might better guide and shape the security system and either a newly created domestic intelligence agency under a separate model or a National Security Organization under a combined model.

In conducting research to address these questions, it was determined there are gaps within the currently available reference materials. More importantly, the existing literature regarding national security reform is significantly devoid of reference material pertaining to a need to think and act differently in the twenty-first century. One of the goals of this thesis is to fill these gaps by providing additional data to draw conclusions which allow the system to more confidently address the problems posed as now, almost nine years after the fatal attacks on 9/11, the system remains in turmoil. To quiet the unrest and lead to a complete transformation of the national security system to better face the twenty-first century threat environment, solutions are overdue.

B. RESEARCH QUESTIONS

To effectively address twenty-first century, globally-driven threats, the United States needs the ability to quickly translate covert intelligence into law enforcement action, creating both a proactive and reactive response.

1. In an effort to enhance the United States' ability to quickly translate covert intelligence into law enforcement action to better protect the nation against twenty-first century globally-driven threats, should the United States separate domestic intelligence and law enforcement functions by creating a new domestic agency, or combine these functions, thereby officially creating a National Security Organization? Although there is little disagreement as to the value of seamlessly integrating intelligence and law enforcement functions, there is dramatic disagreement as to how the United States ensures this seamless integration.
2. Is there a need to define the terms national security, domestic security, domestic intelligence, law enforcement, and homeland security in a new security doctrine to ensure a common language and clear and accepted definitions?
3. Whether the United States chooses to separate or combine domestic intelligence and law enforcement functions to protect the nation in the twenty-first century, how does the new domestic intelligence agency or the National Security Organization need to look, think, and act to best address twenty-first century threats?

C. LITERATURE REVIEW

The scope of this literature review focused on: identifying sources germane to understanding the basis and relevancy of the current national security system; defining domestic intelligence, security, and law enforcement in the twenty-first century; national security systems and approaches employed by the United Kingdom and France; and, finally, new and revolutionary ways to look, think, and act in the twenty-first century.

The sources identified fell into seven categories: (1) FBI history, (2) FBI strategy and policy documents, (3) national homeland security strategy documents, (4) today's national security system and United States intelligence and the domestic intelligence debate, (5) other western intelligence/security services, (6) post-9/11 public and private studies, and (7) strategic planning and leadership in the "new world order." The core

sources within these categories have been produced in the aftermath of 9/11 attacks and include a range of homeland security strategies as well as post-9/11 fact-finding studies by the 9/11 Commission, Senate and House Intelligence Committees, and the Presidential advisory panels to assess domestic response capabilities for terrorism involving weapons of mass destruction. Sources also included studies conducted by think-tanks on organizing the national homeland security community and the role of the FBI, including Rand Corporation, the Markle Foundation, the Brookings Institution, and the Center for Strategic and International Studies. Further sources were books written by prominent intelligence and academic professionals regarding the characteristics and features of U.S. and other western intelligence programs. In discussing the similarities and differences between these services the books provided thought provoking material on new ways to think in today's globally-driven world and how to affect change in society and organizations.

As background, reference material pertaining to the Federal Bureau of Investigation's (FBI) 100-year history was researched to include such works as *The FBI, A Centennial History, 1908–2008* (FBI, 2008), wherein it is clearly articulated how the FBI has consistently adapted to ever changing threats. This book was relied upon in conjunction with the FBI's open source website to showcase the threat environment of the last century and do two things: compare and contrast the past, present and future threat environments; and articulate why the reactive, case-driven model was effective until now. As the book, *The FBI, A Centennial History, 1908–2008* was recently published by the Department of Justice, it has inherent credibility. Specifically, this book critically identifies how, throughout the last 10 decades, the United States threat environment has changed and describes how in response the FBI appropriately evolved and adapted to these changes. Examples of these changes include a range of challenges which included the 1920s and 1930s gang wars and threats; the 1940s threats from the escalation of war, subversion, sabotage, and espionage; the 1950s threat from communist subversion within the U.S., to the 1960s civil rights challenges, to the 1970s organized crime threat; the 1980s "Year of the Spy" (FBI, n.d.(c)) and illegal drug trade threats; the

1990s first U.S. homeland terrorism attack, followed by the 9/11 terrorist attacks and the continued threat from terrorism involving weapons of mass destruction. (FBI, 2008)

Notably, the 9/11 attacks created a new measurement of failure and a need for a new level of evolution within the FBI—one that required the FBI to create an agency within an agency. This established the FBI as not only a premier law enforcement agency but also equally a premier intelligence agency. This call for change demanded the United States establish, through the FBI, a reactive and proactive response to national security threats. As the 9/11 Commission noted, one such attack such as that on September 11, 2001 becomes painfully unacceptable and a new measurement of failure (National Commission on Terrorist Attacks upon the United States [9/11 Commission], 2004, p. xv). As the threat environment changed forever on 9/11, so did the responsibilities of the FBI. In addition, this event sparked the debate that continues today—whether or not beyond the FBI, the United States needs a new domestic intelligence agency to better address terrorism and other twenty-first century threats. Amidst the debate regarding United States’ domestic intelligence, the bar was raised on this day, especially for the FBI whose role as the nation’s primary law enforcement and domestic intelligence agency came into question. Specifically, whether the FBI retains this role going into the future depends on whether or not it can transform from a reactive, case-driven agency to a proactive, threat-based intelligence agency with a preventive emphasis. (Baird, Daalder, & Falkenrath, 2004, p. 8).

The FBI historical literature, which documents the agency’s last 100 years, is not surprisingly controversial but welcomed as the material offers a well-documented look inside the agency. Specifically, *The FBI, A Centennial History, 1908–2008*, discusses in detail the last 10 decades of the FBI’s actions, investigations, and changes (FBI, 2008). With an insider’s accuracy, the book reveals how the FBI has made significant changes to address today’s threats. But as its title suggests, the book is a historical work with a focus on the past, not the future. Imagining what the FBI will look like in the next 100 years is a rather difficult task; but, unquestionably, as it has done before, it will continue to evolve to address ever-changing threats.

Critical to this research was the development of an understanding as to how the FBI has and continues to address the post-9/11 threat environment. Beyond the historical reference material, the literature review included numerous FBI strategy and policy documents that demonstrate how the FBI created a multi-pronged strategy that has continued to evolve over the last nine years. This multi-pronged strategy is contained in not one, but three major documents, including: *The FBI Top Priorities Report*, *The 2004–2009 Strategic Plan*, and *The 2007–2008 Strategic Execution Team (SET) Initiative—Enhancing Field Intelligence Operations*. These documents remain undisputed, but because they were produced internally by the FBI, there is no external access, which might generate criticism. What becomes crystal clear upon review is that the overarching goal of these strategy documents is to strike a balance between the national security and criminal programs of the FBI and between short-term tactical efforts and longer-term strategic initiatives.

The intent of the *Priorities Report* was to ensure the FBI's resources were aligned against the nation's top investigative priorities. Though this document advised the collective FBI what order it should investigate its jurisdictional matters, it did not provide a compliance mechanism to ensure these priorities were being followed. The next document, the *2004–2009 Strategic Plan*, articulated a strategic vision built upon these top investigative priorities and provided a system of management to ensure the priorities were being met. Ultimately, this document served as a vision and policy document—identifying broad, strategic goals, and objectives matched against the FBI's mission. Additionally, it included commendable goals such as the development of long-term forecasting capabilities, and alignment of operations and capabilities in response to the threat environment (FBI, n.d. (d), pp. 12, 23). The most recently produced strategy document, *The SET Initiative*, is the FBI's most recent effort to develop and standardize its intelligence functions and implement a threat-based, intelligence-driven process. Within this document, there is a collaborative effort between headquarters and field office personnel. *SET*'s goal is to “accelerate the development of the FBI's intelligence capabilities” (FBI, 2008, p. 9); this has been underway since July 2007. To date, the initiative has established and implemented a standard field intelligence group in all of the

FBI's 56 field offices and established new processes, including domain management, collection management, and distinct human intelligence collection at both the field and headquarters levels. (FBI, 2008, p. 10). As a result of formalizing collection management, domain awareness, and human intelligence (HUMINT) processes, it can be argued that through SET the FBI has made considerable progress in its intelligence performance, making the agency more intelligence-driven and threat-based today than it was even two years ago. For instance, field office personnel are not only developing a more comprehensive understanding of local threats within their area of responsibility (domain)—what drives, triggers, initiates these threats—but also transnational threats and how these threats impact their domain. However, these are fundamental changes to the way the FBI, as a traditional law enforcement organization, has historically conducted business. As such, these changes will take time to more fully develop, grow, and mature. The SET initiative planted the seeds but work remains for the FBI as it develops into a more proactive and preventative organization.

In conclusion, the FBI has developed an extensive array of strategies and policies to effectuate significant change towards evolving the agency into an intelligence driven organization, but as the saying goes, the “proof is in the pudding.” Policy and strategy alone will not achieve this monumental task. Ultimately, all major organizational transformations require significant cultural and mindset changes; the FBI's transformation is no exception—success will lie in the will of its people. Although the FBI, as evidenced by these documents, has undergone extensive and ongoing change since its inception to adapt to changing threat environments, there is no greater task than the one at hand. But this task extends beyond the FBI and involves the need for reform within the entire national security system.

In looking beyond the FBI in determining how the national security system should look, think, and act to best protect the nation against twenty-first century threats, it is informative to review the most significant homeland security related strategies produced since September 11, 2001. These materials include *2002 National Strategy for Homeland Security*, *2007 National Strategy for Homeland Security*, *Joint Intelligence*, *The National Strategy for Maritime Security*, *The 9/11 Commission Report*, *The 2006 National Security*

Strategy of the United States of America, and the *2003 National Strategy for Combating Terrorism*. As the concept of homeland security, outside of the military enterprise, is still relatively new, these are unique and rather broad policy documents that offer limited guidance as to how these strategies are to be implemented and achieved. Because the notion of homeland security is new and its definition continues to evolve, these documents are fluid and serve as cornerstones of the U.S. homeland security enterprise. The early editions, written on the heels of 9/11, had a strong emphasis on counterterrorism; however, as the events of 9/11 get further away, the focus has shifted to a broader definition of national security threats to include an all-hazards approach.

The commonality amongst these and the other strategy documents, including the FBI documents, is the recognition of a need to develop an integrated national and homeland security approach. The Joint Publication 2-0 (Joint Chiefs of Staff, 2007) and Maritime Strategy (White House, 2005, p. ii) documents recognized the value of joint intelligence operations between the military and multinational partners, other government agencies, and intergovernmental and nongovernment organizations. These doctrines are based on the principle that fully integrated operations, plans, and intelligence better postures national security agencies to fulfill their missions. Collectively, these national strategies, much like their FBI equivalents, are not disputed as they promote solutions to better protect the nation, which is aligned with all schools of thoughts. The lingering question is how the collective government defines homeland security as opposed to domestic security, federal law enforcement, and domestic intelligence. These strategy documents lack a common language and clear and accepted definitions of homeland security, domestic security, and domestic intelligence—a gap this research seeks to fill.

In the aftermath of 9/11, many inquiries and investigations were initiated to identify vulnerabilities within the current national security system and make recommendations to address these vulnerabilities. The undisputed leader of the pack is the 9/11 Commission. Within the FBI, the 9/11 Commission recommendations to a great degree have become a defining strategy for the post-9/11 environment. Based upon these recommendations, the FBI created a National Security Branch for the oversight of Counterterrorism, Counterintelligence, and Weapons of Mass Destruction Programs, thus

establishing, as the commission urged, a specialized and integrated national security workforce (9/11 Commission, 2004, pp. 425–426). But one area of great debate that began on September 12, 2001, and continues still, is whether a new domestic intelligence agency should be created. The commission came out against this proposal but failed to define the term domestic intelligence and failed to discuss whether it should be separated or combined with law enforcement (p. 425). In regards to captioned research, there seems to still be a significant amount of room for additional study concerning whether there should be a new domestic intelligence agency created separately from law enforcement or whether the capabilities should be combined within an agency charged with law enforcement responsibilities.

Developing an understanding of the United States intelligence community (USIC) and the methods, means, and intelligence processes the components of the community employ is critical to answering whether the United States should separate or combine intelligence and law enforcement functions. To develop this understanding, captioned research relied on publications written by professional intelligence experts and academics. Specifically, this research relied extensively upon Lowenthal’s (2006) book, *Intelligence: From Secrets to Policy*, and Sims and Gerber’s (2008) book, *Transforming U.S. Intelligence*.

Lowenthal (2006) provides considerable detail regarding the structure, mission, scope, status, and gaps of the U.S. intelligence enterprise. Though there seems to be a universal agreement that the United States needs to develop a refined domestic intelligence capability; there have been and continues to be numerous debates across the public and private sectors as to how this should be achieved. Lowenthal unquestionably provides an accurate description of the features and elements of an intelligence service with an overseas focus but provides little advice regarding the features pertinent to a domestic intelligence agency, thus creating a gap this research seeks to address. Drawing a difference between intelligence and law enforcement, Lowenthal (2006, p. 7) asserts that intelligence is not as much about truth as it is about proximate reality—situational awareness.

This statement highlights a significant quandary for the FBI because throughout its history, it has had a focus towards seeking truth through the collection of evidence to support a prosecution. And as the FBI remains charged with the primary responsibility for domestic intelligence collection, according to Lowenthal's statement, it is now incumbent upon the FBI to draw a distinction between its collection activities to seek the truth in support of a prosecution and its collection activities to develop situational awareness. This presents a serious challenge, as efforts to collect the truth versus efforts to collection for situational awareness are two very distinct activities requiring very distinct skill sets. As will be discussed later, Thomas Pink in his book, *A Whole New Mind*, would further define these skill sets between the left brain and right brain characteristics. Finding a proper balance between the two skill sets is arguably one of the greatest contemporary challenges facing the national security system.

Within Lowenthal's book, the author provides a vivid, comprehensive, and, thus, valuable description of the intelligence process, including planning and direction, collection, processing, exploitation, analysis, production, and dissemination (Lowenthal, 2006, p. 65). The literature that focuses on the debate surrounding how the United States should build a domestic intelligence capability is limited because it begins and ends with discussing where this capacity should be built: in a new agency or within an existing agency, thus putting the cart in front of the horse. A better starting point would be to identify the critical characteristics, features, and elements of a premier domestic intelligence agency, which might well generate viable solutions regarding the "where" question.

