

**STRATEGY
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STRUCTURING HOMELAND SECURITY

BY

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ABSTRACT

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In the wake of World War II the Soviet Union exploded an atomic bomb, which awakened Americans to the idea that the United States could be attacked by another nation. In recent months the attacks on the World Trade Center and the Pentagon have demonstrated the vulnerability of the U.S. and the civilized world to yet another threat: terrorism. Unlike 1950 when President Truman was perplexed and had no immediate course of action to prevent an attack on U.S. soil, President Bush answered the call by appointing former Governor Thomas Ridge director of the Office of Homeland Security. Cold war lessons learned from the stand up of the Federal Civil Defense Administration can serve as a blueprint for how lines of authority and resources can be employed for the Office of Homeland Security.

The challenges over the next several months and years will be to fully empower and organize the Office of Homeland Security. This office will have responsibility for coordinating a wide variety of federal, state and local security activities to combat terrorism, including the gathering and distribution actions to prevent such attacks. Security experts and congressional panels have long known that certain national infrastructures are so vital that their disruption or destruction would have a debilitating impact on the national defense and/or economic security of the United States. Until now, no one office was charged with coordinating the protection of those resources and connecting the fragmented leadership to fight terrorism.

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STRUCTURING HOMELAND SECURITY

The requirement for United States military "to insure domestic tranquility and provide for the common defense"¹ has obligated forces to a broad range of missions from the Whiskey Rebellion of 1794 to the reconquest of United States territories in the Second World War.² From the infancy of the U.S. Government homeland defense has been a primary role of U.S. citizens-beginning with the citizen soldier, and working forward to present day civilian and military tasking. Although the primary mission of the military is to fight and win the nation's wars, there remains little debate that the American people, the Executive Branch, and Congress demand that their homeland be safe, secure and protected from aggression within U.S. borders.³

Prior to 11 September 2001 homeland defense efforts were hard to classify as either sufficient or insufficient. It is clear today that designated national infrastructures are so vital that their incapacity or destruction would have a debilitating impact on the defense and economic security of the United States.⁴ The policy of the United States Government is to ensure the economy and viability of critical infrastructures.⁵ Further it has always been clear that American armed forces have responded to a variety of national needs other than waging wars.⁶

In the wake of the Soviet explosion of an atomic bomb in 1949 the American people demanded that political and military leaders reassess America's growing vulnerabilities. In 1950 President Harry S. Truman, in an attempt to shield Americans from the physical and psychic ravages of nuclear war, created a new government agency the Federal Civil Defense Administration (FCDA). The FCDA was dedicated to reexamining the issues of domestic preparedness, readiness and homeland defense, calling on statesmen and citizens alike to prepare for a new kind of war that would show no mercy to home front civilians.⁷

In the wake of the September 11th attacks, President George W. Bush called upon governmental organizations to renew their efforts to defend the nation. New technologies have demanded a new set of responses, and thus new laws and organizations. In today's climate the United States and President George W. Bush is again challenged in a similar way as in the 1950s. Many military theorists predict that because of America's towering technological advantages no enemy will dare oppose the United States forces with conventional weapons. Instead, it is widely believed that most future means of warfare will focus on asymmetric means of warfare involving terrorism.⁸ The recent attacks on the World Trade Center and the Pentagon underscored for this nation and the civilized world that no nation is immune to terrorism. The bombings emphasized for our leaders and their constituents that certain national

interests are so vital that their incapacity or destruction would have a debilitating impact on the defense or economic security of the United States.⁹ The continued technological advancements, which occur at a bewildering pace in the United States, have added new requirements and emphasis to homeland protection.¹⁰ It is in this vein that President Bush on 8 October, 2001, in an executive order vested former Governor Tom Ridge-as director of the Office of Homeland Security (OHS)-with responsibility for coordinating a wide variety of federal, state and local security activities to combat terrorism, including the gathering and distribution of intelligence actions to prevent terrorism attacks in the future.¹¹

This paper will focus on the standup of the FCDA and how it echoes the standup of the OHS. It will attempt to compare and contrast the issues faced in both eras, and to draw lessons from the FCDA experience that might be useful if applied to the OHS. In particular, it will focus on the laws that created both agencies, and on the processes that established their charters. It will apply strategic strategies learned from the FCDA to the standup of OHS.

FEDERAL CIVIL DEFENSE ADMINISTRATION (FCDA)

In spite of the 1950 standup of the FCDA civil defense did not have robust success in the approximately thirty years after its inception; in fact the United States had only a marginal program. The problems of civil defense had their roots in many difficulties: planning for survival and recovery from nuclear attack defied comprehension and readily available solutions to the complexities; changing weapons systems and technologies frustrated dedicated and talented civil defense personnel efforts; revolving Presidential and Legislative personnel highlighted the indifference and neglect in leadership; and, parsimonious budgetary commitment created overburdened fiscal constraints. Many of the reasons for the poor performance of Civil Defense can be attributed to minimal long-term national commitment to a meaningful civil defense program from the President, to the failures of State legislatures and city councils, to the attitudes of citizens of the United States. The facts clearly indicate that the FCDA floundered. Proof of that is its evolution into several agencies over the life of its existence. It started out as the Federal Civil Defense Administration (1950-58). Then in 1958 it changed to the Office of Civil and Defense Mobilization (1958-61); after that, in 1961, it became the Office of Civil Defense in the Department of Defense (1961-64). In 1964 it moved from under the Department of Defense to the Department of the Army (1964-72) and in 1972 it became the Defense Civil Preparedness Agency again under the Secretary of Defense (1972-79). The final chapter came with the merger with emergency preparedness and natural disaster programs into the Federal Emergency Management Agency (FEMA, 1979-present).¹²

This section will define the FCDA mission; outline broadly the roles and responsibilities of the federal, state and local authorities as they apply to FCDA; and will examine several issues that contributed heavily to the lack of successful implementation of FCDA.

