

MOUNTING A U.S. CIVIL- MILITARY CONSTABULARY POLICE FORCE

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ABSTRACT

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KEY TERMS: Partner-Nation, Security Assistance, United States Agency of International Development (USAID), Foreign Assistance Act of 1961, National Security Presidential Directive 24, International Criminal Investigative Training Assistance Program

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Today, the U.S. Government provides dedicated military trainers to assist a partner-nation develop and mature their military force capabilities, and then focus their efforts on external military threats. However, the U.S. Government does not possess a dedicated corps capable of creating or assisting partner-nation police forces address their internal security concerns. This is a capability “gap” directly affecting U.S. National Security. The U.S. Government must develop a permanent civil-military professional policing component (constabulary) capable of creating, training, and/or advising existing partner-nation police forces while simultaneously sustaining local security in an uncertain environment. To create a permanent constabulary force, the U.S. must resolve four interwoven problem areas in order to provide law enforcement training and local security to our partner-nations. To enhance success, the U.S. Government should establish this capability under the management of one department to close this pronounced national security capability “gap.” U.S. policymakers and strategic leaders can learn key lessons by examining effective modern constabulary forces. The most

widely known and most effective constabulary forces are the French Gendarmerie National and the Italian Carabinieri.

MOUNTING A U.S. CIVIL-MILITARY CONSTABULARY POLICE FORCE

Recent history and numerous references, including the 2010 Quadrennial Defense Review (QDR), recognize partner-nation security as a necessary component of United States National Security. The QDR specifically illustrates the necessity for enhancing U.S. capabilities to train, advise, and assist partner-nation security forces.¹ Such partner-nation security forces prevent adversary groups from recruiting members and enjoying sanctuary in areas around the globe where they can plan and launch attacks on the United States.

A partner-nation's security force can be comprised of both its police forces as well as its military forces. Today, the U.S. Government provides dedicated military trainers to assist a partner-nation develop and mature their military force capabilities, and then focus their efforts on external military threats. However, the U.S. Government does not possess a dedicated corps capable of creating or assisting partner-nation police forces who are trying to address their internal security concerns. This is a capability "gap" directly affecting U.S. National Security. To comprehensively address U.S. National Security and assist partner-nations attempting to address their internal security concerns; the U.S. Government must develop a permanent civil-military professional policing component (constabulary) capable of creating, training, and/or advising existing partner-nation police forces while simultaneously sustaining local security in an uncertain environment.

The United States Government has been historically involved in foreign security assistance activities, including training programs for foreign police forces since the 1950s. This engagement expanded in the early 1960s under the Kennedy

administration. Concerned about growing communist facilitated insurgent activities, the administration established a public safety program within the United States Agency for International Development (USAID) through the congressionally enacted Foreign Assistance Act of 1961. This act reorganized U.S. foreign assistance programs and separated military and non-military aid. By 1968, the United States Government was spending \$60 million a year to train police in 34 countries in the areas of criminal investigation, patrolling, interrogation counterinsurgency, riot control, weapons use, and the rendering safe of improvised explosive devices.² However, in the early 1970s, the Congress became concerned over the use of program funds for two primary reasons. First, their concerns surrounded allegations of human rights violations by regimes supported by the funding. Second, their concerns reflected the overall absence of clear-cut policy guidelines for implementing and monitoring the police training programs. As a result, the Congress determined that the United States Government would not continue supporting foreign police organizations.³

To alleviate concerns over the use of funding, the Congress enacted the Foreign Assistance Act of 1973, forbidding the use of foreign assistance funds for police training and related law enforcement programs in foreign countries.⁴ One year later in December 1974, the Congress amended the Foreign Assistance Act of 1961, by adding section 660 prohibiting USAID's public safety program. The amendment stated, "On and after July 1, 1975, none of the funds made available to carry out this Act, and none of the local currencies generated under this Act, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement

forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.”⁵

Section 660 of the Foreign Assistance Act of 1961 only limited USAID’s public safety program. The 1974 prohibition did not apply to any of the Drug Enforcement Agency (DEA) or the Federal Bureau of Investigation (FBI) programs related to “crimes of the nature of which are unlawful in the United States”⁶ or assistance to combat international narcotics trafficking. Officials from both the DEA and FBI, use this exemption to permit their organizations to train/assist foreign police.⁷