Sims and Gerber (2008) propose the construction of a domestic security intelligence corps that is part of the FBI but under explicit direction of U.S. intelligence leadership. This proposal seems to suggest an appreciation for the interdependent relationship between law enforcement and domestic intelligence, but it creates a situation where in the FBI is reporting to two directors, which presents another set of challenges the authors fail to fully address. Sims and Gerber believe this separation is necessary to promote better cohesion between the FBI, Central Intelligence Agency (CIA), and other U.S. intelligence and homeland agencies. This research explored the various proposals

put forth by these intelligence experts in an attempt to best answer the driving question—whether or not the United States should separate or combine domestic intelligence and law enforcement functions, and whether or not the answer lies in the ability of the FBI to shift from a reactive, case-driven approach to a more proactive, threat-driven approach. As with Lowenthal (2006), authors Sims and Gerber lack any viable discussion regarding how an agency with combined domestic intelligence and law enforcement functions would think and act differently in an effort to best address twenty-first century security threats.

Speaking to the 9/11 Commission, then National Security Adviser to President George W. Bush, Condoleezza Rice exclaimed, “America is allergic to domestic intelligence” (Sims & Gerber, 2005, p. 206). The statement was a bold and daring commentary on the American public’s capacity to endure domestic intelligence activities which inherently encompass a broad range of proactive and secretive collection to address the nation’s greatest threats. Striking a balance between domestic security and Constitutional rights of privacy lies at the center of the debate as to whether the United States should separate domestic intelligence from law enforcement. Proponents of the combined approach argue that joining domestic intelligence with a law enforcement agency inherently protects against over intrusive domestic collection. In contrast, opponents of the combined approach argue that the activities associated with domestic intelligence differ too greatly from law enforcement, which focuses almost exclusively on collection of evidence not intelligence. It is questionable whether or not one agency can expertly execute both activities.

In a Brookings Institute commentary, *Rights, Liberties, and Security: Recalibrating the Balance after September 11*, Stuart Taylor calls for a lively national debate and congressional action to conduct a reassessment of the civil liberties rules that govern domestic intelligence collection (2003, p. 1). He indicates the need to penetrate secret terrorist cells in order to disrupt terrorism demands a systematic reassessment of civil liberties, arguing that civil libertarians have underestimated the need for broader investigative powers and have exaggerated the dangers to fundamental liberties (p. 2). These sources demonstrate the broad scope and range of opinions and concerns regarding

how the United States security apparatus moves forward. They also highlight the ongoing debates about which agency should be primarily responsible for domestic security and how to broaden domestic intelligence collection powers while protecting civil liberties. Although the scarcity of available material on domestic intelligence and security created a struggle for captioned research, it did support the need for additional research on these topics.

The Rand Corporation has attempted to fill the gaps previously identified through the production of several significant and lengthy documents concerning United States intelligence and, more specifically, the domestic intelligence debate. A recently released study by Treverton (2008a), *Assessing Counterterrorism: Focused Domestic Intelligence*, focuses specifically on the two proposals squarely within this research: (1) assemble parts of an existing agency to build a separate domestic intelligence agency; or (2) build a domestic intelligence capability within an existing agency such as the FBI or the Department of Homeland Security (DHS). Treverton's study makes no recommendation but offers the pros and cons of each of these proposals (p. xiii). It is a comprehensive study and builds upon an earlier Rand Corporation study, *Next Steps in Reshaping Intelligence* by Treverton (2005). This latter study discusses the implications of the 2004 December bill, which created a Director of National Intelligence and as Treverton (2005) asserts is the first step towards reshaping United States intelligence. He goes on to identify five next steps: (1) building the capacity to manage; (2) shaping intelligence by mission or issue, not collection source or agency; (3) improving analysis; (4) taking advantage of a very different workforce; and (5) targeting collection (2005, p. vii). Although, all are viable steps what the list lacks is a discussion about how those agencies charged with domestic intelligence responsibilities may need to think and act differently to better face today's threats. The Rand Corporation's studies clearly identify what a domestic intelligence agency should do but does not offer how the agency would actually conduct domestic intelligence. As well, the Rand studies lack a full discussion and presentation of data regarding the pros and cons of separating or combining domestic intelligence and law enforcement functions in the United States.

In an effort to determine best practices for the United States, this research included a comparative study of the national security systems of distinct security apparatus' in two different countries—on one hand, the United Kingdom, which maintains separate intelligence and law enforcement functions, and on the other, France, which more formally combines these functions. Herman (2001) in his book, *Intelligence Services in the Information Age*, reveals a comprehensive knowledge of various western domestic intelligence services, particularly the British MI-5 model. As a British professional for approximately 25 years, he is considered a leading authority on intelligence issues. He provides extensive and detailed information regarding the similarities and differences between the British and American systems. The comparison study he (Herman, 2001) conducts in *Intelligence Services in the Information Age* is extremely relevant to the problem and questions at hand. During his study concerning the focus of domestic intelligence, Herman draws upon the experiences of other western intelligence services and particularly focuses on the British model (2001, p. 56). Herman does not provide an opinion as to how the United States should develop a domestic intelligence capability but more importantly characterizes the British Security Service as being part FBI and part CIA, seemingly referring to the fact to the service informally integrates intelligence and law enforcement functions (2001, p. 131). Although his hybrid characterization serves to remind us that there are no clear cut answers or other models that are wholly applicable to United States domestic intelligence, it does seem to suggest he favors a combined domestic intelligence and law enforcement approach (Herman, 2001). This suggestion is rather remarkable considering his career was spent inside a model that separated domestic intelligence and law enforcement.

Lastly, this research has revealed a significant lack of discussion regarding the feasibility of applying contemporary business principles to any reform of the current national security system. More specifically, reference materials fail to fully explore how the national security's players need to look, think, and act differently given the agility, speed, and complexity of twenty-first century threats. To “jump start” such a discussion, this research looked to several reference materials to begin to fill this void and as the 9/11 Commission recommended—to think outside the box. Most critical to this discussion are

the principles found in Brafman and Beckstrom's *The Starfish and the Spider, The Unstoppable Power of Leaderless Organizations* (2007), Pink's, *A Whole New Mind, Why Right-Brainers Will Rule the Future* (2006), Kim and Mauborgne's, *Blue Ocean Strategy, How to Create Uncontested Market Space and Make the Competition Irrelevant* (2005), and Gerencser, Lee, Napolitano, Kelly, *Megacommunities, How Leaders of Government, Business and Non-Profits Can Tackle Today's Global Challenges Together* (2008). Each of these reference materials offer unique insights and principles not frequently included in present-day discussions involving national security transformation for today's threat environment.

For example, in Brafman and Beckstrom's, *The Starfish and The Spider* (2007), the authors discuss different organizational characteristics and hypothesize that leaderless, decentralized organizations are more adaptive and resilient than those that are centralized and have overt, command and control structures. The authors characterize the first type of organization as starfish organizations and the latter as spider organizations (pp. 34–46). Although the authors do not specifically discuss the application of these principles in regards to national security reform, they do go to the extent to describe how Al Qaeda as a leaderless, networked organization is better addressed by the same (p. 55). So whether by thoughtful intent or happenstance, Al Qaeda changed from what Brafman and Beckstrom would describe as a spider organization to a starfish organization. This evolution presents new dangers for the United States and presents lessons for the national security system.

In Kim and Mauborgne's (2005), *Blue Ocean Strategy*, the authors discuss two views of strategy: structuralist view and reconstructionist view. The structuralist view is based upon a competition based structure-conduct-performance model (p. 17). According to Kim and Mauborgne, this view is driven by what they refer to as a red ocean strategy wherein industry boundaries are defined and accepted and the competitive rules of the game are known. In contrast, the reconstructionist view is driven by what they refer to as a blue ocean strategy which focuses on the demand side of the market. This view recognizes the market as being more significantly changed by the creation of new

“outside the box” ideas, which in turn increase both opportunity and demand (Kim and Mauborgne, 2005. pp. 17–18). This research explored whether some of the answers to security reform lie within blue ocean strategies.

Daniel Pink, in *A Whole New Mind* (2005), argues, “the keys to the kingdom are changing hands and right brain thinkers are needed for the future (p. 1). In his book, Pink distinguishes between the left brain mode of thinking, which reasons sequentially, excels at analysis, and handles words and the right brain mode of thinking which reasons holistically, recognizes patterns, and interprets emotions and nonverbal (p.14). The changing of the keys, as he refers to, is a result of material abundance and globalization that is shipping white-collar employment overseas, and technology that is eliminating certain type of work all together (Pink, 2005, p. 2). As a result, he argues what is needed now and in the future is an ability to express through storytelling, empathy, creativity, and innovation—all right brain versus left brain attributes (pp. 65–67). One of the critical findings of the 9/11 Commission (2004), that the current national security system lacked imagination supports, Pink’s claim. Arguably, today’s heavily centralized national security system is comprised of multiple spider organizations that ensure structure, organization, command and control within each agency—NOT imaginative and creative problem solving within and between agencies—as Pink would argue, right brain attributes.

Gerencser et al. note in their book *Megacommunities* (2008) that “individuals and organizations come to megacommunities when they recognize that the problems facing them are more complex than they can solve alone” (p. 54). The problem and questions addressed by this research are some of the more challenging and complex problems facing today’s national security leaders and the United States government as a whole. In order to effectively address this problem, it must be recognized that it cannot be solved by a single agency or individual alone but rather must be addressed by the collective national security system—a community. Considering that the national security system is comprised of 16 intelligence agencies (Lowenthal, 2006, p. 32) and 87,000 law

enforcement jurisdictions, (Sims & Gerber, 2005, p. 207) which must rely on each other and work together to fully protect the United States, inherently, it has the appearance of a “megacommunity” as defined in *Megacommunities*.

In summary, the literature review highlighted gaps (Lowenthal, 2006, p. 32) by identifying what is meant by domestic intelligence as compared to domestic security and homeland security. Throughout the literature, there is a clear call for an enhanced domestic intelligence capability, but the discussion lacks clear guidance on not only what this means but how it is achieved. Arguably, the literature lacks a discussion about whether it is best for the United States to separate or combine domestic intelligence with a law enforcement function. The primary objective of this thesis was to add to the discourse relating to how the United States structures its domestic intelligence and law enforcement capabilities and fully explores the applicability of business principles to any national security reform. Ultimately, this thesis sought to assist in ending the ongoing debate by answering the question surrounding domestic intelligence. And lastly, this thesis sought to push the boundaries by proposing dramatic change within the security system. The change needed within the system goes well beyond determining whether the United States needs to separate or combine domestic intelligence and law enforcement. For if the system and its parts do not look, think, and act differently, the United States will likely chase threats versus anticipating and proactively dismantling them. These threats are far too complex for any one agency to handle, and so it is through behaving as a megacommunity that the full strength of the system can be brought to bear against these threats. Moreover, a more networked system is arguably better postured to address a networked threat, such as Al Qaeda.

As profit-based organizations strive to stay relevant to maximize their results, so too should the national security system. The government’s leaders and reformers must seek relevancy by redefining national security to better understand and anticipate today’s threats and build a preventative national security system. The new national security system must have clear lines of mission, focus, as well as creative and innovative action.

Additionally, the security system must develop and maintain a unified and agile response to these threats or it will likely linger behind. In the private sector, they call it bankruptcy.

D. METHODOLOGY

1. Interviews

Interviews were conducted to collect qualitative data relevant to the question this research addresses. The four interviewees for this research were selected as they represent a broad range of national and homeland security perspectives including academia, think tanks, federal law enforcement, and counterterrorism strategic analysis. The respondents provided objective and relevant opinions, perspectives, and solutions concerning broad government reorganization, practical law enforcement, and domestic intelligence challenges associated with the current and foreseeable threat environment, and vulnerabilities and gaps between the federal and local homeland security landscape. Through a series of questions listed in Chapter V, these individuals expanded the current dialogue regarding national security, specifically whether domestic intelligence needs separated from law enforcement or combined with law enforcement to best posture the U.S. to address twenty-first century national security challenges.

2. Comparative Study

In an effort to determine best practices for the U.S., it is instructive to comparatively study the national security systems of distinct security apparatus, in two different countries—on one hand, the United Kingdom, which maintains separate intelligence and law enforcement functions and on the other, France, which more formally combines these functions. This study will focus particularly on how these countries address and integrate domestic intelligence and law enforcement functions at the national level.

II. UNITED STATES NATIONAL SECURITY SYSTEM

A. YESTERDAY'S NATIONAL SECURITY SYSTEM

For lack of guidance a nation falls, but many advisers make victory sure.

(Brown, 2008)

Emerging from the rubbles of World War II and the experiences of the Cold War, the current national security apparatus remained virtually unchanged until the events of 9/11; but why? Arguably, the system failed—it failed to fully recognize that external national threats had somehow and at some point become internal domestic threats. The enemy that was expected to attack the United States from afar attacked it from within. But looking back certainly helps explain why this happened...until 2001, the United States seemed secured by its borders as international travel was more costly, external events provided limited impact to the homeland, and there was confidence in the knowledge and understanding of the country's enemies. National security had always meant defense of the United States from external threats. Domestic threats had not yet risen to a national level. The enemy was seen as outside the United States and was expected to stay there. As a result, the primary national security players were the departments of military and state, not the intelligence community (IC).

It was not until 1947 that the IC received a legal basis through the enactment of the National Security Act of 1947. The importance of the act was that it not only denoted the importance of intelligence, but that it created the national security system's core (Lowenthal, 2006, p. 20). At this core sat the President, the departments, mainly the State Department and the Department of Defense, but at times also included the Departments of Justice, Treasury, and Agriculture, the National Security Council (NSC), the IC, and Congress (Lowenthal, 2006, p. 175). The job of unifying this system rested with the National Security Council (NSC), which was created on the heels of the National Security Act.

Charged with the function of advising the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the government to cooperate more effectively in matters involving the national security, the NSC has become one of the cornerstones of the nation's security (Brown, 2008, p. 19). Although each President has put his own stamp onto the council, since its inception, this entity has grown into a network of interagency groups involved in integrating national security policy development, oversight of implementation, and crisis management (Brown, 2008, p. 81). The council led the system during the Korean War, through the Cuban Missile Crisis, Vietnam War, the Iran-Contra Affair, fall of the Berlin Wall, and finally the collapse of the Soviet Union.

