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14. ABSTRACT We are at war. The United States has been attacked by a foreign enemy that has openly declared hostilities against us and is widely believed to be seeking to employ weapons of mass destruction (WMD). Despite this fact, Homeland Security and Defense efforts are unnecessarily complicated by adherence to the "terrorism-as-crime" paradigm in pursuit of our interagency objectives. Capitalizing on cooperative law enforcement and emergency management methods, the "terrorism-as-crime" paradigm is not optimized for war. Reactive to events and defensive – even passive - in their planning and preparations, these arrangements yield the initiative to terrorist enemies within our borders. This contrasts sharply with the effective "terrorism-as-war" paradigm employed in joint, combined and interagency operations overseas, where offensive operations have been models of network-centric warfare success. Establishment of a comprehensive "Homeland Security Interagency Network," focusing military and interagency efforts towards a refined, offensively-oriented campaign plan aimed at defeating terrorist enemies may provide the answer. The Homeland Security Interagency Network consists of two major elements: Command and Control (C2) and Interagency Consultative. Oriented on an offensive objective, the new network would focus the interagency effort, while retaining the essential advantages of the current cooperative arrangement. It is also designed to preserve America's inter-jurisdictional, federalist tradition, in accordance with our Constitution.					
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FOCUSING THE INTERAGENCY EFFORT IN HOMELAND SECURITY:
THE TERRORISM-AS-WAR PARADIGM

by

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Department of the Navy

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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16 May 2003

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Abstract

FOCUSING THE INTERAGENCY EFFORT IN HOMELAND SECURITY: ADOPTING THE TERRORISM-AS-WAR PARADIGM

We are at war. The United States has been attacked by a foreign enemy that has openly declared hostilities against us and is widely believed to be seeking to employ weapons of mass destruction (WMD). Despite this fact, Homeland Security and Defense efforts are unnecessarily complicated by adherence to the “terrorism-as-crime” paradigm in pursuit of our interagency objectives. Capitalizing on cooperative law enforcement and emergency management methods, the “terrorism-as-crime” paradigm is not optimized for war. Reactive to events and defensive – even passive - in their planning and preparations, these arrangements yield the initiative to terrorist enemies within our borders. This contrasts sharply with the effective “terrorism-as-war” paradigm employed in joint, combined and interagency operations overseas, where offensive operations have been models of network-centric warfare success.

Establishment of a comprehensive “Homeland Security Interagency Network,” focusing military and interagency efforts towards a refined, offensively-oriented campaign plan aimed at defeating terrorist enemies may provide the answer. The Homeland Security Interagency Network consists of two major elements: Command and Control (C2) and Interagency Consultative. Oriented on an offensive objective, the new network would focus the interagency effort, while retaining the essential advantages of the current cooperative arrangement. It is also designed to preserve America’s inter-jurisdictional, federalist tradition, in accordance with our Constitution.

Preface. It was the author's original intention in this study to explore potential Command and Control relationships for Northern Command (NORTHCOM) in support of Homeland Security efforts. Following significant research, however, the lack of a comprehensive model for interagency coordination effectively limited any potential for enhancing NORTHCOM's contribution to effective Homeland Security efforts. The focus of this research, therefore, shifted to the presentation of a possible interagency model, which capitalizes on existing – and well understood – cooperative interagency arrangements, while introducing offensive military operations targeting terrorist enemies operating within the borders of the United States.

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Terrorism will be eradicated not when we come to some sort of accommodation with its agents, nor when we physically destroy them, but rather when it is perceived as a strategy and a behavior that yields nothing save eventual defeat for those causes that inspire it.ⁱ

From Lessons in Terror, by Caleb Carr, 2002

Once the expenditure of efforts exceeds the value of the political object, the object must be renounced and peace must follow.ⁱⁱ

From On War, by Carl von Clausewitz, 1832

Operation Sudden Strikeⁱⁱⁱ

It's June 21st in the year 2007 and the Navy – Marine Corps Team in southern California is preparing to deploy to combat terrorist elements overseas. During the work-ups for the deployment, the FBI's Joint Terrorism Task Force element in Carlsbad, California, receives reliable intelligence from a local HUMINT source that an Al Qaida sleeper cell, operating in Southern California, has suddenly "broken silence;" calling upon its membership to "execute the interruption plan." Intelligence collection efforts at the national level reveal that the terrorist cell is making final preparations for the delivery of a binary nerve agent weapon against deploying forces.

Based upon prompt dissemination of this information, the California Anti-Terrorism Information Center (CATIC) begins accessing its extensive cooperative relationships with local law enforcement and is able to isolate the terrorist cell location in the shoreline community of Encinitas, California. FBI liaison at CATIC ensures dissemination to the interagency intelligence pool.

Upon being briefed concerning this information by his J-2, the NORTHCOM Combatant Commander recommends to the President of the United States that he render a "Finding of Extraordinary Homeland Defense Circumstances,"^{iv} effectively declaring the area in the immediate vicinity of the suspected Al Qaida staging site a Joint Homeland Defense Operational Area (JHDOA) and permitting the introduction of NORTHCOM combat troops.

The President of the United States calls an emergency meeting of his Homeland Security Council (HSC), including the Chairs of the Congressional Homeland Security Committees, the Attorney General of the United States, the Secretary of Defense, and the Director of the Federal Bureau of Investigation. The HSC is briefed on the current situation by the appropriate Homeland Security Policy Coordination Committees (HSPCC), which supports NORTHCOM's recommendation. Based upon these consultations, the President issues a formal "Finding of Extraordinary Homeland Defense Circumstances" as dictated by Congressional oversight requirements. "Operation Sudden Strike" is a go.