Throughout the remaining 1980s and 1990s, the Congress granted numerous exemptions to the 1974 prohibitions, authorizing activities that benefited specific U.S. goals. Congressional exemptions included the International Security and Development Assistance Cooperation Acts of 1981⁸ and 1985⁹; the International Security and Development Assistance Authorizations Act of 1983¹⁰; the DoS sponsored -- Department of Justice (DoJ) executed, International Criminal Investigative Training Assistance Program (ICITAP) established in 1986¹¹; the International Narcotics Control Acts of 1986¹², 1988¹³, and 1989¹⁴; and the Urgent Assistance for Democracy in Panama Act of 1990.¹⁵ In addition to the exemptions granted by Congress, the President may also authorize foreign assistance when it is important to U.S. security interests. This allows the President to waive any provision of the Foreign Assistance Act of 1961, including section 660.¹⁶

Today in Afghanistan and Iraq, supported by limited Congressional authorities, the DoD plays the lead U.S. Governmental role in providing training assistance to Iraqi and Afghan security forces, including police.¹⁷ This dynamic policy change provides the

DoD with categories of funding and authorities to take the lead in implementing activities allowing international partners to contribute to the coalition efforts.¹⁸ However, it can be argued that this effort has been ineffective in meeting today's post 9/11 security assistance challenges. Overall, the authorities are still too restrictive, reflect an inflexible approval and implementation process, and fail to encourage an effective whole-of-government solution.

These "quick fix" efforts lead to several strategic questions: Can the U.S. Government conduct the mission of training, and/or advising partner-nation police forces while simultaneously sustaining local security under the current construct? Should a U.S. Government sponsored civil-military constabulary police force be established? Should the U.S. Government leverage local (non-federal) law enforcement capabilities and assets to fill this capability gap, which directly affects U.S. National Security?

Defining the "Gap"

A key factor in Afghanistan and Iraq affecting operational success is the permissiveness of the environment in which U. S. military forces and U.S. Government civilian elements must operate. It is imperative for the success of the overall U. S. Government effort to implement security assistance activities to build a strong partner-nation civil law enforcement organization. This partner-nation law enforcement capability must create the permissive environment needed to facilitate all other post-conflict stability activities necessary for restoring good governance and peace in the region. The key element missing in this chain of necessary events is the permanent, civil-military professional policing component of the U.S. Government. When created, this U.S. Government professional policing component must be capable of quickly

subduing armed opposition, de-escalating civil disorder, and ensuring that partner-nation civil law enforcement officers can perform their functions in a secure environment.¹⁹ This missing U.S. Government component creates a capability "gap" that must be temporarily filled by other U.S. Government agencies, contractors, and/or the Department of Defense. Temporary "gap" fillers create imperfect solutions and inconsistent outcomes. Thus, the product of the security assistance activities performed by the temporary "gap" fillers is a partner-nation law enforcement element lacking a solid foundation for future growth.

As outlined in the DoD Capstone Concept for Joint Operations version 3.0, "Security assistance activities are implemented to ensure a safe and permissible post-conflict environment is established to enhance, protect, and control civil populations and territory -- friendly, hostile, or neutral. These activities may be performed as part of a military occupation during or after combat, and to help defeat an insurgency. Security assistance activities conclude when the civil violence is reduced to a level manageable by civil law enforcement authorities."²⁰ Recent experiences in Afghanistan and Iraq revitalized awareness of both the importance of security activities and the importance of providing a dedicated constabulary force with the capabilities needed to train/advise partner-nation law enforcement elements to increase internal security.

Post-Conflict Stability Force Planning

Prior to hostilities, a comprehensive campaign plan must be developed which addresses post-conflict stability. This plan must include an analysis of both internal and external security threats and their direct relationship to the permissiveness of the post-conflict environment. This campaign plan should incorporate civil-military constabulary forces to train/advise a partner-nation's police force. It has been suggested that the

aggressive planning process prior to Operation Iraqi Freedom (OIF) combined with planning “compromises” derived through rapid, successive, and continuous vetting sessions represented a new intensity in the scope and frequency of iterative campaign plan development.²¹ Historians have argued that there was no coherent plan for post-conflict stability operations -- either in the DoD or the DoS. However, evidence suggests otherwise. From the outset, creating a secure post-conflict environment was a primary DoD planning objective.²²