But in the post-Cold War environment, the priorities of the national security system shifted and the need for a robust intelligence capability was questioned. What followed were severe cuts in the national security budgets, including defense spending, and civilian intelligence personnel. As the Soviet Union was no longer a threat the "enemy that had previously unified the system toward a common cause was gone. Many questioned: Now what?" (Brown, 2008, pp. 65, 81).

It did not take long for the new enemy to present itself in the form of a small band of terrorists led by Ramzi Yousef, nephew of 9/11 mastermind Khalid Sheikh Mohammed. In 1993, Islamic radicals struck the World Trade Center, successfully attacking the homeland for the first time (Global Security, n.d. (b)). Few recognized the significance as this attack did not spark a dramatic change within the national security system. Business continued as usual, information sharing remained stove-piped, and agency interests continued in a competitive versus unified mode. Fatwas issued from Osama Bin Laden, relatively unknown at the time, began in 1996 and called for "jihad" against the Western occupation of Islamic lands (PBS Online NewsHour, 1996).

Al Qaeda's fatwas welcomed in the millennium and brought an unprecedented level of violence to the United States at home and abroad. A list of attacks attributed to terrorist organizations since the early 1990s seemed to clearly forecast what was to come on September 11, 2001, and yet the system did not fully acknowledge the signs. On

February 23, 1998, Bin Laden issued his second fatwa which declared it the incumbent duty of every Muslim to kill Americans and their allies—both civilians and military (PBS Online NewsHour, 1998). On the heels of this alarming fatwa, Al Qaeda demonstrated its sophistication by executing simultaneous attacks of the U.S. Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania. Al Qaeda plots continued into the new decade with the attack on the USS Cole in the port of Yemen in October 2000 (FBI, n.d. (a)).

Although the targets were clearly attributable to the United States government, they demonstrated that Islamic terrorism directed against the United States had arrived, and it was not going away anytime soon. But this was a very different type of threat for the national security system to address. There was no seat of government, no ground rules. Not only was there no head of state to negotiate with, but negotiations were for perhaps the first time, not appropriate. It should be no surprise that the national security system did not perform optimally—for it was not equipped to do so. The 1947 national security system had not undergone any significant reform since its inception; yet, the national threat had changed significantly (Project on National Security Reform & Center for Study of the Presidency, 2008, pp. v–x). Exploring what caused the national threats to change is a worthy endeavor as this exercise presents valuable options to reform the current system from one that is antiquated, stove piped, and redundant to one that is agile, unified, and interconnected.

B. THE NEW WORLD ORDER—GLOBALIZATION CREATES AN UNPRECEDENTED INTERCONNECTED WORLD

Speaking to the Council on Foreign Relations on February 23, 2009, FBI Director Robert S. Mueller III assessed the United States threat environment in the world today as markedly changed, “from the integration of global markets and the ease of international travel to the rise and the reach of the Internet” (Council on Foreign Relations, 2009, p. 1). In 2008, Director Mueller acknowledged that as threats change every 18 months, and the FBI needs to identify and adapt to ever-changing national security threats (Frieden, 2008, p. 1). In its final report, the 9/11 Commission noted that threats are defined, “more by fault lines within societies than by the territorial boundaries between them. From

terrorism to global disease or environmental degradation, the challenges have become transnational rather than international” (2004, pp. 361–362).

In fact, the divide between domestic, international and transnational twenty-first century threats is decreasing at an alarming rate. In the *MIPT Terrorism Annual 2002*, David Brannan’s article, “Beyond International Terrorism: Thinking About the ‘Domestic’ Versus ‘International’ Divide,” suggested that globalization has contributed significantly to the difficulty of adequately responding to the threat posed by terrorists (2002). In fact, it is argued, “globalization is eroding the ability of states to control illicit activity within their borders” (Brannan, 2002, p. 4). In the post-9/11 environment, although terrorism remains a prominent national security threat, a recent *Washington Post* article, “Kidnapped by the Cartels,” highlighted the effect of globalization on other threats to the nation’s security, namely violence associated with narcotics trafficking (Will, 2009). As Police Chief Jack Harris of the Phoenix Police Department noted, “The cross-border traffic in narcotics and people is just one way globalization is shaping crime” (2009). The volatility at the borders created by the drug trafficking trade—the increase in the number of kidnappings and ransom demands, murder, and general lawlessness—creates vulnerabilities which can be exploited by others, namely terrorist groups.

As a result of globalization, criminal activities that were once separate are interconnected in ways not previously experienced. In today’s world, information flow is as fast as spoken words. Virtual networks spring to life and connect groups that would otherwise never meet. Events instantaneously move across communication wires, with immediate impact. Technology is feeding globalization, which in turn, pushes the national threat to change much more frequently, resulting in a phenomenon some have referred to as “blue water to brown water.” (Kiernan, 2009). To counter globalized threats the national security system must be as connected, interdependent, and networked. One weak link in the system now weakens the entire system much like a cascading fault across the electric grid. Realizing that the threat environment has changed is the first step

towards answering how to reform the national security system. The second step is looking at the current system and through developing an understanding of how it got where it is, identify what is missing and thus needed.

C. TODAY'S NATIONAL SECURITY SYSTEM IN THE POST-9/11 ENVIRONMENT

The challenges of the 21st century are increasingly unconventional and transnational, and therefore demand a response that effectively integrates all aspects of American power.

(President Obama, 2009)

Evidenced by the fact that threats now traverse from blue ocean waters to brown river waters, thereby blurring the line between international and domestic threats as depicted below in Figure 1, there is a great necessity for a transformation within the national security system. The development and use of new terms and definitions to ensure the system remains relevant to today's threat realities is critical. As National Security Adviser General James L. Jones stated, "The idea that somehow counterterrorism is a homeland security issue doesn't make sense when you recognize the fact that terror around the world doesn't recognize border" (AlterNet, 2009). As a result, "there is no right-hand, left-hand anymore" (AlterNet, 2009, p. 3). These statements support the conclusion that General Jones believes the divide that once existed between homeland threats and national security threats has dissipated.

Interestingly, months before the 9/11 attacks, the Bush Administration issued its first National Security Presidential Directive and defined national security for what is believed to be the first time within a presidential directive. Within NSPD-1 national security was defined as: "the defense of the United States of America, protection of our constitutional system of government, and the advancement of United States interests around the globe" (Brown, 2008, p. 71). Because this definition was used within the directive after Islamic extremists had already attacked United States soil, a military vessel and several overseas military installations, it is somewhat surprising that the definition lacked definitive language that would address how the United States should conduct reactive and proactive domestic intelligence activities.

Within months of the 9/11 attacks, the Bush Administration took several more dramatic actions that significantly altered the security system for the first time since its inception. The first change occurred as a result of the Bush Administration's creation of the Department of Homeland Security, which merged 22 different organizations. The reasoning behind the merger of these various agencies assumed a difference between homeland security and national security—arguably flawed logic. The second change came in June 2002 with the creation of the Homeland Security Council (HSC), designed to mirror the National Security Council and develop policies and integrate United States homeland security institutions and security related activities (Stockton, 2009, p. 4). Additionally, if there is no longer a difference between national security and homeland security, then the fact that after the merger, DHS did not encompass most of the national security players became another noticeable flaw. So from the start, the mission of DHS to integrate homeland security institutions and security related activities was a significant challenge.

As a follow up act, in 2004 Congress engaged in national security reform by enacting the Intelligence Reform and Terrorism Prevention Act (IRTPA) (Brown, 2008, p. 79). This act created the Director for National Intelligence who serves as the President's principal adviser on intelligence matters. In essence, this new position displaced the role of the Director for Central Intelligence, who had held this responsibility since 1947. In reality, this act created just one more actor in the nation's security landscape. An actor, much like the HSC and DHS, all of whom were handed thin playbooks which lacked authority and detailed guidance as to how to implement its newly defined missions, goals, and objectives.

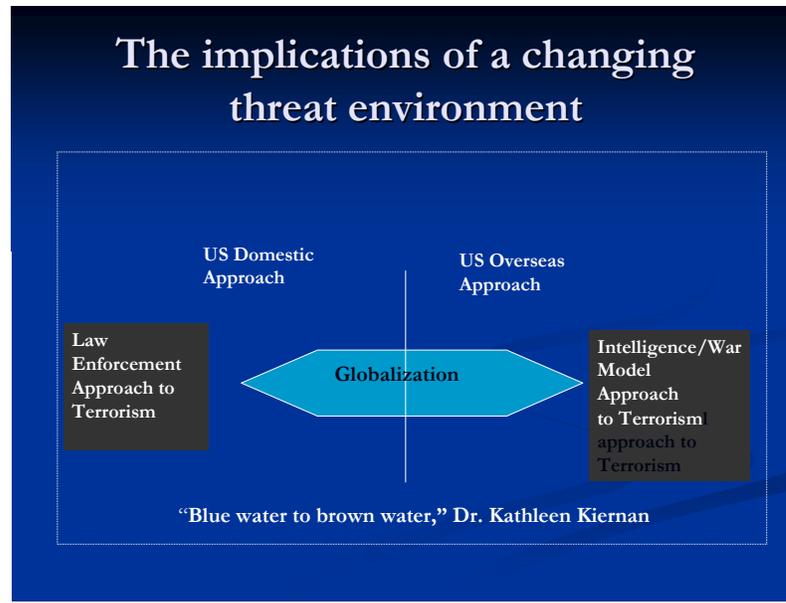


Figure 1. Law Enforcement /War Approach

It is clear in hindsight that post-9/11 that the policies of the U.S. government rightly or wrongly shifted quickly to address the fear of failing in order to prevent the next attack and, more specifically, the “ticking time bomb scenario,” a scenario which to date has not been seen played out except on television and in movies. Decisions made in the post-9/11 environment to engage in unusual extraditions, renditions and enhanced interrogation techniques, the use of enemy combatant designations, and long-term detentions without judicial process, set the United States down a path with grave consequences. These decisions made in the aftermath of the 9/11 attacks when the United States was continuing efforts to identify the almost 3,000 individuals killed, when public emotion was raw, when an “at all costs” approach to securing the nation and its people prevailed, arguably set the nation on an ill advised course. As Bongar, Beutler, Zimbardo, and Brown (2004) suggest in *Psychology of Terrorism* that the United States government clearly adopted a war versus justice approach, which from the start ruled out the ability to use all aspects of the American power (2004, pp. 56–64).

As much as the Bush Administration will be marked by the 9/11 attacks, the Obama Administration is likely to be marked by some form of post-9/11 reform. One of the first signs of such reforms came from Attorney General nominee Eric Holder in

January 2009 during his Senate Confirmation Hearings when he stated that one of the enhanced techniques, water boarding, is torture and further ordered a review of the CIA's Interrogation Program by a Special Prosecutor (Democracy Now, 2009, p. 2). These comments were solidified a few days later when newly elected President Obama revoked Executive Order 13440, which had allowed for the use of enhanced interrogation techniques (White House, 2009). Further change was forecasted by Senator Collins during the June 2008 Senate Committee on Armed Services hearings to discuss the origins of aggressive interrogation techniques. As the Senator noted, the FBI probably has the most extensive experience in the U.S. government with interviewing hostile detainees, yet it remained uninvolved post-9/11 (U.S. Senate, Committee on Armed Services, 2008, p. 28). Instead, the Director of Central Intelligence assigned responsibility for implementing capture and detention authority to certain designated groups within the CIA.

To some degree, there was a belief that interviews and interrogations could not effectively be accomplished by traditional law enforcement interviewing methods—a criminal justice approach. The introduction and use of enhanced techniques was seen as a necessity when dealing with the high value detainees, like Khalid Shaikh Mohammad, deemed the mastermind of the September 11, 2001, attacks, and Abu Zubaydah, who was captured in March 2002 and believed at that time to have critical intelligence necessary to prevent another attack (Global Security, n.d.(a)).

A major post-9/11 reform is the adoption of a justice versus war approach to terrorism. Immediately upon taking office, President Obama dropped the term, “war on terrorism” and adopted a justice approach to terrorism. This approach has played out as the new administration quickly enlisted the assistance of a number of task forces to consider the difficult issues in dealing with the capture, detention, transfer, interview and interrogation of terrorists, including the closure of Guantanamo Bay Detention Camp. As reported by Peter Finn's article, “Specialized Interrogation Unit May Be Created” in the *Washington Post* (2009), a Department of Justice led task force is responsible for

reviewing U.S. interrogation policy in order to recommend new interrogation guidelines, including an assessment of whether the interrogation guidance provided in the Army Field Manual is sufficient.

On August 24, 2009, the *Washington Post* reported that President Obama had approved the creation of an elite, inter-agency team of interrogators made up of intelligence, military and law enforcement agency personnel, to interview and interrogate high value detainees and will be called the High Value Detainee Interrogation Group (HIG) (Kornblut, 2009). According to the article, this team will be housed in the FBI, but subject to oversight by the National Security Council (NSC), effectively moving away from the CIA's focus of control over this program (Kornblut, 2009). Reportedly, the limitations on what techniques can be employed during interrogations will be that which is contained in the Army Field Manual (TRADOC, 2006). According to the article, the task force determined unanimously that "the Army Field Manual provides appropriate guidance on interrogation for military interrogators and that no additional or different guidance was necessary for other agencies" (Kornblut, 2009). The FBI and other law enforcement entities are already limited by the Constitution, federal statutes, and policies regarding interviews and interrogations (Kornblut, 2009).

Another major post-9/11 reform came in May 2009 with the merger of the HSC into the NSC. This merger is seen as quickening and unifying security policymaking inside the White House (Hsu, 2009). Equally important, it signals an understanding that homeland security issues and national security issues are interrelated and blurred to the point of needing one council to advise the President. This is arguably one of the most significant steps towards security reform to address twenty-first century threats. Inherent in this merger is a new definition of national security, one that encompasses threats against U.S. soil. National security no longer means defense of the United States against external enemies, but enemies inside the nation's borders as well.

THIS PAGE INTENTIONALLY LEFT BLANK

III. HOW AND WHY THE NATIONAL SECURITY SYSTEM NEEDS TO LOOK, THINK, AND ACT DIFFERENTLY

The illiterate of the 21st century will not be those who cannot read and write, but those who cannot learn, unlearn and relearn.