As the Operating Forces complete their preparations for deployment to a pre-arranged staging area at Marine Corps Base Camp Pendleton, the focus of National-level Executive and Legislative Branch interest is on the activities of NORTHCOM's Joint Interagency Coordination Group (JIACG)^v. Although well exercised, NORTHCOM's JIACG becomes a center of intense activity, as it ensures compliance of Crisis Action Planning with strict Congressional guidelines limiting NORTHCOM's activities to "combating invading regular and irregular forces as outlined in the Presidential Finding of Extraordinary Homeland Defense Circumstances." The chief operational concern is to ensure the proper sequencing and synchronization of the various federal, state and local assets in support of Operation Sudden Strike.

As the preparations mature, plans call for a Homeland Security Exclusionary Zone (HSEZ) to be established outside the JHDOA in order to protect and, if necessary, evacuate local inhabitants. The HSEZ also establishes an external perimeter around the JHDOA in order to restrict access – keeping the public "out." The HSEZ is under the operational control of the FBI's Joint Operations Center (JOC) established at the scene, in close cooperation with and maximum participation of state and local law enforcement personnel. A NORTHCOM liaison is established at the JOC. As Lead Federal Agency, the FBI exercises control over all supporting operations at the scene. Staging areas are established, under JOC guidance, for the San Diego County Hazardous Incident Response Team (HIRT) and the U.S. Marine Corps' Chemical and Biological Response Force (CBIRF), which will be prepared to manage the consequences of any release of the nerve agent. In case of a major release of chemical nerve agent, which might overwhelm local mitigation capabilities, a FEMA Regional Operations Center will also be established under the JOC umbrella.

When preparations are completed, the order to execute is issued and the HSEZ is quickly secured by local law enforcement agencies. Simultaneously, an "inner perimeter," isolating the JHDOA, is established by NORTHCOM-subordinate units including regionally-based Military Police– keeping the

enemy “in.” Once the objective is isolated, a specially tailored Special Operations Force successfully conducts a raid - surprising the Al Qaida “sleeper cell” before it is able to prepare the binary nerve agent. Operation Sudden Strike is a resounding success!

THE PROBLEM – Divergent Paradigms. Although the story outlined above is fictitious, its description of a refined interagency relationship, integrating strategic, operational and tactical elements into a comprehensive and well-vetted policy, may offer solutions to a number of problems currently vexing leaders, managers and staffers in their efforts to combat terrorism within the United States. The problem is rooted in an important paradigm difference impacting Homeland Security (HLS) and Homeland Defense (HLD) efforts and may very well present an exploitable seam to our terrorist enemy.

At the strategic level, this paradigm difference manifests itself in a lack of clarity as to the ultimate goal of our activities in the war against terrorism; each objective apparently calling for a different approach. This dichotomy is perhaps best exemplified in the following questions:

- *Are we at war with a terrorist “enemy?”* If this is the case, as has been stated by the President of the United States on multiple occasions, than we ought to establish appropriate ends, ways and means for the proper employment of the military instrument of national power, wherever we may find the enemy.
- *Is terrorism a criminal enterprise, necessitating that terrorists be brought to justice and prosecuted to the fullest extent of the law?* If the “War on Terror” is akin to the “War on Drugs,” an entirely different approach would need to be pursued, not just domestically, but globally as well. Unlike the “War on Drugs,” however, there is no domestic consumer relentlessly demanding the terrorist’s *product*.

This is not simply a game of semantics, as the difference in approach illustrated by these basic questions is fundamental to determining the strategic objective, from which subsequent campaign planning can be expected to flow. As stated authoritatively in Joint Pub 3-0, Doctrine for Joint Operations: “Strategy is the art and science of developing and employing armed forces and other instruments of national power in a synchronized and integrated fashion to secure national or multinational objectives.”

The strategic-level objective is further obscured by an arguably unnecessary distinction between domestic and global operations that is best summed up by the following quote from our National Strategy for Combating Terrorism:

First, we will expand our law enforcement effort to capture, detain, and *prosecute* known and suspected terrorists. Second, America will focus decisive military power and specialized intelligence resources to *defeat* terrorist networks globally.^{vi} (emphasis added)

This raises the obvious question of whether we are fighting to militarily *defeat* terrorism - with use of force as the primary means; or conducting investigations in order to *prosecute* terrorists - with use of force as the exceptional means.

A third factor contributing to the lack of strategic focus in our war against terrorism within the United States is the differentiation between HLS and HLD itself, which Mr. Paul McHale, Assistant Secretary of Defense for Homeland Defense, defines as follows:

In general, the Department of Defense is responsible for homeland defense missions – to defend the land, maritime, and aerospace approaches from external threats – while the Department of Homeland Security will be responsible for major elements of domestic security and civil preparedness.^{vii}

This begs the question of why our “defense mission” does not apparently extend to combating terrorists that are already operating within the United States. The author’s contention, reinforced by this paper, is that we ought to cease the artificial and unnecessary dualities of Homeland **Security** and Homeland **Defense** at the strategic level by recognizing the situation in which we actually find ourselves. We are at war and the defense of our nation is the proper role of its Armed Forces. The most critical shortcoming of the current strategic approach is that it denies to those Armed Forces the offensive orientation vital to success and yields the initiative to our terrorist enemies^{viii}. The publication, Doctrine for Joint Operations, is quite clear on this issue:

Offensive action is the most effective and decisive way to attain a clearly defined objective. Offensive operations are the means by which a military force seizes and holds the initiative while maintaining freedom of action and achieving decisive results.^{ix}

As illustrated by Figure 1, the terrorism-as-war” paradigm, strongly influencing current HLD efforts, orients military offensive combat capabilities towards external and overseas threats. Some might argue that the HLD concept has already been extended to the territory of the United States. Indeed, the Secretary of Defense has noted three cases in which the armed forces may be “involved in activities within the United States:”^x *extraordinary circumstances* in response to an immediate threat, *emergency circumstances* to support management of the consequences of a natural or manmade catastrophe and *temporary circumstances* for assignments of limited duration. These circumstances, by definition, permit only *ad hoc* arrangements in the face of the unusual conditions described. They do not permit the kind of deliberate or

crisis action planning necessary to carry out comprehensive joint and interagency operational-level actions aimed at defeating the terrorist enemy.