BACKGROUND

The U.S took steps to bolster civil defense during World War I. The first action was to create the Council of National Defense, which was charged with coordination of industries and resources for the national security and welfare, and with creation of relations rendering possible in time of need immediate concentration and utilization of resources of the nation. Federal advisory commissions, state councils, governors' councils, women's committees and federal agencies were created or enlisted to assist in meeting postwar adjustments. Ninety-seven more actions were taken to boost emergency management efforts from 1940 to 1950 when the FCDA was created. Over the course of the civil defense mission it has been redefined with each administration, spawning a plethora of executive orders and legislative actions culminating in the final agency change to the FEMA in July 1979.¹³

National Security Act of 1947

The National Security Act of 1947 established the National Security Council (NSC), separated out the air support component from the existing two services creating the Air Force and designated who should attend the council. The council was set up to advise the United States President on the integration of domestic, foreign, and military policies relating to national security. Furthermore, it was charged with creating more effective cooperation between the military services and other departments and agencies of the Government. The NSC was tasked under civilian authority to assess and appraise, commitments, and risks of the U.S. in relation to our military power and national security and then develop recommendations for the President. It considered policies on matters of common interest concerned with the national security and made recommendations to the President in connection with them.¹⁴

The National Security Act established, under the NSC, the Central Intelligence Agency (CIA) and a director. The CIA director could be a military officer or a civilian. The agency's purpose was to coordinate the intelligence activities of several Government department and agencies in the interest of national security, and act under the direction of the NSC.¹⁵

Federal Civil Defense Act

The Office of Civil Defense was established on 20 May 1941 by Executive Order 8757¹⁶. On March 3, 1949, responsibility for civil defense planning was transferred from the Department

of Defense to the National Security Resources Board (NSRB). This action enlisted the assistance of civilian federal agencies under the NSRB's leadership and integrated civil defense planning with the overall mobilization program. Prior to this time, the Department of Defense's Office of Civil Defense was responsible for planning and studying ways to protect and ensure the safety of the population from conventional air attacks. In September 1949, U.S. sensors detected that Russia had exploded its first atomic bomb; and public awareness of what could be a homeland threat became a common fear. From then on civil defense required the creation of a specific plan to deal with conflict using weapons of mass destruction and the adoption of legislation to implement that plan.¹⁷

To implement and create this plan the Federal Civil Defense Act was passed on 12 January 1951.¹⁸ The Federal Civil Defense Act authorized the Federal Civil Defense Administrator to delegate to several departments and agencies of the federal government appropriate civil defense responsibilities, and to review and coordinate civil defense activities among these departments and agencies, and with those of the states and neighboring countries.¹⁹ It provided for a system of civil defense, and established security restrictions with respect to access to information and property. It provided for the employee loyalty oaths; directed administrators to submit annual reports related to appropriations and transfers of funds to Congress and the President; and established a civil defense procurement fund.²⁰

FCDA Mission

The FCDA was created to give leadership and direction to the development of civil defense programs and to coordinate all civil plans with the military plans for the defense of the country.²¹ These federal response plans included: provisions for bomb-proof shelters; medical treatment for mass casualties; control of massive fires and debris clearance; mass evacuation and dispersal of essential industries; post-attack economic, financial, and industrial rehabilitation; and ensuring the continuous operation of the federal government in the event of an attack on Washington, DC. In addition, the plans addressed problems faced by state and local governments and their responses. President Truman's view was that "civil defense is a kind of insurance or survivability doctrine—against a real and present hazard".²²

The FCDA was supposed to project a passive defense or a "coequal partnership" with the military. The intent was to garner respect for the FCDA by fostering the association and alignment with trained soldiers and armaments, but to project civilian control and therefore to be a civilian agency.²³ To avoid the military's reluctance to take on home front preparedness and

the public's suspicion of military power, a civilian was appointed to head the FCDA and state and local governments were charged with the primary responsibilities for civil defense.²⁴

FCDA Responsibilities

At the time the FCDA was standing up the U.S. government was in a very constrained fiscal status, and therefore was not able to dedicate large sums to developing a new agency. A new volunteer based organization was created to address the homeland defense issue due to the increased public concern over the Russian nuclear threat.

The basic operating responsibility for civil defense is in the individual and the local government and has remained the responsibility of the individual and local government even now. The individual, given all training possible, does what he can for himself in an emergency. The family unit, similarly trained, attacks its own problems while also contributing to the organized community effort. The community's civil-defense organization works to meet its own crisis, receiving outside help if its facilities are inadequate, or contributing support to neighboring communities under organized state direction. In order to help communities carry out their responsibility, the state and federal governments contribute assistance in organizational advice, over-all planning, and resources.²⁵

The federal government does not operate the state and local civil-defense systems with federal employees. The states governments are established with inherent powers and accompanying responsibility, and have clear qualifications to coordinate civil-defense operations within their boundaries, and in emergency to direct them. Similarly the cities, counties, and towns are best qualified to handle their own operating functions. Funding is dedicated to these programs through several sources: federal, state and local agencies, but is controlled at the state or local levels. The federal level did not have line item approval of the FCDA budget at state and local levels.²⁶

FEDERAL

The federal government establishes a national civil-defense plan with accompanying policy, and issues informational and educational material about both. The federal government provides courses and facilities for schooling and training, provides coordination of interstate operations, furnishes some of the essential equipment, and advises the states concerning the establishment of stockpiles of medical and other supplies needed at the time of disaster.²⁷

In matters of civil defense, the federal government deals directly with the state, i.e., with the governor, or if he so delegates, with the civil-defense director.²⁸

STATE

The state government provides leadership and supervision in all planning for civil defense, and direction of supporting operations in an emergency. The state is the key operating unit. It is the "field army" of civil defense. Its counties or cities are its "divisions." When one or more divisions are hard hit, the remaining ones are sent in for support—over and above the capabilities of local self-help and mutual aid.²⁹

In addition, the state participates in interstate planning and operations in collaboration with the federal government; provides supervision, instructors, and facilities for appropriate training programs, assumes its share of financial responsibility, and accepts and allocates such federal funds, supplies, or equipment as may be provided for counties, cities, and towns.³⁰

LOCAL

The city or county operates its civil-defense system under appropriate ordinances under the guidance of the state. The city or county makes sure mutual-aid pacts and other arrangements with neighboring communities provide adequate staff and facilities for training, assumes its share of financial responsibility, and participates in the state program of organized mobile support.³¹

FCDA Constraints

CIVILIAN VS. MILITARY CONTROL

The emphasis on civilian control of civil defense surfaced as part of a reaction against undue military influence over nonmilitary aspects of the national security. In the absence of a civilian agency at the close of World War II, the military developed a civil defense plan, which met with a cold reception from the public because the public believed that the military was interfering in civilian affairs.³² The plan recognized that carrying out civil defense measures must be primarily a civilian responsibility affected through a civilian organization. The planners favored the placement of the organization under the Secretary of Defense. By 1950, the Department of Defense no longer wanted civil defense responsibility and the overwhelming public view was that the major responsibility for "home front defense, must be civilian."³³

The Department of Defense was satisfied that the planning and policy responsibility rested with FCDA. Under the concept of making maximum use of existing government agencies and resources, the civil defense organization leaned heavily on the Defense Department. Enlisting the Defense Department to issue policy and designating the Army as coordinating agent on civil defense matters to include emergencies. Military support was meant to complement not substitute for civilian participation in civil defense. The military, through presidential direction,

was authorized to "do all acts which are reasonably necessary for this purpose until such time as it is determined by the President that appropriate civil authorities are able to operate and function adequately." This effort was deemed "temporary" in nature and to be terminated as soon as possible "in order to conserve military resources and to avoid infringement on the responsibility and authority of civil government agencies."³⁴