(Alvin Toffler)

Immediately following the 9/11 attacks, the “experts” confidently and without hesitation asked one question—what did the national security system need to look like to prevent another such attack, more specifically, whether or not the United States needed to create a new domestic intelligence agency. But even if this question was finally and correctly answered, is this enough to keep the nation safe? As the 9/11 Commission noted the “biggest impediment to a greater likelihood of connecting the dots is the human and systematic resistance to sharing information” (2004, p. 416). Given the complexity, speed, agility, and adaptability of twenty-first century threats, the answer, more than likely, is no. As U.S. enemies evolve into distributed and resilient networks, the United States security system should reform well beyond just looking different. Hence, in answering the questions—how the national security system and its parts need to think and act differently given the new challenges faced—this research pursued identifying reform possibilities well beyond the system looking different.

In the Art of War, Sun-tzu discussed, “the critical element of a clearly defined organization in control of thoroughly disciplined and well ordered troops is spirit, or better characterized as Ch’i.” (1996, p. 23). According to Sun tzu, it is a vital Ch’i that propels all people to their maximum capabilities and without a nurtured spirit, the will to do more slips away. Arguably, the current national security system lacks a vital Ch’i, one which makes the system’s players more unified, seamless and collaborative.

Suggested herein is that there is a need for the national security system and its parts to go outside of the system itself in order to answer the questions of how to look, think, and act differently in this new world order. Places like the business arena offer valuable clues. Arguably, principles, strategies, and mindsets designed to return high

profits, long-term gains, stability, creativity, and innovation that chases open market space are ideas that should be considered by those participating in any aspect of national security reform.

In the previous chapters, the discussion has centered on whether the United States should separate or combine its domestic intelligence and law enforcement functions. Although this goes towards answering how the system should look given the complexity, interconnectivity, and impact of twenty-first century threats, this discussion falls short of exploring all ways the system can look differently. For example, Gerencser et al. in *Megacommunities* discuss the traits of issues/problems that will or should produce megacommunities: interconnectedness, impact, and ability to escalate. As such, megacommunities are seen by these authors as necessary to effectively address problems that are interconnected and interdependent, have impact across sectors, and escalate at a rate difficult to match let alone outpace (2008, p. 30). The authors argue that because of globalization and fast paced technology, many of today's problems are so complex they cannot be addressed effectively by single organizations but must be addressed by a community of organizations—a megacommunity, whose leaders and members have deliberately come together across national, organizational, and sectoral boundaries to address such complex and wicked problems (Gerencser, 2008, p. 28).

Considering that the national security system is comprised of 16 intelligence agencies and 87,000 law enforcement jurisdictions, which must rely on each other and work together to fully protect the U.S., inherently, it has the appearance of a “megacommunity” as defined by Gerencser et al. (2008). The problem however, is that it does not deliberately function as one. It is important to understand that a megacommunity is not organically created but must be affirmatively created by the affected group of organizations within the particular community facing the problems. In a functioning megacommunity, each community member offers a particular role and purpose, which is understood and accepted by the community as a whole. It is in this way the community becomes unified. Different entities begin working together and sharing responsibility for achieving the objectives of the megacommunity. But, the authors note that a megacommunity must have not only recognition but a leadership

approach which has neither a centralized decision-making entity nor a single leader. Everyone within the community must have some influence. Under this construct, the megacommunity thrives on alignment and optimization (Gerencser et al., 2008, pp. 57, 75).

Looking at how the U.S. ensures maximum leveraging of its domestic law enforcement and intelligence capabilities to guarantee quick translation of covert intelligence into action, the megacommunity approach is essential given today's interconnected world. For instance, as a result of globalization, criminal activities interconnect in ways not previously experienced. Information flow is as fast as spoken words and virtual networks spring to life and connect individuals and groups whose paths would otherwise never cross. Technology has fed globalization pushing the national threat to change much more frequently. Given this unprecedented, complex, and time-sensitive problem, it becomes evident the threat cannot effectively be addressed by any single agency within the existing national security structure. As a result, change is not only needed but needed immediately.

Whether the United States chooses to separate intelligence from law enforcement functions by creating a new domestic intelligence agency or combining these functions in a National Security Organization, either entity can and should become part of a national security megacommunity. But to do so, this national security player will need to think and act differently as a means of becoming a part of the megacommunity.

It is essential that either the new domestic intelligence agency or a National Security Organization achieve this change if it is to successfully become part of a megacommunity. As Gercenser et al. argue megacommunities are as much or more about thinking and acting different as they are about looking different. (2008, p. 80). The requirement of national security players, including a possible new player, to think and act different is arguably the more difficult objective to achieve, as this endeavor demands these players to disentangle from some deeply held entrenched and ingrained habits of thoughts (p. 82). Not an easy feat by any means.

On its face, a discussion by the national security community about how to achieve these objectives would meet the definition of Kim and Mauborgne's definition of a blue ocean strategy (2005). These authors would see this strategy is one that is not confined by existing rules but rather one that is looking for new opportunities and ideas—a blue ocean strategy. In contrast, the authors would note that the opposite strategy would be a red ocean strategy that looks to maintain status quo based upon existing rules and expectations (Kim & Mauborgne, 2005). Today, these authors would more than likely argue that the national security system operates using red ocean strategies as it has predominantly remained unchanged, thus confining itself to competing within an existing set of rules (Kim & Mauborgne, 2005, pp. 4–5). Within their book, the authors would propose that the framers of national security reform, as an alternative, should attempt to go beyond creating a “better” situation, and instead create a whole new conceptual interpretation of what national security is in the twenty-first century based upon how its greatest threats look, think and act.

In continuing to look for new ideas applicable to national security reform, this research relied upon the ideas found in Brafman and Beckstrom's, *The Starfish and the Spider* (2007). Within their book, the authors compare starfish to spiders. Starfish, described as adaptive, flexible and resilient by nature, have the ability to mutate and produce new growth. Spiders, on the other hand, are centralized with a well-defined head and will not produce new or adaptive growth when injured, and as a result, tend to die. The authors argue that the success of an organization in today's environment, in large part, depends upon how well it adopts starfish characteristics which include the following principles: (1) when attacked, a decentralized organization tends to become even more open and decentralized; (2) it is easy to mistake starfish for spiders; (3) an open system does not have centralized intelligence as the intelligence is spread throughout the system; (4) open systems can easily mutate; (5) the decentralized organization is transparent; and (6) as industries become decentralized, overall profits decrease (Brafman & Beckstrom, 2006, pp. 35–45). Additionally, Brafman and Beckstrom argue that the value of the starfish approach is found in its ability to nurture, promote, and encourage networking across segments, which spread power and intelligence throughout the system. Centralized

organizations (spider characteristics), on the other hand, are top down systems that develop, maintain, and promote power at the top only. Power at the top not only slows down decision making but discourages the development of new ideas and vested interests in employees (Brafman & Beckstrom, 2006, pp. 46–50). Well, clearly the current national security system is more aligned to Brafman and Beckstrom’s spider characteristics. But should this status quo continue or change?

The strategy and management consulting firm Toffler Associates have seemingly incorporated these principles in their corporate strategies demonstrated by the company’s literature (n.d.). For example, Figure 2 depicts the following attributes recognized by Toffler Associates as being critical for successful organizational reform to stay relevant to the new world order:

1. Align which the recognition that today’s organization needs to look, think and act differently to remain relevant in the twenty-first century;
2. Strategic ambition or value is the psychological, emotional and rational roadmap for navigation into the future;
3. Strategy enables synchronized and coordinated action to realize the vision or aspiration;
4. Alignment is a shared sense among all team members of how to work together to achieve the strategy;
5. Execution refers to the successful implementation and outputs of the strategy;
6. Resilience is the long-term ability to maintain a constancy of purpose and to pursue goals successfully even when encountering a changing environment; and
7. Renewal is the timely pursuit of a new vision and strategy (Toffler Associates, n.d. (b)).

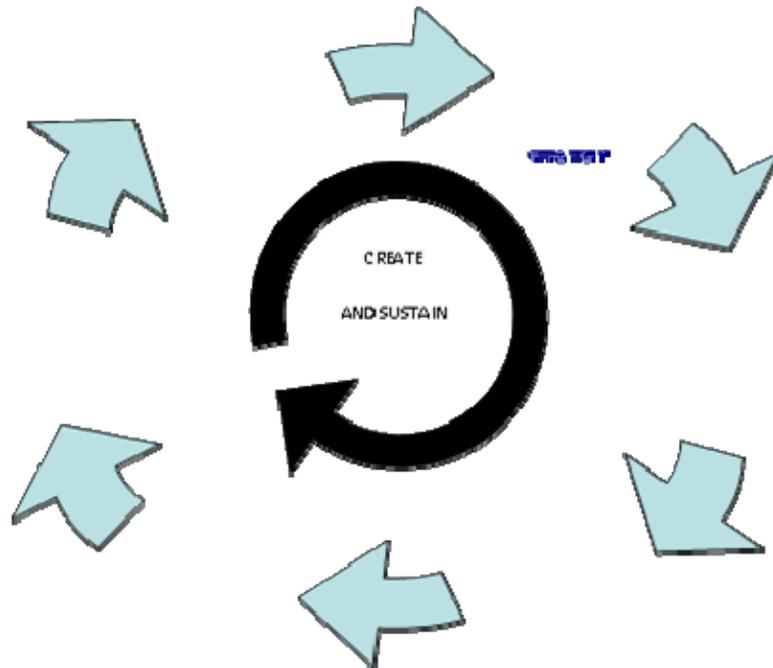


Figure 2. Toffler Associates Diagram

In summary, the clear signals expressed by Toffler Associates, Kim and Mauborgne's *Blue Ocean Strategy*, Gerencser et al.'s *Megacommunities*, Brafman and Beckstrom's *Starfish*, and Pink's *A Whole New Mind* are that any organization in today's new world undergoing major reform must break out of former molds and incorporate innovation, adaptability, and resilience. In other words, if any organization is to become and remain relevant in the twenty-first century they must look, think and act differently.

IV. COMPARATIVE STUDY OF THE SECURITY MODELS OF THE UNITED KINGDOM AND FRANCE

In order to effectively address the twenty-first century threats to U.S. national security, the crucial question is whether the U.S. domestic intelligence and law enforcement functions should be separated between agencies or combined within one agency. Currently, the U.S. combines domestic law enforcement and intelligence functions in the FBI. However, the ongoing discussion since 9/11 revolves around whether the U.S. should create a separate domestic intelligence agency with no law enforcement capability. Although there is little disagreement as to the value of seamlessly integrating intelligence and law enforcement functions, there is dramatic disagreement as to how the U.S. ensures this seamless integration—whether to enhance the current model which already combines these functions or separate them by creating a new domestic intelligence agency.

This chapter provides the results of a comparative study that compares and contrasts the approaches utilized in the United Kingdom, which separates domestic intelligence and law enforcement functions in different agencies, and France, which combines the two. The goal is to highlight the need for clarity regarding how the national security system of the United States should best be organized when considering these two very different approaches.

As Brian Jackson shares from one of his Rand Corporation studies, the struggle to define the proper relationship between law enforcement and intelligence has emerged as a common factor among the domestic intelligence experiences of our allied security services (2009, p. 157). Although each country utilizes a different approach, both the United Kingdom and the France models have proven successful in their respective threat environments. In determining the best approach for the United States, the complexity of the United States' national security system and the geographic size and scope of the United States cannot be ignored. The joining of knowledge and action in the United States environment becomes even more challenging.

Although this study will identify the overall structure of the national security systems of these countries, it will focus on which particular agencies within these countries conduct domestic intelligence and law enforcement functions. Additionally, it will identify the extent to which these two functions are integrated or separated and the pros and cons of each. The goal of this study is to assist in determining on a conceptual and operational level which approach is most effective for the U.S. in dealing with the twenty-first century threats, whether either approach can be effectively applied in the U.S. and which approach is most effective when applied to the U.S.

According to Masse in his report for Congress, *Domestic Intelligence in the United Kingdom: Applicability of the MI-5 Model to the United States*, “integration of domestic intelligence and law enforcement functions may improve coordination of these two functions, but may also undermine the focus and development of skill specialization necessary to succeed in each area” (2003). Clarity regarding how the U.S. national security system should best be organized is sought by assessing these two very different approaches.

A. HOW THE SECURITY MODELS OF THE UNITED KINGDOM AND FRANCE ARE STRUCTURED ORGANIZATIONALLY, INTEGRATE INTELLIGENCE AND LAW ENFORCEMENT FUNCTIONS, AND PROS AND CONS OF EACH MODEL

1. United Kingdom: Separated Domestic Intelligence and Law Enforcement System

The security system of the United Kingdom consists of primarily four organizations: the Secret Intelligence Service (SIS), also known as MI-6; the Government Communications Headquarters (GCHQ) the British Security Service (BSS), also known as MI-5; and the Defense Intelligence Staff (DIS). The SIS is a separate foreign intelligence agency with an outward focus on the production of secret intelligence on issues concerning the UK’s interests regarding security, defense, and foreign and economic policies. The GCHQ is a single point of collection for the production of signals intelligence. The DIS analyzes defense related intelligence for the Ministry of

Defense and the Armed Forces. The BSS is a domestic intelligence agency charged with gathering, analyzing, accessing, advising, and acting on security intelligence.

This comparative study specifically focuses on the relationship between the BSS and the Metropolitan Police Service, in conjunction with the other UK police forces, in determining how these agencies integrate and coordinate intelligence and law enforcement functions to address globally driven and changing national security threats. Though the predecessor of BSS was created in the time period leading up to World War 1, the Security Service through the years has shifted its jurisdiction to address changing national security threats (Masse, 2003, p. 5). Today, the purpose of the Security Service is to “protect national security and economic well being, and to support law enforcement agencies in preventing and detecting serious crime” (Office of Public Sector Information, n.d.).

The most important feature of the UK security system is that organizationally, the UK separates its domestic intelligence function executed primarily by BSS from its law enforcement function executed by the Metropolitan Police Service and the other UK police agencies. Hence, the BSS is the UK’s domestic security intelligence agency responsible for protecting the nation against national security threats, yet it lacks functional law enforcement powers. Thus, BSS must rely on one of its more crucial partners for law enforcement powers—the local police (Treverton, 2008a, p. 63).