During the (OIF) campaign planning process, President George W. Bush signed National Security Presidential Directive 24, a unified mission plan for post-conflict activities in Iraq concerning reconstruction and stabilization. Within this document, formal post-conflict authorities enabled the DoD to perform security assistance activities.²³ However, it was recognized during the planning process that post-conflict security was an unsettled issue and perhaps not all of the security requirements should be the responsibility of the military. In fact, Dick Mayer, the deputy director of the ICITAP, recommended the addition of 5,000 international police advisers to fill the law enforcement vacuum following the collapse of Saddam Hussein’s Baathists government.²⁴ The police advisors would train the Iraqis in modern police tactics, identify and eliminate committed Baathists, and help maintain law and order.²⁵ Mayer estimated that the program would cost \$600-700 million, while DoD officials estimated \$38 million would be required to establish the program.²⁶ Furthermore, DoD officials considered Mayer’s estimate to be an excessive and unnecessary expenditure. Ultimately, they appeared to dismiss his suggestions since the U.S. would not be ultimately responsible for enforcing the law in Iraq.²⁷ The DoS Bureau of International

Narcotics and Law Enforcement later refined the estimate for the overall program upward to \$1 billion.²⁸

The Defense Policy Board also invited Robert Perito, an expert on peacekeeping operations at the United States Institute for Peace, to outline his recommendations regarding post-conflict stability operations in Iraq.²⁹ Perito, who had extensive experience in the Balkans conducting peacekeeping operations, and like Dick Mayer, a former deputy director of the ICITAP, supported the creation of a U.S. sponsored civilian constabulary force.³⁰ Perito advised Pentagon officials not to rely on local authorities for security in a post-conflict Iraq.³¹ Perito also explained that neither the North Atlantic Treaty Organization (NATO) nor the Organization for Security and Co-operation in Europe (OSCE), which contributed police and legal experts in Bosnia and Kosovo, would be interested in supporting post-conflict security operations in Iraq.³² Additionally, Perito felt relying on U.S. military forces was not the answer since they primarily focused on decisive combat operations. He further concluded, it would be vital to have an international police force on the ground to stop any rioting or civil disorder before it got out of control. Police forces needed to be recruited, trained, equipped, and ready to deploy. Perito urged Pentagon officials to establish a standing “stability force” for Iraq consisting of legal experts and a constabulary force totaling 2,500 personnel.³³ “The fact that we may be within weeks of the decision by the President to intervene in Iraq should not deter us,” Perito said.³⁴ “Experience in the Balkans, East Timor, or Afghanistan showed that coalition forces will have to deal with high levels of violence for the first two years of the mission.”³⁵ Pentagon officials thanked Perito for this contribution. Perito never heard from the Pentagon again.³⁶

It was eventually decided that 1,500 advisors would train the Iraqi police force. The planned advisory team included 1000 Americans and 500 experts recruited from European countries.³⁷ However, with the little likelihood of recruiting foreign advisors and limited funds to support this initiative, the administration decided to hire a private contractor to line up 150 initial advisors.³⁸ Upon the conclusion of decisive combat operations, 50 experts would go to Iraq to conduct a fact-finding mission to evaluate the security requirement. These experts would not directly enforce the law.³⁹ Clearly, many lessons can be learned from this example. However, if the U.S. Government possessed a dedicated constabulary corps, a significant portion of this debate could have been eliminated.

Defining a Constabulary Force

To address U.S. National Security from a comprehensive perspective, the U.S. Government must develop a permanent and deployable civil-military professional policing component or “constabulary” force. Historically, nations engaged in post-conflict security assistance operations recognized the increased importance of a constabulary force to maintain law and order. The purpose of a constabulary force is to re-stabilize post-conflict environments and assist with building partner capacity. A constabulary force is a large civil police force organized and trained along military lines, which may contain paramilitary elements. However, there is a wide range of definitions on what constitutes the purpose of a constabulary. Some experts define a constabulary by the nature of its organizational structure, while other experts define a constabulary based on the operational tasks and functions it performs.⁴⁰ Erwin A. Schmidle, a Senior Researcher at the Austrian Ministry of Defense, Bureau for Military Scientific Studies, defined a constabulary as a force which is “organized along military lines, providing

basic law enforcement and public safety in a yet to be fully stabilized environment. Such a force can provide the nucleus for professional law enforcement or police force.”⁴¹ An example of this organizational paradigm is the Royal Canadian Mounted Police. Schmidle’s views are supported by Charles Moslos, Jr., a renowned sociologist whose specialty is the military profession. Mr. Moslos believes constabularies, in contrast to regular military armed forces, are concerned with attaining viable political compromises rather than with resolving a conflict by force.⁴² Other definitions focus on the operational tasks constabulary forces are likely to perform. United States Military Academy Professor Don Snider and Major Kimberly Field define a constabulary force as “one which provides for public security in a post-conflict area of operation after the combat-heavy units have redeployed and before peacekeeping efforts have succeeded in re-establishing local or federal law enforcement agencies.”⁴³