When President Kennedy realigned civil defense to the Defense Department, he was careful to emphasize retention of civilian control by the head of the Department—the Civilian Secretary of Defense. The intention was for FCDA to draw on the strength of the Defense Department for much needed help.³⁵ The Secretary of the Army established a military headquarters in each state for planning and controlling the use of the State's military resources to support civil defense in emergencies.³⁶ The National Guard and Reserves could provide "a cost-effective bridge between peacetime and wartime readiness."³⁷

President Carter sought to strengthen civil defense and pluck it from the "orphan" category of the Department of Defense by consolidating functions along with those of other agencies in a sweeping reorganization of the emergency management apparatus of the federal government.³⁸ Congress and the states saw establishment of Federal Emergency Management Agency (FEMA) as a good remedy to the fragmented and convoluted lines of authority encountered for civil defense or emergency management.³⁹ Coordination links were established with the National Security Council and the Department of Defense to ensure that FEMA's civil defense programs were attuned to military needs and over-all national security policy.⁴⁰

FINANCIAL SUPPORT

From the inception of the FCDA program it suffered from inadequate funding, which impeded the ability of FCDA to have credibility and be effective. This resulted in FCDA being unable to advocate for resources for the State and local agencies, which in turn created weakened relations with other Federal agencies. The frustration felt in Washington D.C. trickled down to the State and local agencies, thus discouraging all parties in their efforts to provide effective civil defense.⁴¹

In the past, official neglect and under-funding of civil defense has been linked with public apathy or lack of public will.⁴² As far back as World War II a study by James M. Landis, Director of the Office of Civilian Defense, spotlighted public apathy as one of the likely problems that would confront the post war organization.⁴³ Opinion research of the day came up with several reasons for the lack of will and apathy by the public: failure to perceive the threat of nuclear war; a sense of "morbid unreality" and reluctance to think about the problem; the expectation that

military forces can deter Soviet aggression and prevent their atomic missiles from getting through to their targets; and, feelings of futility. The poll also showed that a small percentage of the American public was opposed to civil defense, and that it was both influential and vocal.⁴⁴ Fortunately for the new Office of Homeland Security (OHS) the "threat" of asymmetric attack has been embraced by the public due to the attacks on 11 September 2001, and therefore fiscal constraints have not been as dominant an issue for the OHS as they were for FCDA.

During the first ten years of the FCDA's existence it requested approximately \$2.2B to create programs, write guidance and policies, structure the agency and hire manpower. FCDA received only \$485M because the legislature and the public did not perceive the program to have presidential direction. Appropriations reached a high point only when the president endorsed and provided clear vision and direction for the program to the nation and legislature in the early 1960s, but even that was short lived and did not bring to bear the full legislative attention necessary to obtain funding for FCDA. Therefore, a progressive deterioration of civil defense continued even though the Soviet improvements in weapons and delivery systems were still a major threat.⁴⁵

INADEQUATE LEADERSHIP SUPPORT

The poor track record on FCDA funding is attributed to the failure of top leadership to accept and then to adequately discharge their responsibilities. The Congress and several Chief Executives have often been accused of having a blind spot for civil defense. Congress contained staunch supporters and some tough opponents, but all expected the president to provide the vision and leadership to demonstrate his readiness to come to grips with critical problems and then to advocate to the Congress and the public for decisions. The records indicate that with the exception of President Kennedy almost no serious effort was made to help the nation face up to the civil defense problem. Presidents Truman and Eisenhower both dedicated funding to the new FCDA program, but were limited in the amounts of funding and focus of their administration due to the downsizing of the military, and fighting the Korean War.⁴⁶

PUBLIC WILL

Some observers contend that the public's failure to demand a more effective civil defense was not due to apathy, but to confusion. The available data of the day was asserting conflicting views of the nuclear threat, and advice was contradictory. The Public had, prior to the stand-up of the FCDA, placed great faith in their elected officials believing that they would take care of the problems and do the right things. Congress's interpretation of this behavior was that civil defense was not a central issue for the public.⁴⁷

The legislatures' and the FCDAs' consensus at the time was that it was up to the president to keep the threat of nuclear war forefront in the minds of the American public through use of the press, and through legislative processes. Furthermore, the President should provide the leadership needed to cope with the threatening future. FCDA administrators believed that they were not only trying to win over the public for outward support, but political officials as well. The leadership was not providing a clear message of commitment and concern to the public. In fact the leadership chose that path in an effort to brush aside the civil defense program when in actuality they needed to create the necessity of a nuclear threat in order for the congress and senate to help fund the fledgling FCDA program.⁴⁸

EXCESSIVE SECRECY

The Government's practice of cloaking in secrecy information about the menace of nuclear weapons and radioactive fallout contributed heavily to the public's perceptions of confusion, and tendency to attribute an air of unreality to the problem. The reigning thought of the day was that any irresponsible release of information might jeopardize national security. However, this close scrutiny of information created the impression with the public that the government might be withholding pertinent information that they needed and that the government did not want them to know. Plans and programs particularly at state and local levels were incomplete and unfinished due to a lack of real data on the known threats.⁴⁹

Val Peterson, FCDA Administrator under President Eisenhower⁵⁰, said "We were handicapped because in civil defense our law provides that primary responsibility rests with the states and localities, and we were not able to make known to those responsible authorities the extent of the fall-out problem." Civil defense needs had to yield to other requirements for secrecy, and civil defense suffered in the meantime.⁵¹ The problem of secrecy and of an uninformed public and Congress did not end in the fifties; it continued throughout the sixties.⁵²