To facilitate critical integration of domestic intelligence and law enforcement functions, the UK system employs several key processes and structures meant to ensure information sharing and timely law enforce action. The UK system leverages the Special Branches, including the Metropolitan Police Counter Terrorism Command, the Executive Liaison Group (ELG), the Crown Prosecution Service, and BSS regional offices, integrating intelligence and law enforcement functions.

The Special Branch within the Metropolitan Police Service and the other 56 UK police forces gather intelligence in support of BSS national security investigations (Metropolitan Police Service, 2004,). Comprised of specially designated local law enforcement officers, Special Branches in concert with the BSS, merge intelligence and

investigative operations, creating both a proactive and reactive response to national security matters. The Special Branches address the potential gap between domestic intelligence and law enforcement within the UK national security system. By developing local and regional community awareness, the BSS and Special Branches combine, leverage, share, and exploit local and federal levels of expertise and information (Metropolitan Police Service, 2004, pp. 2, 7). By physically locating the Special Branch officers in the arena which made them an important component to national security in the first place—their local commands, this model ensures the officers are situated where they can best provide BSS law enforcement tools and capability. Additionally, this model puts BSS at the hub of the UK homeland information sharing enterprise by giving Special Branch officers a channel to feed locally generated threat intelligence to BSS and, in turn, BSS uses these same officers to push threat indicators to their local commands.

In completing the United Kingdom (UK) homeland information-sharing network, BSS informs the Secret Intelligence Service (SIS) and GCHQ. In essence through this model, Special Branch officers serve as critical nodes between UK domestic intelligence and law enforcement functions. And though they are not technically part of BSS, they serve as excellent connectors to the overall UK national security system.

In 2006, Eliza Manningham-Buller, then Director General of British Security Service, declared the service was facing a threat from 1600 identified individuals associated with approximately 200 groups that were actively engaged in terrorist plots against the UK (Times Online, 2006). She went on to acknowledge the key partners of her service are the police, who work alongside BSS to collect intelligence and convert it into evidence for court, highlighting the significant role of Special Branches in the UK domestic security system (Times Online, 2006)

The London-based Metropolitan Police Service and its newly created Counter-Terrorism Command (CTC) (which merged the former Metropolitan Police Service's own Anti-Terrorism Branch, SO-13 with the Metropolitan Police Service Special Branch, SO-12, a special unit designated to work with BSS on national counterterrorism investigations) coordinates the national police counterterrorism response (Wilkinson, 2007, p. 203). The merger of SO-12 and SO-13 to create the CTC was completed after

the 2005 subway bombings as a way to create a multi-faceted, single response to domestic terrorism. Primarily, CTC, as a London-based Special Branch, is responsible for working with the Crown Prosecution Service to bring to justice those engaged in terrorism. As CTC works in conjunction with BSS, this model provides both a proactive and reactive response to terrorism. For example, working together these agencies develop patterns or trends to prevent attacks and respond to attacks that occur, build and leverage relationships in the communities to encourage open lines of communication, and to assess, analyze, and develop intelligence to drive operational activity (Metropolitan Police Service, n.d.).

The Executive Liaison Group (ELG) is part of the UK's national doctrine for inter-agency counterterrorism response. Created in the 1990s in response to the Provisional Irish Republican Army attacks, the ELG is an inter-agency structure comprised of intelligence and law enforcement personnel. On an as needed basis, the ELG meet to provide operational command of the strategy for national security investigations and ensure appropriate coordination between intelligence and law enforcement (evidentiary) interests (Smith, 2009). This structure is a formal mechanism to ensure UK intelligence and law enforcement functions are leveraged in a timely and coordinated fashion.

The Crown Prosecution Service (CPS), similar to the United States Attorney's Office structure, initiates proceedings against those charged with criminal offenses in England and Wales (Crown Prosecution Service, n.d.). During 2009, the CPS has begun what is called "a community prosecutor approach" to address emerging threats and issues with neighborhood communities. Under this program, the CPS takes on a problem-solving role at the local level, as it is believed that involvement in the criminal justice system at an earlier stage offers non-court opportunities that have a more positive long-term effect of reducing community violence. This program reflects an increased role of CPS beyond merely preparing case files and prosecuting defendants in court (Crown Prosecution Service, 2009). CPS along with the local police Special Branches, are now engaged much earlier in BSS investigations.

Recently, eight regional BSS offices have been established to provide immediate support to local Special Branches within each region (Smith, 2009). According to Glenmore Trenear-Harvey, a Security Service intelligence analyst with 40 years of experience, the purpose of these regional offices is to complement Special Branch on ground in an effort to help better operate the whole policing network (BBC, 2005). An open search review however, produced very limited information regarding the progress, current number, roles, and purposes of these regional offices.

A spokesman for the Home Secretary was quoted as saying, “the regional growth comes as part of the overall expansion of the Service” (The Scotsman, 2009). Although there is limited open source information regarding these regional BSS offices, it appears they are, in effect, bringing BSS closer to its crucial police partners. As these relationships become more intertwined through Special Branches, ELGs, the community prosecutor approach, and regional BSS offices, the intent of the UK national security system is to integrate intelligence and law enforcement functions. Although formally the UK system separates these functions, it can be argued these highlighted processes and structures are designed to ensure these critical functions are seamless and coordinated between agencies so that intelligence is quickly actioned.

2. France: Combined Domestic Intelligence and Law Enforcement System

Based upon its experience with terrorism since the 1980s, France is an accomplished European counter-terrorism practitioner. The security system of France consists primarily of four organizations: the General Directorate for External Security (DGSE), Central Directorate of Interior Intelligence (DCRI), Judicial Police (DCPJ), and the Investigating Magistrates (Gerecht & Schmitt, 2007).

The DGSE is the foreign intelligence agency responsible for military intelligence, strategic information, electronic intelligence, and counterespionage outside the borders of the national territory (FAS Intelligence Resource Program, n.d.(b)). The DCRI, formed as a result of a merger of Directorate of Territorial Security, DST, France’s former domestic intelligence agency and General Intelligence Directorate, RG, the intelligence agency

within the national police, is a domestic intelligence agency responsible for counterespionage, counterterrorism threats (Shapiro & Suzan, 2003). Upon its creation, DCRI was called, “France’s very own FBI,” a reference to its ability to work intelligence and law enforcement concurrently (France 24, 2008).

The DCPJ, France’s national police force, in conjunction with the DCRI, is responsible for France’s internal security. Previously, DCPJ was seen as the face of DST, which acted like most purely intelligence agencies traditionally act—“in the shadows” (FAS Intelligence Resource Program, n.d (a).). The merger of DST and RG into the DCRI significantly integrated the domestic intelligence efforts of DCRI with the national police and made DCRI a much more public agency, much like the UK’s BSS in the recent past (Shapiro & Suzan, 2003). The last critical component of France’s system lies in the investigating magistrates. Created in 1986, these magistrates oversee and often direct investigative efforts of France’s domestic intelligence and law enforcement agencies, namely the DCRI and DCPJ. As a result of these merged and integrated relationships, France’s national security system has essentially merged its intelligence and law enforcement functions (Gerecht & Schmitt, 2007, pp. 2–3).

This comparative study focused primarily on the relationship between DCRI, DCPJ, and the counterterrorist investigating magistrates to determine how these organizations integrate and coordinate their intelligence and law enforcement functions to address globally driven and changing national security threats. As distinguished from the UK security system, France utilizes a hybrid domestic intelligence and law enforcement approach. This hybrid approach, created as a result of the July 2008 merger of Directorate of Territorial Security (DST) and General Intelligence Directorate (RG) and the unique role of investigating magistrates has more formally unified France’s domestic intelligence and law enforcement functions.

Notably, in the French system, these investigating magistrates, who are considered a cross between a prosecutor and a judge, play a critical role. The magistrates perform impartial investigations with wide latitude and authorities to determine whether a crime worthy of a prosecution has been committed. If such a determination is made, the magistrate turns the investigation over to a prosecutor and a defense attorney for judicial

process. Over time, these magistrates have developed into a specialized band of terrorism experts, often times working hand in hand with the domestic security service and many times directing their investigative efforts. These joint intelligence and judicial/law enforcement efforts have worked seamlessly because the DCRI formally consumed what was previously the unofficial dual intelligence and law enforcement roles of DST and RB. Upon the merger of DST and RG, the French intelligence and law enforcement functions were more formally combined into one domestic agency, DCRI, which assumed both the intelligence and law enforcement functions. These uniquely blended domestic intelligence and law enforcement efforts working with a centralized judicial process led by powerful investigating magistrates allow for a quick, effective, and unified intelligence and law enforcement counterterrorism response. (Shapiro & Suzan, 2003). Thus, one can argue, the French approach demonstrates the necessity of a seamless and integrated relationship between domestic intelligence and law enforcement functions.

3. Pros and Cons

In studying U.S. application, Dr. Treverton from Rand Corporation acknowledges that a separated domestic intelligence and law enforcement system allows for the ability to develop a culture of prevention, maintain a primacy of intelligence functions, develop community liaison more easily, and attract a more diverse recruitment pool (Treverton, 2008b, p. 86). In the same study, Dr. Treverton further advises that a combined system ensures the ability to quickly translate covert information into actionable law enforcement purposes—“a grain to bread” approach, which reduces problems dealing with coordination, sharing, and integration (Treverton, 2008b, p. 71). In another study, Treverton notes that access to additional and broad sweeping intelligence and law enforcement collection can be used jointly to enhance the overall collection efforts (Treverton, 2008a, pp. 70–72). Although there is no clear-cut answer with regards to the relationship between intelligence and law enforcement functions, it is clear the relationship must be close and UK and France offer two different approaches to integrate these disciplines.

The UK model is decentralized and relies upon leveraging shared relationships between the BSS and the police via the Special Branches and regional offices to action covert, sensitive information, and build resiliency. The CPS, much like its Department of Justice counterpart participates when judicial action is necessary. Although it should be noted, under the new “community prosecutor approach,” the CPS is taking on a more proactive role. The UK model has been tested and proven successful in the relatively recent disruption of the planned attack using liquid explosives on planes in 2006.

France’s model, on the other hand, is not limited by shared relationships, as the same body can both gather and act on sensitive information very quickly and efficiently. This creates a centralized and decentralized system. France has had similar success as evidenced by the 2005 disruption of an operation directed against antiterrorism magistrate Jean Louis-Bruguiere (Jackson, 2009, p. 151).

In considering these two different models for U.S. application, FBI Director Robert S. Mueller’s speech given to the Council on Foreign Relations in February 2009, is revealing. In this speech Director Mueller stated, “We must recognize that events outside of our control may impact our national security. We need to know where the threat is moving, and we need to get there first” (Council on Foreign Relations, 2009). He continued, “the FBI is not an intelligence service that collects, but does not act, nor are we a law enforcement service that acts without knowledge. Today’s FBI is a security service, fusing the capability to understand the breadth and scope of threats, with the capability to dismantle those threats” (Council on Foreign Relations, 2009). Although as this statement is a clear recommendation for the FBI to be formally considered the National Security Organization for the United States, it goes beyond the scope of this research. But more importantly, Director Mueller’s statement reflects an understanding which aligns with the results of this comparative study of the UK and French systems—the core function of any security service is the ability to effectively mesh domestic intelligence and law enforcement.

The FBI has made great strides in becoming a security service, but one can argue its transformation is not complete. The most critical lesson for the U.S. in considering the models of the UK and France is that the two functions must be ever so closely integrated

and coordinated. Whether or not that can be done in the U.S. by either separating or combining these functions remains to be answered, but the evidence suggests that either model will present unique challenges. The fact that the U.S. has roughly 87,000 police departments (Sims & Gerber, 2005) and 16 members of its intelligence community presents enormous integration challenges (Lowenthal, 2006). As well, privacy issues, public expectations, and political consequences of enhanced domestic collection are all important issues that must be considered. As highlighted by former National Security Adviser Condoleezza Rice, “America is allergic to domestic intelligence” (CNN.com, 2004, p. 11). Although as Sims and Gerber’s note in their book, *Transforming U.S. Intelligence*, “Americans have demonstrated that they will make exceptions for intelligence when national security is at stake...the use of extraordinary intelligence capabilities become justified in the public mind when the state is at risk” (2005, p. 36). Given the number of considerations needed, the determination of whether to separate or combine intelligence and law enforcement will not be easily answered.

B. HOW THE SECURITY MODELS OF UNITED KINGDOM AND FRANCE LOOK, THINK, AND ACT

1. United Kingdom: Decentralized, Reactive and Proactive Through Integration with Law Enforcement Agencies, and Maturing Level of Resilience

The United Kingdom’s domestic security model centers on MI-5, which serves as the system’s nerve center. Created in 1909 to counter threats to the national security of the United Kingdom BSS, as a purely domestic intelligence service, has always been proactive, agile, and resilient. Evidenced by one of its primary goals, which is to identify and penetrate emerging threats. However, as the service has stood at the center of the United Kingdom’s domestic security apparatus since its inception, BSS is inherently centralized evidenced by its core mission of managing and directing all national security matters from its London-based headquarters. It was not until the subway attacks of July 2005 that the service realized the extent it needed the public’s assistance and the need for it to decentralize and operate in the public domain. As a result, the service began to decentralize through the enhancement of the number of Special Branch officers and the

creation of regional BSS offices. Steps conducted in an effort to move beyond the London-based headquarters, become more decentralized, agile, resilient, and proactive.

2. France: Hybrid Decentralized and Centralized, Reactive and Proactive Through Combined Law Enforcement and Intelligence Functions in One Agency, and Maturing Level of Resilience

In contrast, France's domestic security has always rested on more than one agency and, as such, is organically more decentralized than centralized. With the merger of Directorate of Territorial Security (DST) and General Intelligence Directorate (RG), combined with the unique role of investigating magistrates, France's security model is extremely decentralized. Furthermore, as a result of the 2008 merger of DST and RG, the system has the ability to quickly utilize law enforcement and intelligence tools as compared to the United Kingdom system, which must move between agencies to affect the same set of tools.

In considering the resiliency of each security service, it is noteworthy that each has undergone extensive organizational change, restructuring, and focus to address changing threat environments. It can be argued which is more resilient, but the important thing to remember is that both of these services are charged with countering national security threats. As such, being decentralized, proactive, and resilient seem to be inherently important characteristics to these foreign security services and should therefore be considered important characteristics to developed in the national security system of the United States.