For the purpose of this Strategy Research Project, the definition of a “constabulary force” is based on the Schmidle organizational structure. Such forces can serve in either a military or a civilian capacity and operate independently or in cooperation with other military or civilian police forces. It is also important to define the operational role of constabulary forces in democratic countries. These trained forces perform a range of police functions such as traffic control, criminal investigations, and general policing activities. These functions also include supporting host-nation police by patrolling, providing area security, staffing checkpoints, and intervening directly if events exceed the capability of local authorities.⁴⁴

Another characteristic of constabulary forces is their participation in the military operations of their countries. For example, the constabulary forces of France and Italy

are trained to function as part of the national armed forces. In many cases, constabulary forces operate as light infantry and perform military police duties.⁴⁵ International constabulary forces have also deployed as members of an international peacekeeping force, performing both military and police functions and can be assigned in either a military or civilian capacity. Constabulary forces from several European countries served with NATO military forces in Bosnia, as United Nations (UN) civilian police forces in Kosovo, and as UN civilian police in East Timor. These units are ideal for service in “complex contingency operations,” requiring flexibility and adaptability.⁴⁶

In the U.S., the concept of a constabulary force and our Armed Forces performing police duties is not a new theory. The Second Amendment of the U.S. Constitution states, “A well regulated Militia, being necessary to the security of a Free State, the right of the people to keep and bear Arms, shall not be infringed.”⁴⁷ This amendment ensured that individual states would have forces capable of enforcing laws and maintaining sovereignty in an uncertain environment.

The Texas Rangers represent a historical example of an effective U.S. constabulary force. Formed in 1823 and considered the oldest law-enforcement agency in North America, the Texas Rangers served as a volunteer frontier defense force organized to protect settlers from the Indians.⁴⁸ The Texas Rangers served within the Union and Confederate armies during the Civil War. By the end of the post-war reconstruction period, they transformed into a state constabulary with responsibilities for border control and frontier defense.⁴⁹

While the mission of the Texas Rangers dramatically changed as they entered the twentieth century, they remained a leading law enforcement organization. In fact,

they have been compared to other world-famous agencies such as the Federal Bureau of Investigation (FBI), The New Scotland Yard, and the Royal Canadian Mounted Police (RCMP).⁵⁰ Clearly, the creation of the Texas Rangers demonstrates the ability of the U.S. Government to mount an effective, and permanent civil-military professional policing component.

Effective Constabulary Forces

U.S. policymakers and strategic leaders can learn key lessons by examining effective modern constabulary forces. These lessons include studying their organizational structure, size, deployment capacity, and functions. From these lessons, clearly defined roles and organizational paradigms can enhance the development of a future U.S. civil-military professional policing component. These forces are highly trained, agile, and reflect distinct histories of civilian and military service to their respective governments.⁵¹ They have a clear command structure and are governed by specific policies. Their primary missions are focused on the security and safety of their country and its citizens. Additionally, they also carry out the international obligations of their governments and have the capacity to deploy outside of their sovereign territories.⁵² The most widely known and most effective European constabulary forces with specific mission capabilities designed to deal with “complex contingency operations” are the French Gendarmerie National and the Italian Carabinieri.

The French Gendarmerie

One of the world’s premier and effective constabulary forces is France’s Gendarmerie National. The French Gendarmerie is one of the oldest French institutions and is the natural heir to the Royal constabularies “Marecjaussees de France,” which dates back to 1720.⁵³ This national police force reflects the characteristics of a military

force and answers to the Minister of Defense, but it performs predominantly civil police functions. The French Gendarmerie is divided into two subdivisions: the Departmental Gendarmerie and the Mobile Gendarmerie. With approximately 63,400 members, the Department Gendarmerie is responsible for law enforcement in towns with fewer than 10,000 inhabitants in rural areas much like State Police Divisions within the United States.⁵⁴