FEDERAL POWER

The FCDA program was hampered from the first by a poor legislative base. The federal government had to play an active, positive role if the nation was to face up to the issues of civil defense. Mayors accused state governments of indifference and neglect, and the federal government came in for its share of criticism for its seeming evasion of responsibility for civil defense. A December 1953 White House conference with the mayors and civil defense officials highlighted "a fundamental conflict between the delegation of civil defense responsibility to the states and adequate national civil defense."⁵³ Congressional committees soon joined the ranks of those who felt that fear of infringement of states' rights and local prerogatives were only a smokescreen for evasion of federal responsibility for civil defense. In the face of these

pressures, the Eisenhower Administration moved toward a greater federal role in civil defense. The "exigencies of the present threat," Eisenhower advised the FCDA, "require vesting in the federal government a larger responsibility." There would be no preemption of all state, local, and individual responsibilities; the emphasis would be direct; that of the States and their subdivisions would be to supplement and complement the federal initiative.⁵⁴ The tasking of the job on a joint or partnership basis had the merit of involving the entire nation in the civil defense effort, but it also had its problems. It did not permit the central direction needed to develop an effective civil defense "system", or its practical implementation.⁵⁵ Furthermore, participation by the states and more than 5,000 local governments had been voluntary. The FCDA has had no command or directive authority in its relationship with the states and local governments. The FCDA sought to elicit state and local participation by providing matching funds for some programs and by fully funding others, but these incentives did not always bear fruit. National priorities were not always addressed. Some small cities had good civil defense while some large cities that were likely targets did not. In 1963, a historical study by the FCDA found that only 69% of the national population had even attained the "minimum acceptable" level of readiness. Readiness was defined as information released from state to state on the FCDA mission, training and education programs and implementation⁵⁶ Since the inception of FCDA, state and local government officials repeatedly demonstrated reluctance to perform civil defense. Even the lure of federal funding failed to elicit the advance preparations needed to cope with the effects of a nuclear attack.⁵⁷

SUMMARY

The FCDA was established to interject civil defense into daily the life of the nation. Instead FCDA was shuffled from agency to agency over the years; this destroyed its ability to establish a real identity and mandate leadership's advocacy. Several issues contributed to the poor implementation and demise of the FCDA: civil – military control issues; FCDA's lack of power-including lack of senior governmental and congressional leadership; lack of funds; secrecy by the government; and lack of public will.

HOMELAND DEFENSE

POLICY

National Security Strategy

The U.S. Homeland Defense policy is "to prevent, deter, disrupt and when necessary effectively respond to the myriad of threats to our homeland that we will face."⁵⁸ The U.S. divides national interests into three categories: vital, important, and humanitarian.⁵⁹ Current thinking amongst U.S. military and senior leaders is that threats to our homeland by other states and non-state actors may grow more likely in our future. One reason for this is that the U.S. has far outdistanced other nations in the high technology weapons for conventional war. It is therefore likely that an asymmetric attack or strike against vulnerable civilian targets in the United States will remain a viable option for our enemies who wish to avoid confrontation.⁶⁰ The problem of protecting our homeland is hampered by past failure to devote significant resources to protect our nation from threats other than those caused by natural means.⁶¹

National Military Strategy

The U.S. National Military Strategy creates the mandate for use of the military when the U.S. homeland is threatened.⁶² It articulates those potential threats, and states that if necessary the military may be used dependent upon applicable law, the direction of the National Command Authorities (NCA), and the national interests involved.⁶³

Presidential Decision Directive 63

Homeland defense necessarily encompasses a wide range of systems both in the military and the private sector. An example of one area that would need to be protected is critical infrastructure. The National Infrastructure Protection Center, founded under the Clinton Administration's Presidential Decision Directive 63 (PDD-63), Critical Infrastructure Protection, 22 May 1998, articulates the United States policy on infrastructure protection and defines critical infrastructure. Critical infrastructures are those physical and cyber based systems essential to operation of the economy and the government.⁶⁴ Critical infrastructures are divided into two categories: physical threats to tangible property ("physical threats"), and threats of electronic, radio frequency, or computer-based attacks on the information or communications components that control critical infrastructures ("cyber threats").⁶⁵ They include: telecommunications; energy; banking and finance; transportation; facilities; water systems; energy services both governmental and private.⁶⁶ Historically, many of the nation's critical infrastructures have been physically and logically separate systems that had little interdependence or interaction.⁶⁷

Since many of these critical infrastructures are owned and operated by the private sector, the tasking to protect them would involve several agencies and a large segment of the public. It is therefore essential for the government and the private sector to work together to develop a

strategy for protecting them and assuring their continued operation.⁶⁸ The Office of Critical Infrastructure shall work with the executive department and agencies, state and local governments, and private entities to ensure the adequacy of the national strategy for detecting preparing for, preventing, protecting against, responding to, and recovering from terrorist threats or attacks within the United States and shall periodically review and coordinate revisions to that strategy as necessary.⁶⁹

The private sector will have to work with the government to develop and incorporate asymmetric guidelines into business strategies. It will be necessary to define what is the level of threat to their critical systems and infrastructure. One means of influencing private businesses to incorporate future asymmetric guidelines will be to give industry tax incentives to boost their level of interest and to have the government assume part of the liability that insurance companies will believe are outside of their responsibility and risk.

INFRASTRUCTURE DESIGN

One example of the U.S. efforts to develop solutions for some of the problems facing OHS is the new design and construction guidance for infrastructure protection that was fielded on 19 December 1999 by the Under Secretary of Defense (Installations). The *Interim Department of Defense Antiterrorism/Force Protection (AT/FP) Construction Standards* ensures that infrastructure force protection standards are incorporated into the planning, programming, and budgeting for the design, and construction of military construction funded facilities.⁷⁰ However, coordination with private sector design and construction standards has not taken place to date.

HOMELAND SECURITY

With the smoke still rising from the 11 September attack and the country still reeling, President Bush, on 20 September, gave the country a glimmer of hope and a feeling of security, by announcing the formation of the Office of Homeland Security. The President appointed former Pennsylvania Governor Tom Ridge as its head. On October 8, 2001, the president issued an executive order was issued by the president setting up the Homeland Security Office and the Homeland Security Council. The office will work with executive department and agencies, state, and local governments and private entities to ensure the adequacy of the national strategy for detecting, preparing for, preventing, protecting against, responding to, and recovering from terrorist threats or attacks within the U.S., and periodically review and coordinate revisions to that strategy as necessary.⁷¹

Reports and Studies

While the Coast Guard and Federal Bureau of Investigation (FBI) have always been in the business of national security, terrorist threats have required further civil authority to ensure the security of the domestic population and domestic assets. Terrorism, almost unanimously throughout the world, is considered a criminal act, and therefore, is law enforcement by definition and not a military action. Also the inspection of cargo coming into the country is a civil response not a military one; it does not matter whether the contraband is fake designer jeans or weapons of mass destruction (WMD).⁷² Civil authority must be given a more prominent role as another legitimate means of providing for the safety and security of America, and thus following laws that protect civil liberties and privacy of U.S. citizens, without compromising established constitutional principles.⁷³

It is widely believed that "Homeland Security appears poised to be the next growth industry in the national security realm."⁷⁴ Studies were contracted shortly after the breakup of the Soviet Union because there existed a general feeling that the U.S. was more susceptible to catastrophic attacks on the homeland than at any other time in our history.⁷⁵ With the break up of the Soviet Union, its strangle hold on captive states was lost, releasing potential negative forces, with control of cold war Soviet armament. Weapons of mass destruction, scientists and technology, fissile materials, advanced weapons along with resource-strapped Russian military are all now susceptible to being sold out or becoming mercenaries for sale to the highest bidder.⁷⁶