THIS PAGE INTENTIONALLY LEFT BLANK

V. RESULTS AND ANALYSIS OF INTERVIEWS

Interviews were conducted as a means to collect qualitative data relevant to the questions addressed by this research. Chapter V provides the results and comprehensive analysis of the interview results. There were four major goals of the interviews: (1) define national security, domestic security, domestic intelligence, and homeland security; (2) identify the critical components, functions, and elements of domestic intelligence and law enforcement agencies; (3) define the needed relationship between domestic intelligence and law enforcement in the United States; and (4) identify the pros and cons of separating or combining domestic intelligence and law enforcement function. Through a series of 21 questions, four hand-selected individuals expanded the current dialogue regarding national security, specifically whether domestic intelligence needs to be separated or combined with law enforcement to best protect the U.S. against twenty-first century national security threats.

The interviewees selected were Mr. James R. Locher, III; Mr. Arthur M. Cummings, II; Dr. Bruce Hoffman; and Mr. John O'Connell. Mr. James R. Locher III, Executive Director, Project on National Security Reform, Center for the Study of the Presidency, was chosen for his expertise in government reorganization. He played a critical role in the reorganization of the DoD which resulted in the Goldwater-Nichols Defense Reorganization Act of 1986. As a result of his current position as Executive Director on the Project on National Security Reform, he is in position to offer critical insight into contemporary thinking regarding national security reform. Mr. Arthur M. Cummings II, Executive Assistant Director, National Security Branch, Federal Bureau of Investigation was chosen for his ability to provide a long-term vision for the FBI, including the agency's ongoing transformations, and how he believes the FBI fits into the Homeland Security Enterprise. Dr. Bruce Hoffman, Professor, Georgetown University, Edmund A. Walsh School of Foreign Service is a world renowned terrorism expert and was chosen for his opinion as to whether the United States is better protected against terrorism by a separate or combined model. Mr. John O'Connell, Deputy Director, National Counterterrorism Center (NCTC), was chosen as he offered not only a strategic

and analytical perspective to the issues relating to this research, but he also offered an insight into the role NCTC plays with the other national security players. The questions asked of each of these interviewees included:

1. What do the terms domestic security, domestic intelligence, national security, and homeland security mean to you?
2. Can law enforcement alone address domestic security concerns?
3. Can intelligence alone address domestic security concerns and, if not, how do we ensure these two functions are seamless?
4. Would you agree that two components of domestic intelligence are: (1) the ability to adapt to and identify ever-changing national security threats; (2) the ability to process and share this threat information and intelligence. Are there other critical components you would include?
5. How does the current national security system address the nation's twenty-first century national security threats and is this the best response?: National security threats are defined as those threats that have a national impact which transcends state and local boundaries.
6. What do you think is "broken" in terms of intelligence gathering and prosecution related to counterterrorism threats?
7. What are the advantages and disadvantages of an integrated law enforcement and intelligence response?
8. What are the advantages and disadvantages of a separate law enforcement and intelligence response?
9. What role does state and local law enforcement and homeland security personnel play in either approach?
10. Which approach more effectively ensures state and local entities are integrated into the nation's domestic security enterprise in an effort to identify, penetrate and neutralize our national security threats?
11. Should the United States combine or separate intelligence and law enforcement to address the ever-changing national security threats whether they are from terrorism, economic fraud and abuse, or violent crime spikes?
12. Do you believe that the FBI or DHS should assume this combined intelligence and law enforcement role or should a new agency be created?

13. If not, should a new agency be created as the nation's Domestic Security Service and why?
14. What do you think is the role of FBI under your recommendation and are there limitations?
15. What do you think is the role of DHS under your recommendation and are there limitations?
16. Do you think there is a foreign model or other domestic model that should be considered as part of a national security reform effort, and, if so, what are the elements of this recommended model?
17. Who should provide oversight of domestic security in the United States?
18. Can you recommend any literature (academic and/or government documentation) that would add to this discussion?
19. Have I asked the right questions or should I also be asking other questions?
20. Do you believe that globalization has eliminated the divide between international and domestic threats?
21. Are there others I should talk to in order to get further insight into this issue?

These questions were used as a guide to collect data and generate discussions regarding the current national security system, how globalization has changed today's threats, how as a result of these changes the system needs to reform, and whether as part of this reform the United States should separate or combine domestic intelligence and law enforcement.

The first goal of the interviews was to determine whether the terms national security, homeland security, domestic security, and domestic intelligence are well defined and understood. Notably, all interviewees acknowledged that as a result of an interconnected world, security threats now rapidly move across borders creating new types of threats, which likely alters the meaning of these terms. But given this recognition, the interviewees lacked a clear and common understanding of the meaning of these terms particularly in light of the challenges presented in the twenty-first century. In the same way that the reference materials did not articulate a common language, the

interviewees similarly did not use these terms suggesting that national security experts are not on the same sheet of music. For instance, homeland security was defined as activity that protects the nation, but there was disparity amongst the interviewees as to what is meant by protective activity. As some of the interviewees understood protective activity to mean intelligence action that is preventative in nature, while others saw it as denoting law enforcement, reactive types of responses. Additionally, there was not agreement on what makes up the world of homeland security—whether it includes only man-made threats or an all-hazards approach that encompasses natural disasters.

Domestic security was not easily defined as it was seen as either exclusively law enforcement action or the equivalent of national security, which historically has encompassed intelligence activity. There was evident confusion as to whether domestic security encompasses some level of intelligence activity. As well, one interviewee described domestic security as a subset of homeland security but which did not include national security; whereas another interviewee saw homeland security as a subset of national security but which did not include domestic security. And as long as there is not a clear understanding of the scope, and mission of these disciplines, confusion will likely prevail.

Significantly, there was overwhelming agreement amongst the interviewees that globalization has dissipated the line of demarcation between international and domestic boundaries, which, in turn, has blurred the line between national and homeland security. Mr. Locher referred to the merger of the Homeland Security Council staff into the National Security Council staff as a recognition that there is an artificial boundary between domestic threats and foreign threats and that this boundary will blur even more in the future. This is noteworthy as it suggests a trend to blur homeland security with national security—signaling homeland security as a subset of national security.

In defining domestic intelligence, the interviewees generally agreed that this refers to the collection of intelligence in the continental United States, including collection of intelligence on United States citizens. The interviewees seemed very comfortable delineating the difference between domestic intelligence and law enforcement. Most of the interviewees aligned law enforcement with the term domestic

security, which they expressed denotes a reactive response versus intelligence—which was seen as proactive and preventative collection activity. What was revealed through these interviews and the results they produced is that arguably, the only necessary security terms are national security, homeland security, and domestic intelligence. National security addresses all man-made threats against the United States at home and abroad. Homeland security addresses all natural disasters and non-national-level man-made threats, infrastructure, and border protection. Domestic intelligence denotes purely proactive and preventative collection activity. Importantly, if the United States were to adopt a combined approach then domestic intelligence would be a subset of national security and add a proactive and preventative capability. If the United States were to adopt a separate approach then domestic intelligence would stand apart from national security, which would denote a primarily reactive response as the proactive response would be the mission of the new domestic intelligence organization.

The interview results clearly highlighted a critical need, namely the need to create a twenty-first century national security doctrine relevant to today's threat environment and security players. For without such a doctrine, which should define national security, domestic security, domestic intelligence, homeland security and law enforcement, any discussion held today lacks a common ground leaving discussion participants talking past each other.

An essential requirement in determining whether the United States should separate or combine domestic intelligence and law enforcement functions relies on the identification of the critical components, functions, and elements of domestic intelligence and law enforcement agencies. This research relied in part, on the interviewees making these determinations. The interviewees appeared to have a much easier time identifying the critical components and functions of intelligence and law enforcement. For example, law enforcement functions were confidently identified as being primarily reactive and truth seeking in nature as opposed to intelligence functions, which were identified as being more proactive...akin to early warning and identification of threats before they strike. Mr. Cummings articulated the difference in this way, "Intelligence is the collection of information to shed light on a problem and law enforcement addresses and

fixes the problem.” Drawing a clear distinction between these two disciplines, he described law enforcement personnel are much more oriented towards solutions, as opposed to intelligence personnel who are singularly focused—collection with limited action.

Resoundingly, the interviewees opined that neither function operating independently best protects the nation, but that there is a critical need for these functions to work and act in unison. This strong belief articulated by all of the interviewees inherently endorsed the need for a National Security Organization, which would by seamlessly integrate domestic intelligence and law enforcement actions. More specifically, Mr. O’Connell noted that law enforcement efforts need a concrete target—something clearly defined to direct its efforts against, as opposed to intelligence which is more agile and nebulous by nature. As today’s threat picture is not as clearly defined as decades past, he opined that traditional law enforcement alone will not defeat the threats. “Today’s law enforcement function needs an intelligence aspect which encompasses broad collection capabilities that inform the law enforcement action.”

The third goal of the interviews was to define the needed relationship between domestic intelligence and law enforcement in the United States. The interviews produced a unanimous conclusion—the need for a seamless and integrated relationship between domestic intelligence and law enforcement functions. As Mr. Cummings noted, intelligence collection always presents one question, “So what?” To him, law enforcement’s job is to answer the “So what?” question. All interviewees clearly articulated that intelligence informs law enforcement which brings action to the problem. One is inextricably necessary to the other. Of note, the interviewees representing academia, FBI intelligence and operations, think tanks, and NCTC strategic analysis, all presented the same concern—without a seamless relationship between these two components the nation is left vulnerable. As acknowledged by these interviewees, the combining of domestic intelligence and law enforcement functions in a single agency affords greater opportunities for this necessary integration.

The fourth goal of the interviews was to identify the pros and cons of separating or combining domestic intelligence and law enforcement functions. Completely

unexpectedly, the interviewees overwhelmingly supported a combined approach, as they articulated this model better promotes and ensures the nation's security. Of particular concern with the combined approach was the belief that a traditional law enforcement organization, like the FBI, will not be capable of developing sufficient intelligence capabilities. On the other hand, each acknowledged that the separate model would necessitate the integration of a new security player to the already complex United States security landscape. Of particular interest was Dr. Hoffman's admission that his support of the combined approach is based upon the recent achievements the FBI has made towards enhancing its intelligence performance. Specifically, Dr Hoffman stated that several years ago, he would not have thought that the combined model was best for the United States.

But considering the development of the National Security Branch within the FBI, its development of an analytical cadre, and its latest intelligence program enhancements such as collection management, domain management and more formalized HUMINT management, Dr Hoffman opined that not only does the United States need a National Security Organization, but that he believes the FBI is the agency best postured to assume this role. Thus, arguably, the FBI is disproving the belief of some that a traditional law enforcement agency can develop and hone intelligence capabilities. The unanimous support for a combined approach was surprising given the amount of attention the separate model has received in the last nine years. The consensus among the interviewees that the FBI has achieved some signs of transforming into an intelligence threat-based agency is an indication that the interviewees are monitoring contemporary issues and seeking to remain informed. This level of engagement is undoubtedly a good sign for national security reform as these interviewees are seasoned security professionals from the fields of academia, think tanks, national security operations, and national security analysis.

The feedback from the interviewees noted that the questions presented were thorough, relevant, and comprehensive. Moreover, the interviewees agreed that the following 10 criteria identified to judge the success of each approach and discussed further in Chapter VI were appropriate:

1. The ability to seamlessly integrate intelligence and law enforcement for collection and action against national security threats;
2. The ability to adapt to and identify ever changing national security threats;
3. The ability to quickly process and share this threat information and intelligence across the entire security enterprise, including state and local security entities;
4. That which presents least implementation difficulty;
5. That which eliminates redundancy across the security enterprise;
6. That which develops and maintains the highest level of subject matter expertise;
7. That which causes the least amount of disruption to the existing national security system;
8. That which presents the highest degree of political acceptance;
9. The ability to create disciplined imagination; and
10. That which promotes positive versus negative competition across the national security system.

Initially, the third criteria did not include the reference to state and local security entities. This addition was provided by Dr. Hoffman and subsequently added to the research measurement parameters.

The interviews provided even additional value through some interviewees' recommendations of supplementary reference materials. Specifically, Dr. Hoffman recommended three reference materials produced by Mr. Phil Heymann, former Deputy Attorney General, *Protecting Liberty in an Age of Terror* (2005), and *Terrorism, Freedom and Security: Winning without War* (2003), and *Terrorism and America: A Commonsense Strategy for a Democratic Society* (2000). Additionally, Mr. Locher supplied additional reference materials relating to the Project on National Security Reform. These materials provided valuable information regarding the current state of affairs of the national security system and dramatic reform possibilities.

The interviewees indicated the research topic was relevant, useful, and timely and, interestingly, each of them seemed ready to answer the question as to whether the United States should separate or combine domestic intelligence and law enforcement. Their resounding answer was for the United States to adopt the combined approach. Surprisingly, the interviewees confidently saw the FBI as being a strong national security player well into the future but commented that its transformation must continue. As well, security reform was seen as a critical component for the nation's safety. But as Dr. Hoffman noted, organizational reforms take many years and so it is to be expected that the national security system reform will take more time—but as all interviewees noted, progress has been made.

THIS PAGE INTENTIONALLY LEFT BLANK

VI. CRITERIA TO JUDGE APPROACHES AND MATRIX

The two options considered within the problem statement of this research are to: (1) either combine, or (2) separate intelligence and law enforcement at the national level. As part of this research, 10 competitive factors were identified for effective national security. The success of each approach was judged on these factors that are identified below as follows:

1. The ability to seamlessly integrate intelligence and law enforcement for collection and action against national security threats;
2. The ability to adapt to and identify ever changing national security threats;
3. The ability to quickly process and share this threat information and intelligence across the entire security enterprise, including state and local security entities;
4. That which presents the least implementation difficulty;
5. That which eliminates redundancy across the security enterprise;
6. That which develops and maintains highest level of subject matter expertise;
7. That which causes the least amount of disruption to existing national security system;
8. That which presents the highest degree of political acceptance;
9. The ability to create disciplined imagination; and
10. That which promotes positive versus negative competition across the national security system.