Much of the French Gendarmerie's peacetime mission focuses on routine domestic general police responsibilities along with traffic control, public security, and judicial investigation.⁵⁵ During times of war, the French Gendarmerie is organized under the Ministry of Defense and is considered part of the French Army assuming responsibility for the protection of sovereign domestic territory and functioning as a military police organization. Today, the Gendarmerie responds to increasing international demand for its services. Examples of employment of this capability include promoting multilateral law enforcement cooperation in Western Europe, providing bilateral police assistance programs in developing countries, and serving as an international military and police force under the auspices of NATO and the United Nations.⁵⁶

The Italian Carabinieri

The ancient Corps of the Royal Carabinieri is also one of the world's premier and effective constabulary forces worthy of examination. Established in July 1814 as part of the Army of the States of Savoy, the Carabinieri authority extended to all of Italy after reunification in 1861.⁵⁷ The Carabinieri are an arm of the Italian armed forces and report to the Ministry of Defense. In this role, they are a special branch of the army with similar functions to the police, particularly concerning criminal investigation.⁵⁸ Additionally, they

are responsible for providing domestic security and public order, including responding to crime and natural disasters. When performing these missions, they are subordinate to the Ministry of the Interior.⁵⁹ The Carabinieri units function both as a military police force and as an internal security force. Duties range from criminal investigation to riot control to border patrol, and they often operate in tandem with regular army units.⁶⁰ Like the French Gendarmerie, the Carabinieri units reflect a military organizational paradigm composed of divisions that have interregional responsibilities and are further broken into subordinate regional/provincial commands, groups, companies, and stations.⁶¹ Recruitment is conducted mainly among military personnel leaving the service, so most members of the Carabinieri units have military experience.⁶²

The Carabinieri have a long tradition of participating in international police missions. Their experience extends from the Crimea in the 1850's; to the Persian Gulf, El Salvador, and Cambodia in the 1990's; to present-day missions in Albania, Kosovo, Bosnia, Guatemala, and Eritrea. The Carabinieri served in three forces in Bosnia.⁶³ First, they served as part of the NATO-led Stabilization Force (SFOR) in Bosnia and Herzegovina. Second, the Carabinieri provided leadership and most of the personnel for the Multinational Specialized Unit (MSU). The MSU bridges the gap between SFOR traditional military forces and "civil police type" units. The MSU is organized along military lines and is equipped to carry out a wide range of police and military tasks. Third, the Carabinieri provide tactical-military assistance and serve as military police in other SFOR units as well as members of the United Nations International Police Task Force in Bosnia and Herzegovina, tasked to monitor and advise local police.⁶⁴ The successful employment of the French Gendarmerie and the Italian Carabinieri

demonstrates the need for a similar U.S. Government sponsored civil-military constabulary force to provide security in a post-conflict environment.

Organizational Paradigm within the United States

To ensure U.S. National Security, the U.S. Government must be prepared to assist partner-nations by addressing internal as well as external security threats. A critical component for attaining and maintaining internal security is a nation's police force. In a comparative organizational analysis, the United States Department of Homeland Security (DHS) has organizational management responsibilities similar to both the French Ministry of the Home Secretary,⁶⁵ and the Italian Ministry of Defense,⁶⁶ responsible for the management of the French Gendarmerie National and the Italian Carabinieri respectively. The DHS's overriding and most urgent mission is to lead the unified national effort to secure America.⁶⁷ The DHS performs this function by centrally coordinating integrated activities across law enforcement components that are distinct in their individual law enforcement missions and operations. Numerous law enforcement related functions reside in the DHS including the Transportation Security Administration (TSA), Customs & Border Protection (CBP), Citizenship & Immigrations Services, Immigration & Customs Enforcement, United States Secret Service (USSS), Federal Emergency Management Agency (FEMA) and the United States Coast Guard (USCG).⁶⁸ The bulk of the personnel comprising these directorates are responsible for securing our borders, protecting key and critical infrastructure (to include the personnel who work and reside in these facilities), and providing secure commercial airline commerce (i.e. ensuring the passenger safety of national as well as international airline travel).⁶⁹ Although these offices are organized under a DHS construct, they are separate and distinct entities with separate roles and responsibilities. These offices share

responsibilities within the DHS similar to the ways sub-components of the French Gendarmerie and the Italian Carabinieri support their respective ministries.