World wide ethnic and nationalistic grievances have fueled anger that is now directed at the United States, mainly because of our worldwide economic dominance. The environment is fertile for threats of state-sponsored or state-on-state violence to dissuade American national objectives. There exist trans-border threats to our nation; these are things such as international crime (drugs, and weapons smuggling), the potential accidental introduction of human or agricultural disease agents (e.g. hoof and mouth disease) and finally threats against natural resources or the environment (environmental terrorism, fisheries poaching).⁷⁷

Public Apathy

Another area that needs to be clearly defined is tasking, as well as priorities and adequate resources.⁷⁸ Finally there is the problem of ups and downs in administrations, inconsistent leadership in the area of civil defense and thus its continued lack of proper funding.⁷⁹ Americans are not as apathetic as during the cold war about being protected. In the cold war the scenario was large scale nuclear destruction with no chance of survival; it was catastrophic, but also remote. While a terrorist attack, or attack by a rogue state can be and has now been

significant it would also be, very likely limited in scope and duration and thus most Americans would not be physically affected. Instead of being perceived as futile, taking precautions for such events are now perceived as prudent.⁸⁰

Most Americans now believe that the threat of a Chemical, Biological, Radiological or Nuclear (CBRN) is a real and pressing concern.⁸¹ This is true especially after Americans watched on CNN as Israeli families prepared themselves for chemical and biological attacks from Iraq. Americans watched on TV as the Israeli Defense Forces (IDF) Home Front Command passed out gas masks and ensured that homes were equipped with a personal protective space to protect from the CBRN threat.⁸²

Presidential Authority

Questions were raised about Ridge's authority, but because of the popularity of the President's actions, Senators did not want to appear confrontational. The problem is that Ridge was appointed via executive order. Some in Congress fear that if Ridge is placed in the cabinet without statutory power then the OHS will fail to effectively coordinate a multi-agency system for protecting the U.S. from terrorism.⁸³ Some in Congress believe OHS could repeat the problems encountered by the office of National Drug Control Policy if statutory power is not granted. The main problem the National Drug Control Policy has had is that it has less clout than had been initially hoped for due to its limited control over spending.⁸⁴ Approval of the OHS post by Congress would give Ridge formal budgetary authority and greater status in future disputes with other cabinet members.⁸⁵

Not having the statutory power could expose Ridge to the same problems that the National Drug Control czar Barry McCaffrey had four years ago. McCaffrey refused to certify the Pentagon's budget amid a dispute about how much the Department of Defense was devoting to anti-drug efforts. It set off an embarrassing public spat with the then Defense Secretary William Cohen. It was the first and only time a non-cabinet official was willing to pick a fight with another Cabinet official by refusing to certify a budget request.⁸⁶ Members of have made it clear that they believe that without congressional approval Ridge will have the same problems as the National Drug Control Agency. Because of this several bills and options are being presented by congress to give Ridge more legitimate power. One bill being proposed sets up a Cabinet-level Department of National Homeland Security made up of FEMA, the Customs service, the border patrol and the Coast Guard, and is the most likely course to be adopted in the next year.⁸⁷

HOMELAND SECURITY COUNCIL

The same executive order that set up the OHS also set up the Homeland Security Council. The purpose of this council is to coordinate the activities of the federal state and local agencies, which could become involved in coping with a disaster or attack. The Homeland Security Presidential Directive, dated 1 October 29, 2001, creates a Homeland Security Council (HSC). The HSC will ensure coordination of all homeland security-related activities among executive departments and agencies, and will promote the effective development and implementation of all homeland security policies. It is hoped that the HSC will come to have the same level of authority that the National Security Council has.⁸⁸

The HSC Principals Committee (HSC/PC) will be the senior interagency forum under the HSC for homeland security issues. Others shall be invited to the meeting when issues pertaining to their responsibilities and expertise are discussed. These include: Secretary of State, Interior, Agriculture, Commerce, Labor, Energy, Veterans' Affairs, Environmental Protection, and the National Security Advisor for Combating Terrorism.⁸⁹ The Assistant to the President for Homeland Security, who shall determine the agenda, and ensure that all necessary papers are prepared, can call the meeting. If the terrorism threat is global the Homeland Security and National Security Affairs will perform these tasks in concert.⁹⁰

The directive also sets up Policy Coordination Committees (PCC) to coordinate the development and implementation of homeland security policies by multiple department and agencies. The PCC are the day-to-day main for interagency coordination. They will provide policy analysis and ensure timely responses to decisions made by the president.⁹¹

SUMMARY

As with all areas of homeland defense the government and the private sector have been slow to develop strategies to protect the homeland. Policies already exist which clearly emphasize U.S. intent. Now it becomes a matter of integration and implementation to coordinate a long range, integrated approach to safeguard our nation. In doing this, private industry will need the help of the U.S. government tax system, regulations and guidance, directed government studies to define the risk at each system level, and technical expertise to implement what will be a very costly protection system for industry to create. The government will have to continue to voice the need for these changes and not allow the threat of asymmetric attack to drop off the scope. The public's desire for safety will always be paramount when there is a true need, but keeping the need in the forefront of the public mind, and high on the legislative agenda will be a tough job. According to recent Cable News Network (CNN) polling

even now the public is beginning to question if the events of 11 September 2001 were isolated, and if future funding should be robust for the Office of Homeland Security.

FUTURE HOMELAND SECURITY STRUCTURE

To date, President Bush has endorsed the OHS through action and words. Steps that are being taken now will solidify the OHS mission. The President's heavy investment in the OHS was evident in the way he set it up, and in his subsequent advocacy of its mission. This section projects the roles and responsibilities of the federal, state and local organizations, and addresses funding and studies that should be implemented in order to execute Homeland Security.

ROLES AND RESPONSIBILITIES

A large question in the future will be; what authority does each OHS agency possess? To answer that question the hierarchy and structural processes need to be examined at each level, and changed if necessary.

Federal

At the federal level, the Office of Homeland Security will have to have budgetary authority over the homeland security process to be successful. Currently, OHS can task other agencies, but has no legitimate power over them. While President Bush remains in office, certainly OHS will be well-respected and other agencies will respond. However, history shows that when the presidency changes the authority of an agency often changes too. With FCDA the changes in leadership often left it floundering. In order to prevent the same issue with OHS Congress needs to give OHS budgetary authority for all the agencies under it.