Using the process described by Kim and Mauborgne in *Blue Ocean Strategy* to create a eliminate-reduce-raise-create grid, this research produced the identification of 10 competitive national security factors (2004, pp. 35–37). The goal of this process was to identify which option preserved the most positive factors and eliminated the most negative factors. More specifically, the goal was to identify which option more effectively:

1. **Eliminated** redundancy and competition;
2. **Reduced** the difficulty of implementation and disruption to the current system;
3. **Raised** the ability to adapt to and identify threats, share intelligence and law enforcement information, and the level of political acceptance and subject matter expertise; and
4. **Created** a disciplined imagination and seamless integration of intelligence and law enforcement activities became the better option for the united states to adopt.

Lastly, Kim and Mauborgne's process for creating what they call a strategy canvas (included below) was utilized to generate value curves for each option. These value curves identified measurable scores for each option relating to the 10 competitive factors (2005, pp. 25–28). Although admittedly subjective, this process served to build a framework to judge each option. When plotted along a low to high axis, the research produced the following results:

1. The combined model ensures a greater degree of integration of intelligence and law enforcement functions as this approach has one less security player and places these two functions within one agency;
2. Information sharing between law enforcement and intelligence is increased as it is easier to occur within one agency than between different agencies;
3. Implementation, disruption, and redundancy is reduced as the United States currently combines these functions in the FBI so there is less to implement which inherently reduces disruption. One less new agency creates a greater change for clearer lines of mission, thus inherently reducing redundancy;
4. Finally, negative competition is reduced as again, there are less security players involved. However, to significantly reduce negative competition today's security players must build greater trust between themselves.

In contrast, the separate approach ensures a greater degree of subject matter expertise and an ability to adapt to and identify threats as a result of the single mission of intelligence services, which nurtures unique and tailored expertise and unencumbered and focused collection activities. Arguably, the separate approach offers a greater degree of

disciplined imagination as Mr. O’Connell noted, intelligence services are nebulous by nature as they traditionally operate in the cover of night—covertly. This environment encourages and at times demands uninhibited collection activities. As a result, thinking outside the box is not a foreign concept—law enforcement, on the other hand, is much more tightly and closely regulated as it operates openly.

In summary, the matrix depicted below which was developed as a result of upon identifying competitive factors relating to the two approaches and determining which of these factors needed to be eliminated, reduced, raised, and created, supports a strong recommendation for a combined approach.

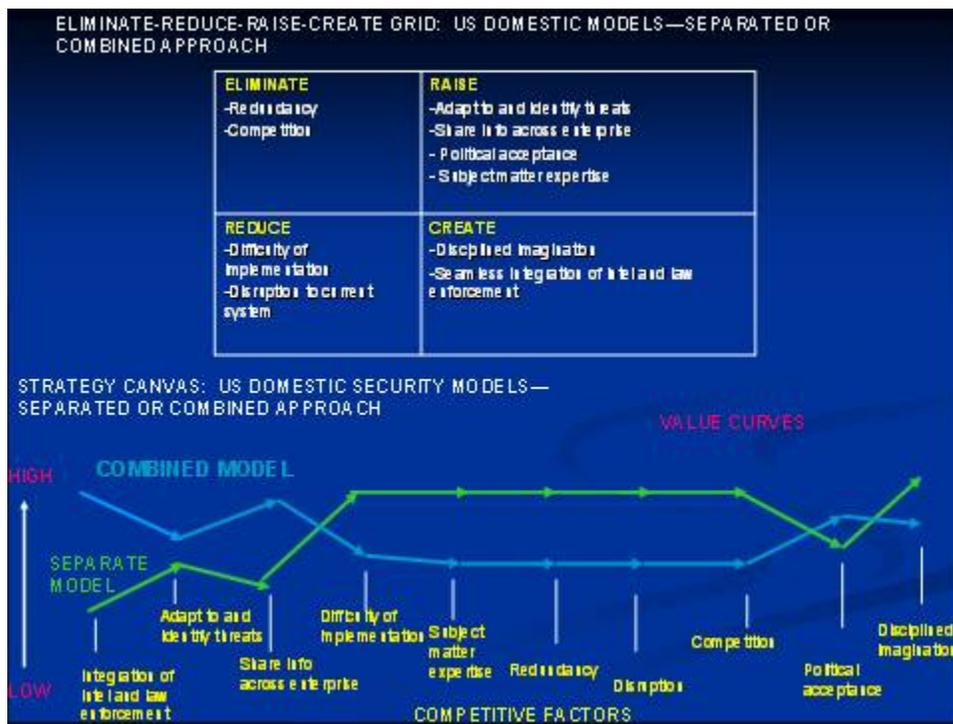


Figure 3. Strategy Canvas

THIS PAGE INTENTIONALLY LEFT BLANK

VII. CONCLUSION AND RECOMMENDATION

The United States does not have enough blood on the wall

(Anonymous Former Israeli Intelligence Officer)

The goal of this research was to determine how the national security system better protects the nation in the twenty-first century. As the nation's threats are borderless, adaptive, and complex, the United States' security system needs the ability to quickly translate covert intelligence into law enforcement action, creating both a proactive and reactive response to twenty-first century threats.

In achieving this goal, the research addressed three critical questions, namely:

1. Should the United States separate domestic intelligence and law enforcement functions by creating a new domestic agency, or combine these functions, thereby officially creating a National Security Organization?
2. Is there a need to define the terms national security, domestic security, domestic intelligence, law enforcement, and homeland security in a new security doctrine to ensure a common language and clear and accepted definitions?
3. How does the new domestic intelligence agency or the national security organization need to look, think and act to best address twenty-first century threats?

To answer these questions this research collected data through interviews, analyzed existing literature, detailed a comparative study of the domestic intelligence and security services of the United Kingdom and France, and developed a matrix to judge the success of each approach.

Of serious concern, still nine years after 9/11 the question as to whether the United States should separate or combine domestic intelligence and law enforcement remains to be definitively answered. This research sought to confidently answer this question once and for all while simultaneously determining how to leverage the country's massive security assets—both intelligence and law enforcement—to address these

threats. Focusing on this first question revealed a need to determine the current level of understanding of the following security terms: national security, domestic security, domestic intelligence, law enforcement, and homeland security. As a result of the interviews it became clear that intelligence, security, and law enforcement experts do not share a common understanding of the definition of these terms. Therefore, it is recommended that a new security doctrine be developed to better define these terms and ensure today's security experts are not talking past one another. The following are definitions recommended by this research:

1. National Security and/or Domestic Security (these terms should be interchangeable)—the proactive and reactive response to all man-made threats capable of exhibiting a national level impact and directed against the United States or interests of the United States that emanate from overseas or within United States territories;
2. Domestic Intelligence—the efforts by government organizations to gather, assess, and act on information about individuals or organizations in the United States or U.S. persons elsewhere that are not related to the investigation of a known past criminal act or specific planned criminal activity (Jackson, 2009, p. 3);
3. Law Enforcement—the reactive tool to determine whether elements of a crime are present and whether they can be associated with a given set of facts (Sims & Gerber, 2005, p. 268); and
4. Homeland Security—the proactive and reactive response to all natural disasters and the management of the nation's infrastructure, immigration, and border programs to promote resiliency and maximum protection (Homeland Security Council, 2007, p. 1).

To further answer the question of separating or combining functions, the intelligence and security services of two foreign governments—the United Kingdom, which separates domestic intelligence and law enforcement functions in different agencies, and France, which combines the two—were studied to compare and contrast the approaches utilized to determine the best approach for the United States. The study strongly suggested that the core function of any security service is the ability to effectively mesh domestic intelligence and law enforcement, whether through the leveraging of shared relationships as in the United Kingdom or as a result of the same

entity having the ability to gather and act on sensitive information as in France. Notably, the security systems of both countries have undergone dramatic reform in the twenty-first century to better integrate these two critical functions.

1. The United Kingdom created Special Branches, regional offices, and the executive liaison group (Smith, 2009).
2. Whereas, France merged the Directorate of Territorial Security (DST), the former domestic intelligence agency and General Intelligence Directorate (RG), the intelligence agency within the national police, to create a domestic intelligence agency responsible for counterespionage, and counterterrorism threats, akin to the FBI. Although this comparative study was instructive to the question addressed by this research, given the size and scope of the U.S. security system, it did not alone provide a conclusive recommendation as to which option is best for the United States.

Finally, in addressing this first question, all of the data produced from the literature review, comparative study, and interviews was synthesized. Surprisingly, the research produced a strong recommendation for the United States to combine domestic intelligence and law enforcement in a national security organization—the FBI. Although there were pros and cons identified for both options, the pros for the combined approach clearly outweighed the cons.

Within the 9/11 Commission Report, it was strongly asserted that a new agency would divert the attention of the officials most responsible for current counterterrorism efforts, thus making the homeland vulnerable. Additionally, as information sharing is already difficult, adding a new agency and players to the arena makes it even more difficult (9/11 Commission, 2004, pp. 423–424). Rand’s Dr. Treverton noted that one of the more significant pros of the combined approach is its ability to ensure “a grain to bread” response to threats (“Reorganizing U.S. Domestic Intelligence, Assessing the Options,” 2008, p. 71). One interviewee, who has keenly focused his efforts on the study of national and international terrorism, acknowledged that just a few years ago he would not have been comfortable placing this critical responsibility in the FBI. But he noted that the FBI’s recent transformation within its National Security Branch, to include the

creation of collection management capabilities, domain management capabilities, and HUMINT management capabilities—all significant intelligence enhancements—have served to remove his doubt.

Turning to the third question—how the national security organization needs to look, think, and act differently to best protect the nation in the twenty-first century—this research reached into principles found outside the “normal” realm of national security and looked for new opportunities applicable to making the nation safe in the twenty-first century (Kim & Mauborgne, 2005, p.4). Most experts agree that the current national system is ill-designed to meet the diversity presented by today’s threats, which move across international and national borders faster than the current system can keep pace. Current intelligence flow between the multiple agencies is hampered by a vertical structure. And without dispute, due to globalization and fast-paced technology, many of today’s threats are so complex they cannot be addressed effectively by single organizations.

As such, the national security system needs to look, think, and act like a community, akin to Gercenser et al.’s megacommunity (2008). This requires a new form of leadership, wherein “leaders and members deliberately come together across national, organizational, and sectoral boundaries” breaking down barriers to address today’s complex security threats and problems. (Gercenser et al., 2008, p. 28). In essence, the collaborative environment created by a megacommunity dissolves stove-piped authority lines of existing agency

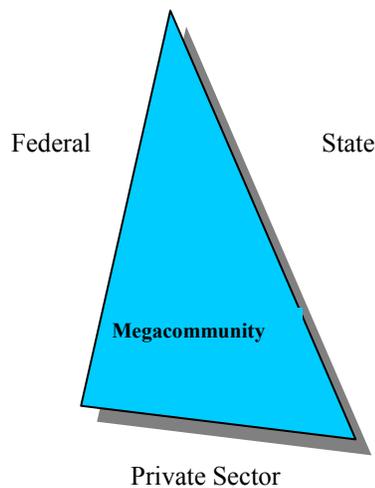


Figure 4. Megacommunities

Department agency heads and instead fuses leadership influence across the system. A collective as opposed to competitive response to security threats is encouraged. As well, this approach ensures an “us” versus “them” mentality and creates an environment conducive to creating a thinking mindset and co-created solutions (Gerencser et al., 2008, p. 86). The adoption of a megacommunity approach offers an immediate solution to the needs of today’s national security system reform—the elimination of existing limitations presented by vertical command structures, redundancy, and competition that plague the current system and still thrive nine years after 9/11. Under this approach, each agency within the security system brings both influence and action to the overall mission of the megacommunity—national security. As a result of being interconnected, national security assets are aligned, integrated and deployed against the nation’s priority national security threats from a collective perspective rather than from the more narrow perspective of any one agency (Gerencser et al., 2008, pp. 53, 56–57). As a result, the goals and objectives of the government are better addressed. Relationships between federal, local, and private sector entities are strengthened and as a result, missions are clear. As each agency’s role and function are more fully recognized and understood, national level taskings are better aligned and allocated. But, critical to

the success of any megacommunity is the ability of its members to embrace Brafman and Beckstrom's starfish characteristic. The national security megacommunity is no exception and will need to develop and maintain an ability to change and redirect its efforts against an ever-changing threat. Much like a starfish, the system must continue to evolve against ever changing threats so as not to become stagnant and irrelevant. As Al Qaeda has evolved, so must the United States national security system.

This suggested realignment is dramatic, as today's security players arguably fail to acknowledge they are part of a larger interconnected system. The practice of competition within the system continues to be nurtured and rewarded which serves to maintain stove piped and disconnected security assets. This practice must be abolished and replaced with a singly focused mentality—one team one fight. Relationships between the nation's security assets must be built on trust, sincerity, and empathy. The thought of asking security players to develop relationships built on sincerity is a bit unfamiliar, but as Pink (2006) opines in his book, *A Whole New Mind*, such characteristics are necessary to survive in this globally driven world. Empathy, storytelling, and innovation are today's new security tools (Pink, 2006, pp. 65–67). Information control must be replaced by information sharing. The top down, stove-piped structures must be replaced by a unified security community. Bureaucratic and hierarchical structures must evolve into hybrid networks with distributed power that promotes innovation, agility and adaptability.

This reform will not happen overnight, as it has taken decades to build the walls of today's national security system. Adding to this challenge—the nation's security assets will need to learn, unlearn, and relearn in order to look, think, and act as a megacommunity (Toffler, n.d.). Though the stakes are high and only getting higher, the U.S. security system's players must prove wrong the stark statement made by the anonymous Israeli Intelligence Officer that there is not yet enough “blood on the walls” for America to make the necessary change.

Recommendations from this thesis research are:

1. Combine domestic intelligence and law enforcement functions and formally create a national security organization—the FBI.

2. Define national security, domestic security, domestic intelligence, law enforcement, and homeland security for the twenty-first century in a new security doctrine to create a common language and understanding of these critical security terms.
3. Change the mindset and culture of the current national security players so as to transform the system into a megacommunity.