The Role of the Department of Homeland Security Overseas

As a result of the attacks on 9/11, the U.S. Government recognized homeland security does not stop at a nation's border. The Homeland Security Act of 2002, Section 879, established the Office of International Affairs.⁷⁰ Among its many responsibilities, this office manages international activities within the Department in coordination with other federal officials responsible for counterterrorism matters. The creation of this strategic level office establishes an organizational paradigm capable of developing and maintaining overseas responsibilities to train/assist partner-nation security forces. This office works closely with the DHS's regional and functional counterparts at the National Security Staff, and DoS (e.g., geographic and functional bureaus). The office supports the Secretary of Homeland Security, the Deputy Secretary, and the Department's leadership in all their interactions with foreign counterparts and their international travel. The office also ensures that the subordinate components of the DHS have situational awareness of the entire Department's international activities so that they have a contextual understanding of their respective activities.⁷¹

Within the DHS headquarters, an International Coordinating Council has been established. This council is chaired by the Deputy Secretary and has representation from all agencies within the Department that have an international portfolio and from the key staff advisors to the Secretary. The creation of this council, much like the Office of International Affairs, provides an organizational paradigm to establish relationships with foreign governments critical to the integration of an effective, professional, and transparent constabulary force. The council meets on a regular basis and is the formal

mechanism for "checking the pulse" on issues of importance to the Department. There are also numerous international offices distributed across the DHS. Many are new including the international coordinating elements that support the DHS under secretaries. Additionally, DHS created attaché positions at overseas diplomatic missions where some 1,200 DHS employees protect the United States from abroad. These attachés provide members of the U.S. Embassy country teams with identified points of contact to address issues to DHS and manage international portfolios.⁷² The DHS has proven itself as an organization capable of managing large departments, coordinating activities overseas, and if expanded could provide the foundation for mounting a U.S. Government sponsored civil-military constabulary force.

U. S. Department of Justice and Department of State Law Enforcement Initiatives

Working with the DoS to advance the strategic law enforcement priorities of the U.S. Government, the International Criminal Investigative Training Assistance (ICITAP) Program was created in 1986.⁷³ Through funds provided by USAID to the DoJ, an interagency coordinated program emerged with a mission to work with foreign governments to develop effective, professional, and transparent projects to advance foreign law enforcement institutions that protect human rights, combat corruption, and reduce the threat of transnational crime and terrorism.⁷⁴ The ICITAP supports both national security and foreign policy objectives and works in close partnership with the DoS, USAID, the DoD, and the Millennium Challenge Corporation.⁷⁵ Additionally, these agencies and departments fund ICITAP's initiatives in forty countries around the world to conduct short-, medium-, and long-term law enforcement programs.⁷⁶

To assist the United States military's stability and security building efforts in Iraq and Afghanistan, the DoJ/FBI and the DoS/DS (Diplomatic Security) operate outside of

their traditional law enforcement roles by conducting security assistance and building partnership capacity activities. The FBI expanded the responsibilities of their 75 international Legal Attaché offices, including offices located in the U.S. Embassies in Kabul, Afghanistan and Bagdad, Iraq, to assist their foreign counterparts overseas. Examples of these activities include joint investigations, intelligence-sharing, and developing new methods for preventing future attacks.⁷⁷ Another portion of this program includes foreign criminal investigative training overseen by the U.S. military's multinational Civilian Police Assistance Training Team.⁷⁸ The purpose of this joint relationship between the FBI and the U.S. military is to provide civilian U.S. law enforcement expertise to train the reconstituted Iraqi Police.⁷⁹

The Bureau of Diplomatic Security (BoDS), the law enforcement and security arm of the DoS, administers the Antiterrorism Assistance (ATA) program through the Office of Antiterrorism Assistance. This program, first established in 1983, trained and assisted over 48,000 foreign security and law enforcement officials from 141 countries.⁸⁰ This program increases the capacity of key states abroad (which includes the countries of Afghanistan and Iraq) to fight terrorism; establish relationships between foreign security officials to strengthen bilateral anti-terrorism ties; and share modern, humane, and effective anti-terrorism techniques.⁸¹ In their primary role, the BoDS oversee a robust, worldwide force protection program, which in Iraq and Afghanistan is heavily augmented by a costly and management intensive contract security force. The application of these various DoJ/DoS programs has been valuable and independently effective. However, the creation of a U.S. Government sponsored civil-military constabulary force would

provide the necessary construct to manage partner-nation training under the umbrella of one organization.