JFCOM

On 26 October 2001, Secretary of Defense Donald H. Rumsfeld announced that U.S. military commanders would be provided additional authorities to defend the United States homeland, its states, territories, trusts and commonwealths. Secretary of the Army Thomas White, Department of Defense's executive agent for homeland defense, and U.S. Joint Forces Command (JFCOM) in Norfolk, VA have been placed in charge of the land and maritime defense of the continental United States, and in charge of providing military assistance to civil authorities.⁹² JFCOMs' primary mission is to be the catalyst for joint force integration, training, experimentation, doctrine development and testing.

Though standing up the Homeland Security Director at JFCOM is being billed as temporary, this paper proposes that it remain with JFCOM. JFCOM's primary mission will be to structure a team to plan and integrate the full spectrum of JFCOM civil support to lead federal agencies, from prevention through crisis response and consequence management.⁹³ JFCOM will need to interface with North American Aerospace Defense Command (NORAD) and Space Command. Currently, there are three proposals on the table for Homeland Security Command: one is for JFCOM to keep the mission as they currently have it, two is for NORAD to inherit the mission and three is to split out NORAD into another four star billet under NORAD and then place Homeland Security under it. JFCOM is convenient to the Pentagon and contains all military elements necessary to support Homeland security except space and intelligence operations. The other commands do not have a full spectrum of supporting military components.

JFCOM will need to work with organizations from local to national levels to establish states' inherent powers and accompanying responsibility to detail clear qualifications to coordinate homeland defense operations within state boundaries, and, in an emergency to direct them. The Department of Defense military components are essential, but they are not adequate in themselves for homeland security.

Several tasks that JFCOM will have to take on are: identifying what are the most likely terrorist targets in the U.S.; keeping the need for homeland security/defense in the forefront of the American mind; developing and coordinating a public relations and information program with Americans and neighboring border countries; developing a national campaign plan with supporting state and local plans; and drawing on its training mission to properly educate and train the federal, state and local participants on the nature of chemical and biological agents and their effects.

FEMA

Public relations such as Federal Emergency Management Agency's Project Impact developed in 2001 should be adopted. Some of the areas that Project Impact covers are: planning to get Americans involved in homeland security; educational training that addresses general public education regarding the nature of CBRN agents and measures people should take; communicating about protection such as voluntary vaccines and antidotes and stockpiling of vaccines; and notifying through use of indication and warning systems to the public in major cities, which continually monitor for airborne chemical and biological agents; detailing passive defense such as public facilities equipped with high efficiency particle arrestor filtration for air

supplies in buildings and mass transportation systems; and finally protecting equipment such as gas masks and protective suits and home shelters or tax breaks for building shelters in homes should be adopted. The first line of defense after a weapons of mass destruction incident is not the first responders (fire department, police, etc.), but individual and collective measures to shield Americans from the effects of germs, chemicals and radiation.⁹⁴

State

The current U.S. state and federal regulations prevent federal troops from arresting citizens of the United States. This presents a significant problem to any deployment of the Army or Army Reserve in an emergency situation. The principal of Posse Comitatus clearly denies federal troops any authority to arrest the civilian population.⁹⁵ Certainly the founding fathers felt that having escaped one repressive government tyrant, care needed to protect citizens from the tyrannies that might be imposed by an overly powerful federal government. This is a constitutional problem and works against the effective coordination of any systemic effort to protect the populous in the event of an emergency. It does however keep civil and military authority separate.

As a result the military units available to quell any threat must be deployed in such a manner as to not violate the current constitutional issues that are extant. The Reserve (federal troops) would have to work in conjunction with other law enforcement officials while the State controlled National Guard work under state autonomy.⁹⁶ Thus, the two missions within the greater effort must be designed to maximize effectiveness while staying within the confines of the current law.

Cross training these existing units to meet today's needs is also a problem. The training should be paid for from a combination of state and federal funds or the existing military budget; however, programs that existed prior to 11 September 2001 are not fully funded and therefore Department of Defense funding is unlikely to be available. Most National Guard and Reserves come from the active duty military and as such a significant amount of the assets expended in preparation for this mission will come from the regular military coffers. One way to provide a ready work force to perform homeland security is to give retirement credit to individuals leaving active duty who are willing to spend a set amount of time in the Guard or Reserves upon retirement. A target percentage goal of the officer and enlisted force retirees should be developed in unison with state homeland security offices, the Guard and Reserve and Pentagon. Retirees should come from skill codes that are used by homeland security. Some forms of expertise that should be targeted are: explosive ordnance, fire, and security police.

The Guard or Reserve period should be at least four to six years in order to recoup training costs and gain continuity. This would provide dependable tested and trustworthy personnel who are well prepared when called upon to serve. For example, if an individual is chosen for this type of service then during their last 90 days of active duty time the individual would work and train for the homeland security mission in the Guard or Reserve unit they would serve in during an emergency. All active duty soldiers would be required to make themselves available for this mission and spend up to six additional years in the Individual Ready Reserve (IRR). The Pentagon would have to be willing to make the commitment of additional funding for the three month period prior to retirement and OMS would have to federally fund the additional retirement and salary during the Guard and Reserve four to six years.

GUARD

The National Guard is one of the critical keys to defending each individual state. These troops have the authority to arrest civilians. A challenge for these troops is that they work for the state and are deployed at the behest of the governor. These fifty semi-autonomous states must then be coordinated through a command and control structure that is, at a minimum, fragmented. Once called out, they wield great authority within their home state. The problem then becomes what mechanism can be used to control the tasks between the various states. There is also the problem of separate and very differently designed bureaucratic entities.

In the State of Tennessee, for example, any emergency can be met by the National Guard. The governor call out the Guard, and the Adjutant General takes command. From that point forward the Adjutant is in command. If the governor disagrees with the decisions being made by the Adjutant, he has but one option, have the legislature call the troops back. Once turned on it takes the legislative body to turn it off. But there are dangers. During an emergency is it physically possible for the legislature to meet, get a quorum, vote to turn off the Guard, and then get the information to the parties involved? The question will be who will deem the order credible and valid? The chance of power being properly seized and subsequently reasonable men correctly disagreeing on the meaning of any information is very real and comes to play in every crisis situation.

The practice in the State of Tennessee is unique. But practices in other states raise equally difficult and trouble some questions. There is no uniformity from state to state. This presents another problem that must be addressed. A plan with fifty different facets must be designed to ensure the coordinated long term defense of the nation against all new threats. In the short run these areas must be addressed and then an intricate operations order must be designed that will put these semi-autonomous units under the umbrella of homeland defense.

RESERVES

The Reserve would need to be deployed differently, because of Posse Comitatus. In times of emergency they will be deployed to guard government facilities (water supply, power plants, etc.). When deployed away from specific facilities belonging to the government they would need to be coupled with state and local police forces. As a part of the state trooper's team, they would have a Reserve NCO or Officer. This could effectively double the size of the police force within the state while using an existing command and control structure.