THIS PAGE INTENTIONALLY LEFT BLANK

LIST OF REFERENCES

- National Commission on Terrorist Attacks upon the United States. (2004). *9/11 Commission Report, Final Report of the National Commission on Terrorist Attacks upon the United States* (1st ed.). New York: W.W. Norton & Co.
- AlterNet. (2009, June 12). *Commencement speech to graduates of the Bush years: Empire continues in the Obama era*. Retrieved on December 5, 2009, from http://www.alternet.org/media/140612/commencement_speech_to_graduates_of_the_bush_years_empire_continues_in_the_obama_era/
- Baird, Z., Daalder I., & Falkenrath, R. (2004). *Intelligence reform in the wake of the 9/11 Commission report*. Washington, DC: The Brookings Institute.
- BBC. (2005). *MI5 to step up Welsh presence*. Retrieved on May 16, 2009, from <http://news.bbc.co.uk/1/hi/wales/4743963.stm>
- Bonger, B., Beutler, L., Zimbardo, P., & Brown, L. (2004). *The psychology of terrorism*. New York: Oxford University Press.
- Brafman, O. & Beckstrom, R. (2007). *The starfish and the spider: The unstoppable power of leaderless organizations*. London, England: Penguin Group.
- Brannan, D. (2002). Beyond international terrorism: Thinking about the “domestic” versus international” divide. *MIPT Terrorism Annual 2002*. Oklahoma City: National Memorial Institute for the Prevention of Terrorism.
- Brown, C. (2008). The National Security Council, A Legal History of the President’s Most Powerful Advisers, The Project on National Security Reform. Retrieved on December 19, 2009 from <http://www.pnsr.org/data/images/the%20national%20security%20council.pdf>
- CNN. (2004, May 19). *Transcript of Rice’s 9/11 Commission statement*. Retrieved on June 13, 2009, from <http://www.cnn.com/2004/ALLPOLITICS/04/08/rice.transcript/>
- Council on Foreign Relations. (February 23, 2009). *Prepared remarks: A conversation with Robert S. Mueller III*. Retrieved on December 19, 2009 from <file:///C:/DOCUME~1/LOCALA~1/LOCALS~1/Temp/Mueller%20Prepared%20Remards%202-23-09.pdf>
- The Crown Prosecution Service. (n.d.). *Community prosecutors will help deliver modern prosecution service*. Retrieved on May 16, 2009, from <http://www.cps.gov.uk/>

- De Bono, E. (2009). *Lateral thinking: What businesses need today*. Retrieved on December 19, 2009, from <http://www.debonoconsulting.com/images/lateral-thinking-brochure.pdf>
- Democracy Now. (2009, January 16). *Attorney General nominee Eric Holder declares "waterboarding is torture."* Retrieved on December 8, 2009, from http://www.democracynow.org/2009/1/16/attorney_general_nominee_eric_holder_declares
- Democratic Policy Committee. (2007). *Vital 9/11 commission recommendations remain incomplete, unaddressed*. Retrieved on December 31, 2008, from http://dpc.senate.gov/dpc-new.cfm?doc_name=fs-110-1-26
- Department of Defense & Department of Homeland Security. (2005). *National strategy for maritime security*. Retrieved on December 9, 2008, from <https://www.chds.us/courses/course/view.php?id=339>
- FAS Intelligence Resource Program. (n.d. (a)). DCPJ-Central Directorate Judicial Police Direction Centrale Police Judiciare. Retrieved on January 17, 2009, from <http://www.fas.org/irp/world/france/interieur/dcpj/index.html>
- FAS Intelligence Resource Program. (n.d. (b)). *DGSE-General directorate for external security*. Retrieved on May 17, 2009, from <http://www.fas.org/irp/world/france/defense/dgse/>
- Federal Bureau of Investigation, U.S. (2008). *The FBI, A centennial history, 1908-2008*. Washington, DC: author.
- Federal Bureau of Investigation. (2008). *FBI, Strategic execution team: Enhancing field intelligence operations*. Internal FBI report.
- Federal Bureau of Investigation. (2002). *Top priorities*. Internal FBI report.
- Federal Bureau of Investigation. Press Room. (n.d. (a)). *FBI 100 headline archives*. Retrieved on November 29, 2009, from http://www.fbi.gov/page2/feb08/tradebom_022608.html
- Federal Bureau of Investigation. (n.d. (b)). *Federal Bureau of Investigation history*. Retrieved on September 5, 2008, from <http://www.fbi.gov/fbihistory.htm>.
- Federal Bureau of Investigation. (n.d. (c)). *FBI history, famous cases, the year of the spy*. Retrieved on January 2, 2010, from <http://www.debonoconsulting.com/images/lateral-thinking-brochure.pdf>

- Federal Bureau of Investigation (n.d. (d)). *FBI, 2004–2009 strategic plan*. Internal FBI report.
- Finn, P. (2009, July 18). Specialized interrogation unit may be created. *The Washington Post*. Retrieved on December 19, 2009, from <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/18/AR2009071801937.html>
- France 24. (July 2008). *DCRI: France's very own FBI*. Retrieved on May 17, 2009, from <http://www.france24.com/en/20080701-france-dcri-fbi-secret-intelligence-service>
- Frieden, T. (2008, July 24). *FBI's Mueller: Threat changes every 18 months*. Retrieved on August 7, 2008, from <http://www.cnn.com/2008/CRIME/07/24/fbi.mueller/>.
- Gerecht, R. & Schmitt, G. (2007). *France: Europe's Counterterrorist powerhouse*. Washington, DC: American Enterprise Institute for Public Policy Research. Retrieved on May 17, 2009, from file:///C:/DOCUME~1/LOCALA~1/LOCALS~1/Temp/Gerecht_France_CT-1.pdf
- Gerencser, M., Lee, R., Napolitano, F., & C. Kelly. (2008). *Megacommunities: How leaders of government, business and non-profits can tackle today's global challenges together*. New York: Martin's Press.
- GlobalSecurity.Org, (n.d. (a)). *Khalid Shaikh Mohammad, 9/11 mastermind and Abu Zubaydah, Al Qaeda terrorist operations facilitator*. Retrieved on December 19, 2009, from http://www.globalsecurity.org/security/profiles/abu_zubaydah.htm
- GlobalSecurity.Org, (n.d. (b)). *Project Bojinka*. Retrieved on November 29, 2009, from http://www.globalsecurity.org/security/profiles/project_bojinka.htm
- Gross, G. (2003). *Domestic security tech efforts lagging*. Retrieved on November 28, 2008, from <http://www.networkworld.com/news/2003/1202report.html>
- Herman, M. (2001). *Intelligence services in the information age*. Portland, OR: Frank Cass.
- Homeland Security Council. (2007). *National Strategy for Homeland Security*. Washington, DC: Department of Homeland Security.
- Hsu, S. (2009, May 27). Obama integrates security councils, adds new offices. *The Washington Post*. Retrieved on December 19, 2009, from <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/26/AR2009052603148.html>

- Jackson, B. (2009). *Considering the creation of a domestic intelligence agency in the United States*. Santa Monica, CA: Rand Corporation.
- Joint Chiefs of Staff. (2007). Joint Publication 2-0. *Joint Intelligence*. Retrieved on December 17, 2009, from http://www.fas.org/irp/doddir/dod/jp2_0.pdf
- Kiernan, K. (2009, March), Lecture, Naval Postgraduate School, Monterey, CA.
- Kim, W. & Mauborgne, R. (2005). *Blue ocean strategy, How to create uncontested market space and make the competition irrelevant*. Boston, MA: Harvard Business School Publishing Corporation.
- Kornblut, A. E., (2009, August 24). New unit to question key terror suspects. *The Washington Post*. Retrieved on December 19, 2009, from <http://www.washingtonpost.com/wp-dyn/content/article/2009/08/23/AR2009082302598.html>
- Lowenthal, M. (2006). *Intelligence: From secrets to policy*. (3rd ed.). Washington, DC: Congressional Quarterly, Inc.
- Markle Foundation Task Force. (2002). *Protecting America's freedom in the information age*. New York: Markle Foundation. Retrieved on October 26, 2008, from http://www.markle.org/downloadable_assets/nstf_full.pdf
- Markle Foundation Task Force. (2003). *Creating a trusted information network for homeland security*. New York: Markle Foundation. Retrieved on October 26, 2008, from http://www.markle.org/downloadable_assets/nstf_reports_full_report.pdf
- Masse, T. (2003). *Domestic intelligence in the United Kingdom: Applicability of the MI-5 model to the United States* (RL 31920). Washington, DC: Congressional Research Service. Retrieved on May 3, 2009, from <http://www.fas.org/irp/crs/RL31920.pdf>
- Metropolitan Police Service. (n.d.). *Special operations: Counter terrorism command*. Retrieved on July 28, 2008, from http://www.met.police.uk/so/counter_terrorism.htm.
- Metropolitan Police Service. (2004). *Welcome to the Head of Special Branch*. Retrieved on November 15, 2008, from http://www.met.police.uk/foi/pdfs/other_information/archive/2004/so12_introduction.pdf

- Office of Homeland Security. (2002). *2002 National Strategy for Homeland Security*. Retrieved on December 9, 2008, from http://www.dhs.gov/xlibrary/assets/nat_strat_hls.pdf
- Homeland Security Council (2007). *2007 National strategy for homeland Security*. Retrieved December 9, 2008, from http://www.dhs.gov/xlibrary/assets/nat_strat_homelandsecurity_2007.pdf
- Office of Homeland Security. (2006a). *National strategy for combating terrorism*. Retrieved on December 9, 2008, from <http://georgewbush-whitehouse.archives.gov/nsc/nsct/2006/nsct2006.pdf>
- Office of Homeland Security. (2006b). *2006 National security strategy of the United States of America*. Retrieved on December 9, 2008, from <http://georgewbush-whitehouse.archives.gov/nsc/nss/2006/nss2006.pdf>
- Office of Public Sector Information. (n.d.). *Security Service Act 1989*. Retrieved on May 16, 2009, from http://www.opsi.gov.uk/ACTS/acts1989.Ukpga_19890005_en_1.htm
- PBS Online NewsHour. (1996). *Bin Laden's fataws*. Retrieved on December 19, 2009, from http://www.pbs.org/newshour/terrorism/international/fatwa_1996.html
- PBS Online NewsHour. (1998, February 23). *Al Qaeda's Fatwa*. Retrieved on November 29, 2009 from http://www.pbs.org/newshour/terrorism/international/fatwa_1998.html
- Pink, D. (2006). *A whole new mind, Why Right-Brainers Will Rule the Future*. London, England: Penguin Group.
- Project on National Security Reform & Center for Study of the Presidency. (2008). *Project on national security reform: Forging a new shield*. Arlington, VA: authors. Retrieved on May 23, 2008, from http://www.pnsr.org/data/files/pnsr%20forging_exec%20summary_12-2-08.pdf
- Quotations Page. Quotations by author [Alvin Toffler]. Retrieved on December 19, 2009, from http://www.quotationspage.com/quotes/Alvin_Toffler/
- Sawyer, R. (1996). *The Complete Art of War, Sun Tzu, and Sin Pin*. New York: Basic Books.
- The Scotsman, (2009). *MI5 eludes applicants for regional offices*. Retrieved on May 16, 2009, from <http://thescotsman.scotsman.com/secretservices/MI5-eludes-applicants-for-regional.2751662.jp>

- Shapiro J. & Suzan, B. (2003). The French experience of counter-terrorism. *Survival*, 45(1), 67–9. Retrieved on May 17, 2009, from <https://www.hsdl.org/homesec/docs/zroom/cm/ns3028/shapiro2003p67.pdf&code=448442f0a0c4223b2344c32b5b6744b2>
- Sims J, Gerber, B. (2005). *Transforming U.S. intelligence*. Washington, DC: Georgetown Press.
- Smith, P. (2009). *Comparative government: Counterterrorism in the United Kingdom*, Module 3. Retrieved on December 17, 2009, from http://www.chds.us/coursefiles/comp/lectures/comp_CT_in_UK_mod03/player.html
- Taylor, S. (2003). *Rights, liberties, and security: Recalibrating the balance after September 11*. Washington, DC: Brookings Institute. Retrieved May 17, 2009, from http://www.brookings.edu/articles/2003/winter_terrorism_taylor.aspx?p=1
- Times Online. (2006). *Terrorist threat to UK-MI5 chief's full speech*. Retrieved on May 9, 2009, from <http://www.timesonline.co.uk/tol/news/uk/article632872.ece>
- Toffler Associates. (n.d. (a)). *Our mission*. Retrieved on December 19, 2009, from <http://www.toffler.com/EXPAGES/mission.asp>
- Toffler Associates, (n.d. (b)). *What we do*. Retrieved on December 19, 2009, from <http://www.toffler.com/EXPAGES/whatwedo.asp>
- TRADOC. (2006). *Army Field Manual-Human Intelligence Collector Operations (FM 2–22.3)*. Washington, DC: Department of the Army.
- Treerton, G. (2005). *The next steps in reshaping intelligence*. Santa Monica, CA: Rand Corporation. Retrieved on December 10, 2008, from http://www.rand.org/pubs/occasional_papers/2005/RAND_OP152.pdf
- Treverton, G. (2008a). *Assessing counterterrorism-focused domestic intelligence*. Santa Monica, CA: Rand Corporation. Retrieved on December 10, 2008, from http://www.rand.org/pubs/occasional_papers/op152/
- Treverton, G (2008b). *Reorganizing U.S. domestic intelligence*. Santa Monica, CA: Homeland Security Program and the Intelligence Policy Center, Rand Corporation.

- U.S. Senate, Committee on Armed Services. (2008). *Hearing to receive testimony on the origins of aggressive techniques: Part I of the Committee's inquiry into the treatment of detainees in U.S. custody*. Retrieved on December 19, 2009, from <http://armed-services.senate.gov/Transcripts/2008/06%20June/A%20Full%20Committee/08-52%20-%206-17-08%20-%20am.pdf>
- White House (2009, January 22). *Ensuring lawful interrogations* [press office]. Retrieved on December 8, 2009, from http://www.whitehouse.gov/the_press_office/EnsuringLawfulInterrogations/
- Wilkinson, P. *Homeland Security in the UK: Future preparedness for terrorist attack since 9/11*. London and New York: Routledge Taylor & Francis Group.
- Will, G. F. (2009, March 22). *Kidnapped by the cartels*. Retrieved on December 19, 2009, from <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/20/AR2009032002311.html>

THIS PAGE INTENTIONALLY LEFT BLANK

INITIAL DISTRIBUTION LIST

1. Defense Technical Information Center
Ft. Belvoir, Virginia
2. Dudley Knox Library
Naval Postgraduate School
Monterey, California