Leveraging the Expertise of State and Local Law Enforcement

A critical requirement for the development of an effective constabulary force is the proper employment of experienced and mature law enforcement officials. In the United States, state and local law enforcement agencies have extensive experience conducting “general policing” operations and thwarting an array of criminal threats. Recognizing state and local law enforcement expertise, the FBI significantly expanded the role and integration of these agencies within their 106 nationwide Joint Terrorism Task Forces (JTTFs).⁸² These JTTFs are “permanent” organizations comprised of state, local, and federal law enforcement personnel under the operational control of the FBI. Their mission is to prevent acts of terrorism before they occur, and then swiftly and effectively respond to any actual criminal terrorist act by identifying and prosecuting those responsible.⁸³ Their jurisdictional authorities are specific to the U.S. and only extend beyond U.S. borders when conducting an investigation of hostage taking or the kidnapping of Americans, as well as terrorist acts conducted against U.S. nationals or interests overseas.⁸⁴ Additionally, U.S. Military Police components leverage state and local law enforcement communities looking to expand their perspective by learning “best practices” and obtaining training recommendations for use in Iraq and Afghanistan. Through the creation of a U.S. Government sponsored, civil-military constabulary force the need to borrow mature law enforcement expertise and experience would not be necessary. This experience and expertise would be found in the organization itself, and mature over time.

Developing a Strategy by Addressing Four Interwoven Problem Areas

The attacks on September 11, 2001 and our lessons-learned while engaging in the Global War on Terrorism proves our nation's security is inextricably tied to the effective efforts of our partner-nations' security forces.⁸⁵ In the context of U.S. Government efforts in Iraq and Afghanistan, current partnership capacity building initiatives hosted by the DoJ/FBI and the DoS/BoDS continue to improve the security environment abroad. These efforts required numerous special legislative authorities designed to allocate specific funding in support of these conflicts. Unfortunately, the approval process reflects a piecemeal effort needing significant revision. To sustain success, the U.S. Government must turn short-term successes into a long-term engagement strategy. A single Departmental management effort is required to improve the overall effectiveness of future efforts.

To create a permanent constabulary force, the U.S. must resolve four interwoven problem areas in order to provide law enforcement training and local security to our partner-nations.

Authorities. Legal authorizations and appropriations to execute this focused initiative are required. It is imperative that the U.S. recognizes the need to create a single Department to assume the lead role as the U.S. Government's civil-military law enforcement capability responsible for partnership development. Proper and robust legal authorities will ensure the success of the assigned mission.

Resources. To be effective, this initiative requires the right "seasoned" law enforcement personnel to establish local security and create a partner-nation police force. Despite the current federally sponsored efforts undertaken by multiple U.S. Departments, deploying "seasoned" law enforcement personnel continues to drain

critical personnel and taxes the primary responsibilities of the multiple contributing U.S. Departments. Additionally, the Department of Defense which has the personnel, equipment and robust budget, again finds itself filling this existing law enforcement “gap.” Conducting this mission degrades their ability to perform the military’s primary mission of winning the Nation’s war, deterring potential adversaries, and defending the homeland from abroad.

Secretary of Defense Robert M. Gates recognized the Department of Defense’s (DoD) role in developing partner-nation security forces through a “whole-of-government” security assistance paradigm. In a “Landon Lecture” series speech on public issues delivered at Kansas State University in 2007, Secretary of Defense Gates stated, “The most important military component in the War on Terror is not the fighting we do ourselves, but how well we enable and empower our partner-nations to defend and govern and the mentoring of partner-nation indigenous army and police.”⁸⁶ To prevail in this era of persistent conflict, the DoD must focus its attention on developing the ability to train and/or advise partner-nation police forces, concentrating both on internal and external security capacities. A permanent U.S. constabulary force could effectively replace the DoD forces performing this function today.

Processes. Planning is often difficult to synchronize between multiple U.S. Government departments. Under the current construct, the DoS is the lead agency responsible for coordinating and approving security assistance and building partner-capacity missions. This responsibility requires coordination between the Departments of Justice and Department of Defense, which can lead to excessive delays because of the complex inter-agency coordination processes. A single departmental solution

responsible for “implementing” law enforcement security assistance and partner-capacity building programs resolves this synchronization issue.

Sustainment. A successful partnership-capacity building mission must be sustained over many years. The sustainment of a country-by-country security assistance mission while building partnership capacity proves to be difficult. Each component accountable for planning and resourcing this mission is responsible for maintaining an effective collaborative relationship with the partnered nation. Again, without a dedicated civil/military constabulary force, the DoD finds itself in the lead providing personnel, both in the form of military security personnel and trainers. Additionally, legislative involvement is necessary to ensure the critical long-term efforts are sustained. Properly addressing these four interwoven problem areas will be the key to establishing a successful civil/military constabulary police force.