Since September 11, 2001 airport security has been of heightened importance to the American public. In order to use Reserves to provide airport security the airports themselves should be made federal property. This would allow greater flexibility for security and allow federal jurisdiction, thus, the Reserve can conduct operations without violating the constitution.

AIRPORT SECURITY

Recent legislative changes in law have further defined the minimal level of security required to safeguard U.S. passengers from terrorism. New equipment to discover explosives will be in place in the next year, however, of greater concern is the expertise of the personnel who will be safeguarding passenger security.

The new legislation on Airport Security, which was passed in 2001 was designed to provide greater safety than previously. Security personnel were required to have at least a high school degree, however that requirement has now been changed to include security experience as a substitute for a high school degree. Current airport security, which has been determined to be inadequate, is run by contractor and is now changing to civil servants at least for an interim period. The fallacies of this idea are numerous. It relieves the airlines of any security related liability and transfers all liability to the U.S. government.

Hiring problems encountered throughout the government are for the most part created by our current federal hiring practices. Typically, hiring takes upwards of 10 months. Another issue that hampers mission completion is how positions are graded. Qualifications are graded on criteria based on education and responsibility. The changes in the new law almost guarantee that the personnel who will be hired to perform airport security will be even less qualified than before and lower paid. Union regulations may also be a contributing problem. Under most union contracts a person cannot be multi skilled. Therefore, there will be more personnel performing the necessary requirements than can be hired by a contractor who can hire multi-skilled personnel. This will result in a cost comparison study that will show it is more cost economical to outsource/contract out these positions.

Instead of converting the existing positions to civil servants the government should review its operating processes and create systems to accurately capture the true cost of airport security. In almost all outsourcing scenarios the true operational costs are practically impossible to capture by the existing work force due to broadly-defined work task procedure or lack of systems to analyze. The cost comparison becomes an analysis of apples to oranges and the contract then becomes grossly under-scoped. Additionally, if the government converts to contract at a future date, it will have born the burden of training approximately forty percent of the contractor staff, buying all x-ray equipment, and then running the risk of being unable to perform adequately airport security during the transitional period, which can be as much as two years.

Local

At the local community level, several issues need to be addressed. One is the allocation and utilization of the military facilities that support the off-base community. A second concerns the structure and functioning of the Community Emergency Management Agencies; agencies, which are made up of all the local emergency management agencies that react to a problem, i.e. fire, police etc.

MILITARY INSTALLATIONS AND COMMUNITY

Most military installations are self contained; that is to say they usually have explosive ordnance, fire, police, emergency management and trained first responder personnel. Inter-agency support agreements, define what services one will provide for the other and the legal ramifications that can be expected. These are between the community and installation and are well-developed and commonplace. Each installation is prepared for all known disasters and has a designated installation point of contact and organization to develop documentation and perform coordination necessary to fold the new requirement of homeland security into the community and military installation. In order to support homeland security a review of additional duties should be accomplished to allocate additional manpower slots. This new manpower will be charged at each installation with rewriting preparedness and readiness support agreements, creating the terrorist type exercise scenarios and coordination with the community to make sure resources and equipment are defined. All parties should assimilate into their new responsibilities and roles and a final briefing should be prepared that delineates the lines of authority and resources for each party; installation, county, state and federal agencies. Overall the installation and immediate community already have well established emergency management organizations that will be able to meet the homeland security need, but clear

direction from federal and state agencies to the local community must be developed. The Department of Defense must push down to the installations their guidance and direction as well to inform the military installations of their responsibilities and roles.

FUNDING

One step that is being taken to safeguard our bases is to increase staff assistance visits at U.S. bases to assess installation protection vulnerability and programming actions. This will improve implementation of force protection guidance and advocacy for future force protection dollars.

Base Realignment and Closure

In an effort to live within set budgets, Secretary Cohen in April 1998 suggested, future security requires more base closures.⁹⁷

Our need is clear and compelling. The Department of Defense has more base capacity than is required to meet the needs of our fighting forces. Eliminating this excess capacity will save the Department billions of dollars. The resources will help ensure that the Department can sustain our high state of readiness and provide our troops with modern weapons.⁹⁸

The 1998 Report of the Department of Defense on Base Realignment and Closure (BRAC) states that BRAC savings are critical to meeting the Department of Defense Quadrennial Defense Strategy.⁹⁹ According to the report, the first four BRAC rounds will have saved \$25B by 2003.¹⁰⁰ Base closure is a long term solution. It has been established that savings from base closures usually do not show up until five years after implementing the process. This implies that if the Office of Homeland Security (OHS) is to be funded using BRAC savings, it will be several years before it is possible to obtain funding that was slated for the BRAC bases to OHS.

Enforce PDD-63

Prior to 11 September 2001, PDD-63, which was passed 22 May 1998 was not being enforced, and therefore, the risk to security and safety issues did not drive appropriate funding levels. Record levels of additional funding were inserted for force protection against terrorist threats; however, the perceived risk was not great enough to obtain the entire \$3B suggested in the Defense Science Board (DBS) report of February 2001.¹⁰¹ The \$3B was designated to protect the homeland against biological, chemical, information and unconventional nuclear attacks.¹⁰²

Separate Funding Lines

In the past, funding for various homeland security tasks has not been easily discerned or quantified in the Department of Defense budget. For example, infrastructure force protection funding is incorporated into several different funding lines, making it hard to identify and even harder to determine its adequacy.¹⁰³ Force protection dollars currently compete for the same dollars that pay for training, maintenance, supplies and other essentials needed to ready the U.S. forces to fight and win decisively adding further decision points to the constrained budget.¹⁰⁴

The homeland security funding should be line-item approved by Congress just as military construction funding is. This will prevent the state from using the homeland security fund cites as a slush fund. At present if a project is not clearly defined at the congressional level, then any project can receive the funding if it bears the same name as the one programmed. For instance, a study selecting the most likely terrorist threats could be vastly different from state to state. One state could choose to study types of threats while another could choose to study the city that might be attacked. Currently, funding is sent to the states, but is not centrally-controlled and there is little accountability for it. There are no guarantees that it is being spent as the program intends. If 50 states ask for funding for the same project, the project would end up being 50 different projects and have little commonality across the nation.

Fund cites should be fenced at the Pentagon level in order to guarantee that they are being spent on homeland security and within the guidelines for that mission. For instance, the Department of Defense created an Environmental Restoration Account for site cleanup after the 1984 Superfund Legislation was enacted. The account is fenced at the Pentagon level and has very specific guidelines that detail how the funding can be spent. Even so, installation commanders sometimes spend it inappropriately to pave a parking lot, for instance. The same issues exist at the state level on emergency funding.