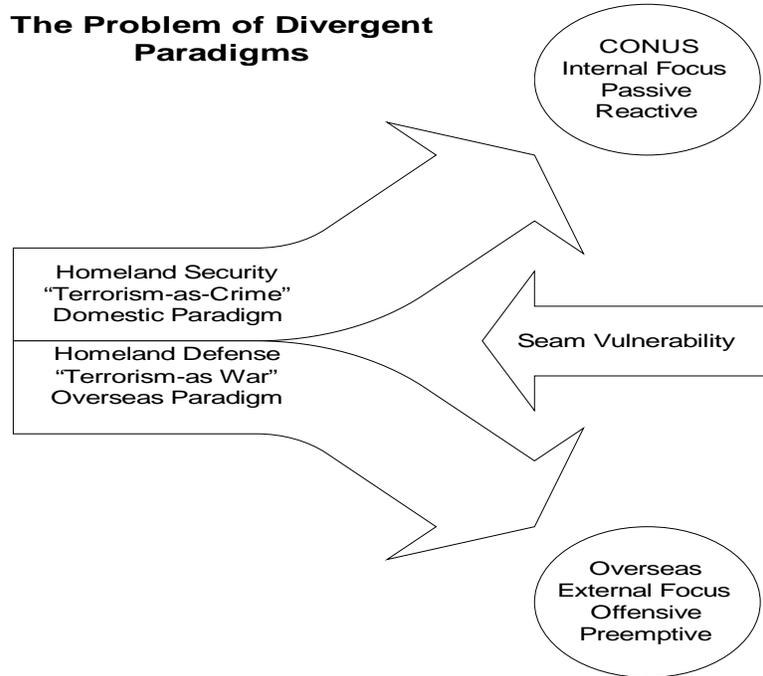


Figure 1

By contrast, the “terrorism-as-crime” paradigm, an underlying principle of our HLS efforts, is reactive to events and defensive – even passive - in its planning and preparations. It thereby yields the initiative to terrorist enemies within our borders, providing them with greater freedom of action that could result in their exploitation of the seam between these two paradigms. It is a well-developed notion that our terrorist enemies actively seek exactly such “seams” in their targeting efforts.^{xi} With their freedom of action severely curtailed overseas by aggressive joint, combined and interagency activities of the United States, its allies and coalition partners, our terrorist enemies may seek to exploit the more passive environment within the United States. Thus, our aggressive activities overseas, without parallel action within our borders, may have unintended consequences if terrorists come to view attacks on the American Homeland as the least dangerous alternative. This dynamic is represented by the “seam vulnerability” arrow in Figure 1.

Thankfully, this differentiation in approaches has had no impact upon our operations overseas, where the “terrorism-as-war” paradigm predominates. Overseas operations of America’s Armed Forces, taking full advantage of this approach are excellent practical examples of cutting edge network-centric warfare theory.

Within the United States itself, however, the “terrorism-as-crime” paradigm has been less successful in unifying disparate agencies towards a common operational goal. Emergency management, law enforcement and other government agencies at the federal, state and local levels, are fielding increasing numbers of committees, working groups and sub-departments in an effort to deal with the “terrorism-as-crime” problem. These structural innovations have not, however, lessened the problems of coordination at the operational level. They may even have complicated operational level coordination. Viewed from a military-operational perspective, the lack of an offensively-oriented plan, directed at a clearly defined objective, is probably the most important contributing factor to the current proliferation of ineffectual “organizational solutions” to the “terrorism-as-crime” problem. With the problem ill-defined, well-meaning and very capable people seek solutions from their own experience, but experience in this case is a bad teacher. Our police and emergency first responders are the best in the world, highly skilled in their chosen professions, but in this case they are not dealing with solving crime or managing an emergency. This is war and the best they can offer us is protection, defense and response. Perhaps Clausewitz stated the problem best when he wrote: “But we must insist that defense without an active purpose is self-contradictory both in strategy and in tactics...”^{xii} He also stated the solution: “...no matter what the central feature of the enemy’s power may be – the point on which your efforts must converge – the defeat and destruction of his fighting force remains the best way to begin...”^{xiii} This can only be accomplished through offensive military operations.

Since nearly all offensively-oriented joint interagency operations over the last several decades have taken place overseas, it is helpful to evaluate that experience and the lessons learned from it in seeking to optimize interagency cooperation in support of combat operations within the United States. As pointed out in a U.S. Army Joint Experimentation White Paper, in March of 2002:

Most experts agree that the least effective planning integration occurs at the operational level where agencies campaign plans are formulated. The diverse cultures, competing interests, sharing of information, and differing priorities among the agencies are primary obstacles in harmonizing agency campaign plans.^{xiv}

Difficulties in coordination at the operational level, therefore, do not support streamlined execution at the tactical level. This dynamic, problematic enough overseas, is immensely more complicated by the inter-jurisdictional processes characteristic of America’s federalist form of government. Under current domestic interagency arrangements, a major terrorist incident - nuclear, “dirty bomb,” chemical or biological weapons of mass destruction (WMD) incident - is likely to witness the establishment of an FBI Joint

Operations Center (JOC). The JOC exercises the Department of Justice Lead Federal Agency responsibility for Crisis Management as originally outlined in Presidential Decision Directive (PDD) 39.^{xv} Although nominally responsible for integrating the activities of the disparate law enforcement, emergency management, medical, National Guard, and even active duty military elements that might be deployed to an incident scene, “the JOC will interface with the ICS (Incident Command System) at the scene of a WMD and evolve into a unified command, without changing existing federal and state/local critical incident management systems.”^{xvi} Unified Command or “UC” is described by the National Response Team as:

...a structure that brings together the “Incident Commanders” of all major organizations involved in an incident in order to coordinate effective response while at the same time carrying out their own jurisdictional responsibilities. The UC links the organizations responding to the incident and provides a forum for these entities to make consensus decisions.^{xvii}

Such arrangements are rooted in the cooperative interagency traditions of the Federal Bureau of Investigation and the Federal Emergency Management Agency. They are obviously not designed with any consideration for military principles such as Unity of Command, Economy of Force, Simplicity, Security or – most importantly - Offensive.

The problem, as presented, is a complex one - involving interagency coordination and Command and Control (C2)-related issues throughout the levels of war. It is not a problem likely to be resolved within the space and time limitations of this study. It is possible, however, to take a look at HLS-HLD interagency coordination arrangements with a view towards capitalizing on military principles, in order to link the strategic objective to tactical actions. Offensive military operations against terror cells operating within the United States offer that linkage – denying to the terrorists a form of sanctuary, which they currently enjoy, seizing the initiative from them and limiting their freedom of action.

In this respect, Northern Command (NORTHCOM) could play a significant role in both Deliberate and Crisis Action Planning by reaching out across interagency lines; exerting influence at the strategic level and “orchestrating” the joint employment of interagency elements of national power in support of offensive operational objectives at the tactical level.^{xviii}

THE SOLUTION – The Homeland Security Interagency Network.

We ought to jettison the inappropriate “terrorism-as-crime” paradigm, while fusing HLS-HLD coordination efforts – in effect adopting the “terrorism-as-war” paradigm within the borders of the United

States. Doubtful of the universal acceptability of this approach, the following contentions of the author are presented to focus the prospective debate on this issue.

- We are at war. The United States has been attacked by a foreign enemy on our own soil. Furthermore, this enemy has openly declared hostilities against the United States^{xix} and is widely believed to be seeking to employ weapons of mass destruction (WMD), with the intent of causing massive civilian casualties^{xx}.
- The “terror-as-crime paradigm” is not only inaccurate; its pursuit within the HLS-HLD architecture dangerously divides our focus and offers a potential “seam” for enemy exploitation.
- Posse Comitatus restrictions concerning use of the Armed Forces to “execute the laws” do not apply to the current war effort within the borders of the United States. U.S. Armed Forces would be conducting offensive military operations aimed at killing or capturing foreign invaders, eliminating their will to resist, and destroying their capacity to make war - not in support of law enforcement agencies.
- The current emphasis on the role of law enforcement in the war on terrorism is inappropriate. It is not only inefficient to place the burden for “preventing and interdicting terrorist activity” within United States territory on “state and local law enforcement officers,” as stated in the National Strategy for Homeland Security^{xxi}, it is quite possibly unconstitutional. Providing for the “common defense” and the power to “repel invasion” have generally been understood to be the proper role of the President of the United States and the Armed Forces under his command.^{xxii}

Importantly, the idea here is not for the Armed Forces to assume responsibility over law enforcement and emergency management functions, which are best performed by various civilian agencies at the federal, state and local level. Rather, it is to assume responsibility over that function for which the Armed Forces of the United States are organized, trained, and equipped – to defeat our nation’s enemies in armed combat.

This is not to say that we ought to throw out the protections of the Constitution and our federalist form of government – in effect, destroying our nation in order to save it. The military operational planning associated with this interagency coordination and C2 concept must be legislated, overseen and executed in the spirit of our Constitution and then robustly integrated with the overlapping levels of our federalist-model government.

It will not, however, be necessary to start from scratch. Basic mechanisms relating to this initiative have already been explored in a U.S. Army White Paper entitled, “A Concept for Improving U.S. Interagency Operational Planning and Coordination.”^{xxiii} Designed to “address a widely recognized shortfall in coordinating operational activities in USG (United States Government) contingency response planning,”^{xxiv} the focus of this concept paper is the interagency response to small-scale regional crises overseas. Its proposal to “harmonize campaign planning and achieve unity of effort between all participating civilian and military departments and agencies,”^{xxv} however, offers solid ground on which to build an interagency C2 model for HLS-HLD. Among the key innovations presented in this concept paper is the enhancement of the role of the military operational-level command and control headquarters in the planning process through the establishment of a Joint Interagency Coordination Group (JIACG) within the Combatant Commander’s Staff. According to the concept, the JIACG’s primary role is “to bridge the gap between civilian and military agency campaign planning efforts,”^{xxvi} but, significantly, not to “infringe on current military staff responsibilities or abrogate any current civilian agency authorities.”^{xxvii}

There remains, however, the significant challenge of modifying this emergent concept for use in HLS-HLD contingency operations – such as the one introducing this paper. The solution may be found in the balanced interaction of six interagency cooperative and C2 bodies, paired and organized at the strategic, operational and tactical levels. These form a comprehensive Homeland Security Interagency Network (Figure 2).

The Homeland Security Interagency Network (HSIN) is made up of two major elements: Command and Control (C2); and Interagency Consultative. The major actors performing the functions of these elements are represented by boxes aligned vertically under each major element, according to the nature of their respective activities at the strategic, operational and tactical levels. The parallel lines connecting to the center diamonds represent coordination at each level and diamond areas in the center indicate coordination resulting in decision. The model’s division into C2 and Consultative functional elements optimizes the “competitive advantages” of each side of the network. Refinement of the roles of key players at each level in the coordination process – strategic, operational, and tactical – focuses effort on a defined objective, thereby limiting interagency “friction.”