Implement the Defense Science Board Report

The DSB 2000 focused on defense against two weapons of mass destruction (biological threats, unconventional nuclear threats) and on related intelligence needs for civil support."¹⁰⁵ The nation should develop an effective early capability to assess the biological weapons of war threat and to prevent such a crisis.¹⁰⁶ Infrastructure should be enhanced to execute desired consequence management measures."¹⁰⁷ To date the U.S. capability to defend against unconventional nuclear attack is more developed than capabilities against biological and information warfare attacks, but more research and resources should be focused on this

area.¹⁰⁸ To do this the U.S. can use the U.S. significant experience base and some of its infrastructure to support early capability assessment and hence, crisis prevention.¹⁰⁹

SUMMARY

Future policy should focus on protection and deterrence for unconventional nuclear, biological and information attacks against key military and national infrastructure targets. The DSB should perform further studies on infrastructure protection. Effort should be directed to planning and executing another Base Closure and Realignment to consolidate resources. Cooperation between the public and private sectors, as well as within and between countries, remains an imperative for successful defense of the U.S.¹¹⁰ Congressional and military leaders must work to create new policies that will sustain public interest over the next ten to twenty years, to formulate a strategy that will keep the public "will" focused on terrorism, and to make a commitment to additional funding for infrastructure protection. National leaders will have to focus the public's renewed sense of patriotism to ensure resources are forth coming in future fiscal years.

CONCLUSION

To date President Bush has provided exceptional leadership and advocacy for OHS. Funding has been shifted quickly to this new office and the American public is in full support the U.S. war on terrorism. Government trust and approval is at an all time high, due in large part to the fact that the American public now believes that the government is forth coming on all information that they have and that the American public needs. The OHS is being directed by a well qualified civilian whose relationship with President Bush has allowed unprecedented focus by both the nation and legislature.

The office faces many challenges. It must: evolve quickly into the structure that will allow it to best effect homeland security; develop funding profiles for the future; hold the "will" of the American public; and get congressional laws passed to give OHS budgetary review of all agencies that work with it prior to President Bush leaving office. All of the historical problems of the FCDA can be used to help develop future programs for OHS and prevent long term floundering by both the American public and OHS.

Word Count 9.990

ENDNOTES

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⁷⁹ Ibid., 5.

⁸⁰ Ibid., 6.

⁸¹ CDR Michael Dobbs, USN, "A Renaissance for US Civil Defense? July 2001," *ANSER Studies for Homeland Security*, (Washington D.C.: ANSER, October 23, 2001), 6. Available from <www.homeland security.org/journal.articles >;Internet; accessed September 223, 2001.

⁸² Ibid., 4. The Israelis recognized that many chemical and biological weapons employ airborne agents that must be taken into the respiratory tract or come into contact with the skin to cause harm. Thus they knew the importance of providing even rudimentary devices such as gas masks.

⁸³ Adriel Bettelhelm and Chuck McCuthcheon, "2406 CA Weekly", *Business and Society Defense*. (October 13 2001), 2.

⁸⁴ Ibid. 2.

⁸⁵ Yochi J. Dreanzen, "Counterterrorism Chief May Lack Control Over Federal Budgets He Is To Oversee", *The Wall Street Journal*, New York, (Oct 8, 2001), 2. Available from < proquest.uni.com/jpqdweb > accessed Nov 5, 2001.

⁸⁶ Ibid., pp. 2.

⁸⁷ Bettelhelm and Chuck McCuthcheon, "CA Weekly"., 3.

⁸⁸ George W. Bush, "Homeland Security Presidential Directive – 1, October 29, 2001", (Washington D.C.: Office of the Press Secretary, October 30, 2001), 1. Available from < usisnfo.state.gov/topic/rigts/law01/103001.htm >; accessed Nov 5, 2001.

⁸⁹ Ibid., 2. Its member will include: Treasury, Secretary of Defense, Attorney General, Secretary of Health and Human Services, Transportation, Office of Management and Budget,

Assistant to the President for Homeland Security, Chief of Staff, CIA, FBI, FEMA, Chief of Staff for the Vice President, and the Assistant to the President for National Security Affairs.

⁹⁰ Ibid., 2.

⁹¹ Ibid., 3.

⁹² United States Joint Forces Command, Leading transformation of U.S. military forces, "Homeland Security Mission Tops List of New Priorities for 2002", JO2 Michael Wimbish and Staff Sergeant Norinda Rodney, (USFCOM Public Affairs, 2002), 1, 2. Available from < www.jfcom/NewsLink/StoryArchive/2001/pa122701.htm, > ;Internet; accessed 4 January 2002.

⁹³ United States Joint Forces Command, Leading transformation of U.S. military forces, Homeland Security Directorate, Available from < www.jfcom/About/hls_soriano.htm > ;Internet; accessed on 4 January 2002.

⁹⁴ Bush, *Homeland Security Presidential Directive* – 1, 4.

⁹⁵ Roger B. Hohnsbeen, *Fourth Amendment And Posse Comitatus Act Restrictions On Military Involvement In Civil Law Enforcement*, 54, *George Washington Law Review* 404,408 (1986).

⁹⁶ James Kish, LtCol, National Guard Bureau, "Response to Acts of Terror, Roles of the National Guard", briefing slides 17 July 2001, Available from < www.ngb.dtic.mil/ngb_staff/civil_support/terror_respond.ppt. > ;Internet; accessed on 22 March 02.

⁹⁷ William S. Cohen, "Defense Secretary William S. Cohen Says Future Security Requires More Base Closures," *United States Department of Defense News Release*, (April 2, 1998), 1. Available from <<http://www.defenselink.mil/news/april1998>> accessed 26 September 2001.

⁹⁸ Ibid., 1.

⁹⁹ Ibid., 1.

¹⁰⁰ Ibid., 1.

¹⁰¹ "Protecting the Homeland", *Report of the Defense Science Board: 2000 Summer Study Executive Summary, Volume I*, (Washington, D.C.: Office of the Undersecretary of Defense for Acquisition, Technology and Logistics, February 2001), 7. The DSB is funded by the government to study scientific areas of concern to Congress.

¹⁰² Ibid., 7.

¹⁰³ Ibid., 7.

¹⁰⁴ Department of Defense Budget for FY 1998. News Release:Office of Assistant Secretary of Defense, (Washington D.C.C.: Public Affairs, February 6, 1997) 1.

¹⁰⁵ "Protecting the Homeland", *Report of the Defense Science Board*, 2.

¹⁰⁶ *Ibid.*, 4.

¹⁰⁷ *Ibid.*, 4.

¹⁰⁸ *Ibid.*, 4.

¹⁰⁹ *Ibid.*, 4

¹¹⁰ *Ibid.*, 9.

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