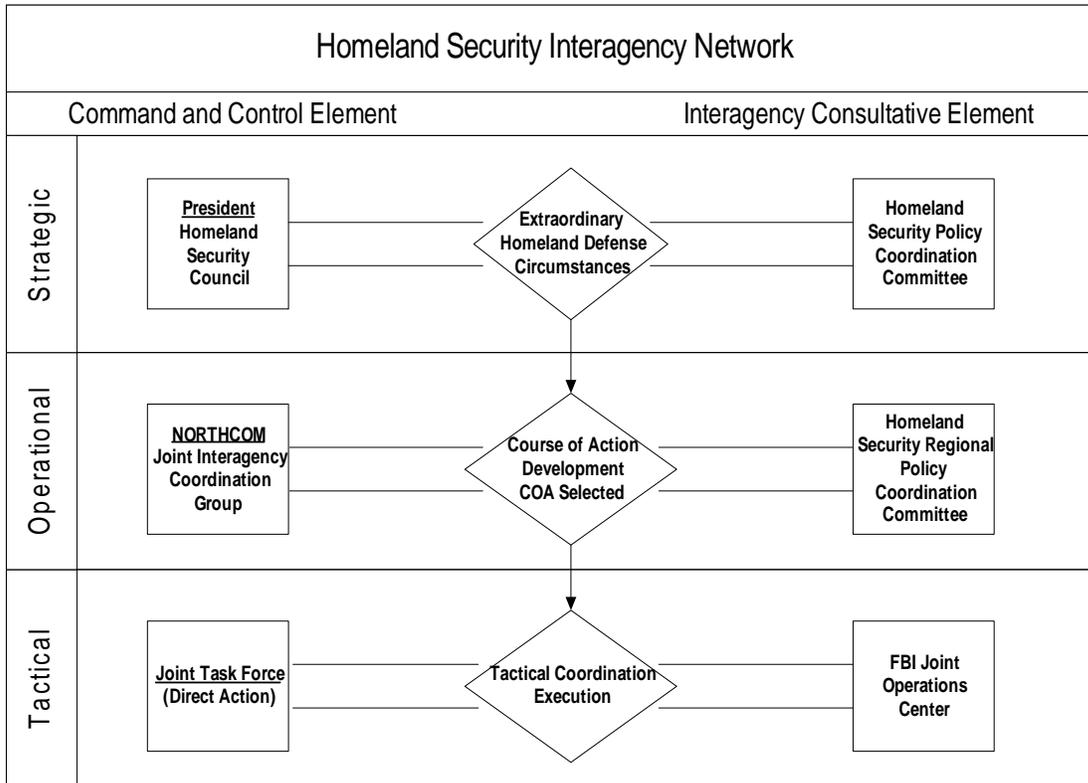


Figure 2.

The function of the C2 Element is to execute a highly refined military campaign to “win decisively” against the terrorist enemy operating within the borders of the United States. To accomplish this task, it will leverage the same asymmetric military advantages in C2 and network-centric warfare that have proven so successful to United States operations overseas. This side of the network begins at the strategic level with the President developing his broadly-stated goals and issuing the Finding of “Extraordinary Homeland Defense Circumstances.” It progresses to course of action selection at the operational level, with NORTHCOM “orchestrating” the tactical events. The C2 function ends with the tactical actions of the Joint Task Force at the scene. For campaign planning purposes, NORTHCOM is “supported” and the interagency process is in “support.”

At the strategic and operational levels, action-oriented interagency consulting groups - the Homeland Security Council (HSC) and the Joint Interagency Coordination Group (JIACG) - assist in the command decision-making process, ensuring that maximum effect is delivered on the enemy in conjunction with all the elements of national power – diplomatic, informational, military and economic. The HSC function is to ensure “coordination of all homeland security-related activities among executive departments

and agencies and promote the effective development and implementation of all homeland security policies.^{xxviii} At the operational level, the JIACG would integrate interagency efforts – national intelligence agencies, city and county Terrorism Early Warning Groups, Metropolitan Medical Strike Teams etc. - with the NORTHCOM J-2, J-3 and J-5 in the Deliberate and Crisis Action Planning Processes. A key product of this coordination would be Annex V (Interagency Coordination) of the Operations Plan (OPLAN) or Concept Plan (CONPLAN)^{xxix} produced by this process.

At the tactical level, Joint Task Force Direct Action (JTF-DA)^{xxx} would complete final coordination with the FBI JOC, supporting JTF operations at the scene. Such support-oriented consultative bodies play a major role in tailoring the focus of military operations, ensuring adherence to the federalist principles of our Constitution. This also maintains the advantages inherent in current interagency response arrangements.

The arrangement of the Interagency Consultative Element of the network is designed to focus the activities of the various working groups and committees at the federal, state and local levels. These organizations currently consult and cooperate with one another through a dizzying array of relationships, characterized by overlapping responsibilities and objectives. Command and control over the execution of interagency emergency and law enforcement operations makes use of the “Incident Command System,” using the consensus decision-making model explained earlier in this paper. Known as “unified command” or “UC” - a term which is arguably a misnomer, it is not optimized for military efficiency. The Interagency Consultative Element unites the efforts of the various interagency processes at the strategic, operational and tactical levels by tying them to the decision-making process, providing a jurisdictionally-oriented and integrated focus at each level of the process. This would improve the efficiency of the interagency supporting process, while retaining its federalist inter-jurisdictional flavor.

It is important to note that the geographic area of responsibility, as well as the time horizon for decision-making purposes, increases at each level within the Interagency Consultative Element as one moves from the tactical, through the operational, to the strategic levels. Thus, the final tactical coordination required between the FBI JOC and the JTF-DA at the scene of a prospective engagement would be limited to the immediate area and might have to be resolved in hours or even minutes. In contrast, the process of studying issues and rendering opinions by the Homeland Security Policy Coordination Committees

(HSPCC), for use by the President of the United States and the Homeland Security Council, would impact the Nation as whole and might take days, weeks, months, or even years to resolve.

The HSPCCs, represented at the strategic level in the network, currently function under the HSC to “manage the development and implementation of homeland security policies by multiple departments and agencies through-out the Federal government, and shall coordinate those policies with State and local government.”^{xxxii} Consisting of 11 separate committees covering the full range of current Homeland Security responsibilities,^{xxxiii} direct military action considerations could most efficiently be added to the Domestic Threat Response and Incident Management Committee. The author further recommends that the membership and function of the HSPCCs be expanded by integrating the activities currently being performed by the Presidential Homeland Security Advisory Council.^{xxxiii} This would establish a committee of legal, defense, law enforcement, security and emergency management subject matter experts, drawn from various governmental departments at the federal, state and local level, as well as from academia and the private sector. The purpose of the HSPCC, under these circumstances, would be long range and strategic, over-the-horizon, ensuring that HLS policy is well-grounded in our constitutional form of government and in sync with overall national policy. Its role in the decision-making process would be to codify the activities in which military forces might lawfully be engaged under a Presidential Finding of “Extraordinary Homeland Defense Circumstances.” Such policy would be consistent with the Constitution, as well as the long-range interests of the United States and subject to Congressional oversight, as determined by appropriate legislation.

The Homeland Security Regional Policy Coordination Committees (HSRPCC), an adaptation of overseas practice introduced here, would be based upon the current structure for Federal Emergency Management Agency-FEMA Regions (Figure 3) and also placed under the Department of Homeland

Security for coordination purposes.



Figure 3^{xxxiv}

Each Homeland Security Region (I – X) would be responsible for developing interagency plans and for conducting comprehensive exercises, not only of their own internal capabilities, but their ability to support the arrival of NORTHCOM forces to their region, as part of an interagency Deliberate Planning Process. Already a focal point for interagency emergency management efforts across jurisdictional lines, FEMA Regional organizations, adapted to perform in an expanded capacity as Homeland Security Regions, could play a critical role in standardizing response procedures, equipment and communications capabilities. Joint, regionalized and “operationalized” installations (Active and Reserve Component) could play a key integrative role as facilitators of NORTHCOM JTF activities within their respective Homeland Security Regions^{xxxv}. Joint and interagency deliberate planning efforts would thus be able to avail themselves of extensive practical experience in interagency operations in the areas of law enforcement, security and emergency management. Importantly, these experiences would be tied to specific regions of the country, possessing critical regional flavor that might otherwise be absent in a more generic planning process. During Crisis Action Planning, the NORTHCOM staff could draw upon established relationships to satisfy more immediate planning or operational requirements.

At the tactical level, the FBI’s Joint Operations Center (JOC) would function very much as it does today, except that its role would be limited to an area external to the Joint Homeland Defense Operational

Area - JHDOA (see Figure 4). All Incident Command System-based supporting activities would fall under JOC operational control, as would evacuation of inhabitants and law and order concerns. The combat action, however, would be the sole responsibility of JTF military forces. The “tip-of-the-spear,” these would be supported, directly or indirectly, by the entire Homeland Security Interagency Network. So how might such a tactical action unfold?

JTF-DA would integrate its planning efforts with the locally established FBI JOC serving as the interagency consultative body in direct support at the scene. For purposes of the tactical operation, military forces involvement would be strictly limited to a Joint Homeland Defense Operational Area (JHDOA), isolated from the surrounding state, county and/or municipal jurisdictions by a Homeland Security Exclusionary Zone (HSEZ) established by local authorities, and controlled by the FBI’s JOC.

Figure 4 provides a simplified illustration of the tactical concept. The focus of the JHDOA is inward, on isolating and defeating terrorist enemies, first through the deployment of “interior perimeter” forces to isolate them to a clearly defined area and then through the introduction of “direct action” forces against the terrorists themselves.

JOINT HOMELAND SECURITY AND DEFENSE OPERATIONS

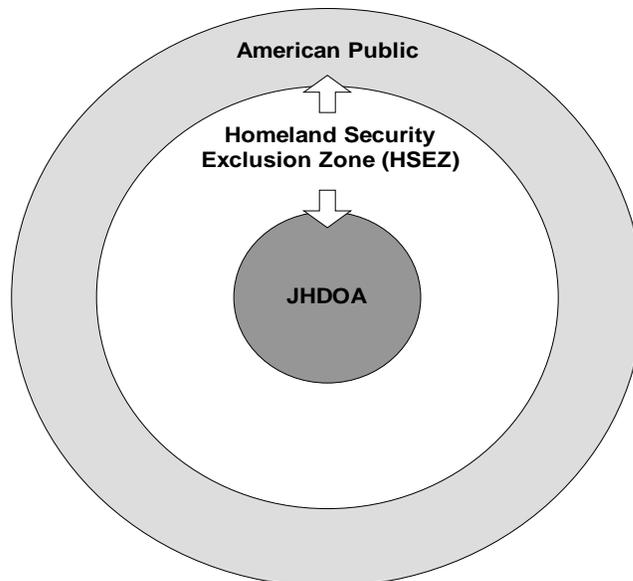


Figure 4

The decisive tactical action will be fought here. The HSEZ functions as an “outer perimeter.” With a security and outward focus, it serves to safeguard the public within the HSEZ, while simultaneously ensuring that no further access is allowed into or out of the area.^{xxxvi} This zone is under the command and control of the FBI JOC – which coordinates the multi-agency “unified command” arrangement of local, state and federal law enforcement and emergency management organizations deployed to the incident scene. JOC component elements would be prepared to protect, treat, and/or evacuate the inhabitants of the HSEZ as required. Joint, regionalized and operational installations, in close and well-practiced coordination with JOC Unified Command civilian agencies, play a key role in facilitating the deployment of JTF combat elements to the JHDOA.

Such a tactical operation would be the direct product of deep and effective cooperative relationships developed through improved interagency coordination at the strategic, operational and tactical levels. The concept is not just to streamline information flow throughout the chain of command, but to bring an offensive spirit to domestic actions in the war against terrorism and accelerate the enemy’s ultimate defeat. The terrorist threat will fade to insignificance, when the terrorist enemy’s operations become increasingly unfeasible; when their plans, uncovered by timely intelligence and interrupted by skillful offensive action, lead only to their own destruction.

THE COUNTERARGUMENTS – A Word to the Detractors. The lead counterarguments to the issues presented in this paper would certainly include concerns relating to Posse Comitatus, highlighting perhaps that it is incorrect – even dangerous – to involve the Armed Forces of the United States in combat activities within our own borders. Related concerns might involve the protection of civil rights and our federalist form of government.

Although it will no doubt require significant research to fully refine the legal aspects of this matter, the short answer to these concerns is that we are at war. Foreigners, self-declared enemies of the United States, entered this country under false pretenses – invading our territory in a manner reminiscent of the “Trojan Horse.” They then completed their plans, staged for, and executed their attacks – an act of war. As noted in a detailed Center for Strategic and International Studies Report entitled, “U.S. Armed Forces and Homeland Defense: The Legal Framework:”

The president unquestionably has the authority to use armed forces to repel an invasion of or respond to an attack on the United States...The Supreme Court consistently has upheld the president's authority to do so."^{xxxvii}

There are undoubtedly also concerns for the preservation of our federalist form of government or that the employment of military forces within the borders of the United States might somehow endanger civil rights. In response to these, it is important that one consider the great care that would be taken to strictly limit the involvement of the Armed Forces in factors of space, time and force. At all times, the type of operation outlined in this paper, would remain under civilian control and oversight, in strictest adherence to the principals of our Constitution.

One might also argue that providing essentially policing organizations with advanced capabilities to engage in combat operations – the current direction of HLS efforts – is at least as dangerous to our American way of life. Police are best viewed as “Peace Officers” and not as “Enforcers,” who come calling with machine guns in the wee hours of the morning. The same concerns may be extended to the advanced intelligence capabilities currently being sought for domestic law enforcement agencies. Hasn't the linking of national intelligence capabilities to domestic police organizations been a hallmark of despots from Adolf Hitler to Saddam Hussein? Reason might therefore dictate that allowing the members of our Armed Forces to perform their legally appointed duties is the far less dangerous path for the long term freedom of our Nation.

CONCLUSION. This paper was meant to provide an overview of enhanced interagency cooperative capabilities, which might be brought to bear domestically in the current war on terrorism. The establishment of an innovative interagency cooperative network, guided by the “terrorism-as-war” paradigm and fusing HLS and HLD operational efforts through linkage at the strategic, operational and tactical levels, is calculated to bring an offensive spirit to domestic efforts in the war on terrorism. Jettisoning the inappropriate “terrorism-as-crime” paradigm will deny the enemy freedom of action and take from him the initiative which he currently enjoys within the United States.

It is by no means the intention of the author to provide a definitive judgment on this issue. Rather the intent has been to stimulate thought upon this important matter, in the hope that timely discussion will yield more effective solutions, which can be integrated into our operational plans and procedures.

Notes

¹ Caleb Carr, Lessons in Terror (New York: Random House 2002), 16.

¹ Carl von Clausewitz, On War, ed and trans Sir Michael Howard and Peter Paret (Princeton: Princeton University Press 1984), 92.

¹ The vignette which follows features a notional scenario integrating events reflective of current capabilities with command and control innovations currently not in use, which are the focus of this paper

¹ This is a notional Presidential authorization based upon the President's authority to issue "Findings" in the case of covert intelligence activities. It is included to emphasize the legal procedures and oversight requirements which would accompany an action of this sort.

¹ A concept proposed in the U.S. Army Joint Experimentation White Paper, 4 March 2002. It is explained in greater detail in main body of this paper.

¹ The White House, National Strategy for Combating Terrorism (n.p.: n.p. 2002), 17.

¹ Statement By Mr. Paul McHale, Assistant Secretary of Defense for Homeland Defense before the Subcommittee on Readiness, House Armed Services Committee, United States House of Representatives, March 13, 2003

¹ Although there are many competing definitions concerning who or what the terrorist enemy might be, the contention of this author is that we should refine this definition in order to target a discreet constellation of Islamic radical organizations, networked around the Al Qaeda organization, which represent the key threat to American interests. These can and should be systematically targeted using all elements of National Power in order to defeat them. In this respect, it would not be necessary to destroy them, only to make them quit in their current efforts. This constellation of Islamic terrorist organizations is defined in an article by Carl Connetta, entitled "Dislocating Alcyoneus: How to Combat Al Qaeda and the New Terrorism:" "Through an umbrella organization, the Islamic World Front, al-Qaeda is also linked with Egypt's Jihad Group and Islamic Group, Pakistan's Al-Ansar Movement, the Jihad Movement of Bangladesh, Algeria's Armed Islamic Group, and the Abu Sayyaf group in the Philippines."

¹ Doctrine for Joint Operations, A-1

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¹ For example, in an article entitled, "Dislocating Alcyoneus: How to Combat Al Qaeda and the New Terrorism," prepared for the Project on Defense Alternatives, The Commonwealth Institute, Cambridge Ma, on 25 June 2002, Carl Connetta points out: "As a transnational organization, al Qaeda also depends on and exploits the gaps or seams in international society – it lives in the interstices."

¹ Clausewitz, 600

¹ *ibid*, 596

¹ U.S Army, U.S. Army Joint Experimentation White Paper, (n.p: n.p. 2002), 3. Although this quote was referring primarily to challenges in organizing for overseas operations, the comment is equally valid in relationship to improved operational level effectiveness within the United States.

¹ National Security Presidential Directive-1 (NSPD-1) – "Organization of the National Security Council System", announces that all PDDs will be replaced. PDD 39 is referenced here merely to indicate the origin of the current interagency organization, which as of the writing of this document is still in effect.

¹ Statement for the Record of Dale Watson, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation on **The FBI's Role in Support of Domestic Preparedness** Before the Subcommittee on Oversight, Investigation, and Emergency Management, Committee on Transportation and Infrastructure, Washington, D.C., May 4, 2000 (<http://www.fbi.gov/congress/congress00/dwatson.htm>)

¹U.S Environmental Protection Agency. Incident Command System/Unified Command (ICS/UC) Technical Assistance Document, U.S. National Response Team, U.S. Environmental Protection Agency (Mail Code 5104A), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, document is undated. Downloaded from website on 24 April 2003. ([http://www.nrt.org/production/nrt/home.nsf/resources/Publications1/\\$File/ICS_UC_Technical_Assistance_Document.pdf](http://www.nrt.org/production/nrt/home.nsf/resources/Publications1/$File/ICS_UC_Technical_Assistance_Document.pdf)), 12.

¹ It is understood that this would require the assignment or “chopping” of combat forces to NORTHCOM from other Combatant Commanders – including Special Operations Command.

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¹The following quote is from the Monterrey Institute for International Studies, Center for Nonproliferation Studies website <http://cns.miis.edu/research/wtc01/alqaida.htm>, accessed on 14 May 2003
“**Alleged WMD Capability**: Many reports have claimed that bin Laden has attempted to acquire nuclear material and ready-made warheads from entities in Russia, unspecified chemical weapons from entities in Iraq and Sudan, and biological agents such as botulinum toxin, plague, and anthrax from entities in the Czech Republic, Kazakhstan, and Indonesia.”

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¹ Paul Schott Stevens, CSIS Report, U.S. Armed Forces and Homeland Defense: The Legal Framework, Center for Strategic and International Studies (n.p: n.p. 2001), in a well researched legal treatise on the matter, offers strong support for the role of the Armed Forces in Homeland Defense/Security missions. Under Section II entitled: *The Constitutional Origins of Presidential Power*, he states: “It was recognized that the “conduct” of war necessarily was an executive function...” ,4

¹ The U.S. Army Joint Experimentation White Paper is consistent with NSPD-1.

¹ U.S. Army Joint Experimentation White Paper,, v.

¹ *ibid.* Of particular value for organizing the interagency effort is its discussion of the roles of Regional Policy Coordinating Committees and Contingency Planning Policy Coordinating Committees in the execution of interagency-approved plans. These concepts contributed to the development of the Homeland Security Command and Control Network described later in this paper.

¹ *ibid.* p.10

¹ *ibid*

¹For more information concerning the organization and function of the Homeland Security Council see the White House Website: <http://www.whitehouse.gov/news/releases/2001/10/20011029-16.html>

¹Joint Forces Staff College, JFSC Pub 1, The Joint Staff Officer's Guide 2000, (Norfolk: n.p.2000), 4-13. Figures 4-7 and 4-8 outline required annexes for OPLANs and CONPLANs respectively.

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¹ Executive Order Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security, 21 March 2002 from White House Website: <http://www.whitehouse.gov/news/releases/2002/03/20020321-9.html>

¹ Federal Emergency Management Agency website, www.fema.gov/regions downloaded 25 April 2003

¹ The author first heard the term “operationalized installations” during a briefing conducted by Mr. Raymond Geoffroy, Director of Security Division, Plans, Policy and Operations Department, Headquarters Marine Corps in the spring of 2002. From personal experience, the author is aware of a number of initiatives aimed at regionalizing Navy and Marine Corps capabilities within the United States. Regionalization (especially when coupled with jointness) is widely believed to offer the potential to yield significant economies of scale by reducing the need to replicate each major staff functional element for every installation. It also promises the possibility of an operational reserve to conduct “surge operations” (special events, random antiterrorism measures, etc.) on a regional, instead of local basis. In the case of police-emergency operations for example, one high tech Computer Automated Dispatch Center could take the place of more than half a dozen currently operating in Southern California - with significant improvement in operational efficiency, command situational awareness and reduction in personnel costs.

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ⁱ Caleb Carr, Lessons in Terror (New York: Random House 2002), 16.

ⁱⁱ Carl von Clausewitz, On War, ed and trans Sir Michael Howard and Peter Paret (Princeton: Princeton University Press 1984), 92.

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^{vii} Statement By Mr. Paul McHale, Assistant Secretary of Defense for Homeland Defense before the Subcommittee on Readiness, House Armed Services Committee, United States House of Representatives, March 13, 2003

^{viii} Although there are many competing definitions concerning who or what the terrorist enemy might be, the contention of this author is that we should refine this definition in order to target a discreet constellation of Islamic radical organizations, networked around the Al Qaeda organization, which represent the key threat to American interests. These can and should be systematically targeted using all elements of National Power in order to defeat them. In this respect, it would not be necessary to destroy them, only to make them quit in their current efforts. This constellation of Islamic terrorist organizations is defined in an article by Carl Connetta, entitled "Dislocating Alcyoneus: How to Combat Al Qaeda and the New Terrorism." "Through an umbrella organization, the Islamic World Front, al-Qaeda is also linked with Egypt's Jihad Group and Islamic Group, Pakistan's Al-Ansar Movement, the Jihad Movement of Bangladesh, Algeria's Armed Islamic Group, and the Abu Sayyaf group in the Philippines."

^{ix} Doctrine for Joint Operations, A-1

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^{xii} Clausewitz, 600

^{xiii} *ibid*, 596

^{xiv} U.S Army, U.S. Army Joint Experimentation White Paper, (n.p: n.p. 2002), 3. Although this quote was referring primarily to challenges in organizing for overseas operations, the comment is equally valid in relationship to improved operational level effectiveness within the United States.

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^{xvii} U.S Environmental Protection Agency. Incident Command System/Unified Command (ICS/UC) Technical Assistance Document, U.S. National Response Team, U.S. Environmental Protection Agency (Mail Code 5104A), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, document is undated. Downloaded from website on 24 April 2003. ([http://www.nrt.org/production/nrt/home.nsf/resources/Publications1/\\$File/ICS_UC_Technical_Assistance_Document.pdf](http://www.nrt.org/production/nrt/home.nsf/resources/Publications1/$File/ICS_UC_Technical_Assistance_Document.pdf)), 12.

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^{xxiv} U.S. Army Joint Experimentation White Paper, v.

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^{xxvi} *ibid.* p.10

^{xxvii} *ibid*

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^{xxxiv} Federal Emergency Management Agency website, www.fema.gov/regions downloaded 25 April 2003

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