Comprehensive Approaches

Addressing the capability gap and the four interwoven problem areas must start near the top of the U.S. national security system where an interagency “comprehensive” review must begin. Due to competing priorities, only a National Security Staff (NSS) led review of the current multi-department security assistance engagement effort can produce the recommendations necessary to create real change from our Iraq and Afghanistan lessons-learned. This comprehensive review should focus on recommending either a single existing Department (such as DHS) or a new Department be created to form a civil/military “constabulary” police force. This review should address congressional oversight, legislative restrictions, legal authorities, and funding for a single Department capable of deploying a civil/military constabulary police force. Until fully fielding a capable constabulary force, the review should examine ways to

revise current authorities and create a streamlined funding mechanism to increase the effectiveness of existing engagement programs. Finally, any review must leverage the vast experience and expertise of U.S. domestic state and local law enforcement agencies to garner their recommendations for implementing a single department-led U.S. Government solution. Law enforcement personnel with the proper amount of experience would be the perfect resource to fulfill the initial personnel requirements.

Conclusion

Partner-nation security is a necessary component of United States National Security. Such partner-nation security forces prevent adversary groups from recruiting members and enjoying sanctuary in areas around the globe where they can plan and launch attacks on the United States. Today, the U.S. Government provides dedicated military trainers to assist a partner-nation develop and mature their military force capabilities and focus their efforts on external military threats. However, the U.S. Government does not possess a dedicated corps capable of creating or assisting partner-nation police forces trying to address their internal security concerns. This missing U.S. Government component creates a capability "gap" that must be temporarily filled by other U.S. Government agencies, contractors, and/or the DoD.

Temporary "gap" fillers create imperfect solutions and inconsistent outcomes. Thus, the product of the security assistance activities performed by the temporary "gap" fillers is a partner-nation law enforcement element lacking a solid foundation for future growth. To comprehensively address this issue and to further assist partner-nations address their internal security concerns, the U.S. Government must develop a permanent civil-military professional policing component (constabulary) capable of

creating, training, and/or advising existing partner-nations. Establishing this capability under the management of one Department, (such as DHS) rapidly closes this pronounced “gap.”

A U.S. civil-military constabulary component should be developed in the historical context of the Texas Rangers, and have the specific mission and the necessary deployment capabilities to deal with “complex contingency operations” like the French Gendarmerie National and the Italian Carabinieri. It is imperative for the U.S. Government to leverage state and local law enforcement personnel to provide experienced “policing” capabilities to enhance the effectiveness of a civil-military constabulary police force. Furthermore, in an effort to develop this strategy, a NSS-led review must assess legal authorities, related policy constraints, Congressional funding, authorities, budgets etc., to build this capacity. Finally, adopting this paradigm enhances partner-nation security forces, and allows the DoD to concentrate on winning the Nations war, deterring potential adversaries, and defending the homeland.

Endnotes

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² U.S. Government Accountability Office, *Foreign Aid: Police Training and Assistance* (Washington, DC: U.S. Government Accountability Office, March 1992), 1, <http://archive.gao.gov/t2pbat7/145909.pdf> (accessed March 4, 2010).

³ Ibid.

⁴ Foreign Assistance Act of 1973 (P.L. 93-189, sec 2, 87 stat 714, 716, Quoted in U.S. Government Accountability Office, *Foreign Aid: Police Training and Assistance* (Washington, DC: U.S. Government Accountability Office, March 1992), 2, <http://archive.gao.gov/t2pbat7/145909.pdf> (accessed March 4, 2010).

⁵ Foreign Assistance Act of 1974 (P.L. 93-559, sec. 30(a), 88 stat. 1795, 1804), Quoted in U.S. Government Accountability Office, *Foreign Aid: Police Training and Assistance*

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⁷ Ibid.

⁸ International Security and Development Cooperation Act of 1981 (P.L. 97-113, sec. 721(d), 95 stat. 1519), <http://www.fas.org/irp/gao/920300-train.htm> (accessed March 4, 2010).

⁹ International Security and Development Cooperation Act of 1985 (P.L. 99-83, sec. 712, 99 stat. 190, 244), <http://www.fas.org/irp/gao/920300-train.htm> (accessed March 4, 2010).

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¹³ International Narcotics Control Act of 1988 (P.L. 100-690, title IV, 102 stat. 4181, 4261), <http://www.fas.org/irp/gao/920300-train.htm> (accessed March 4, 2010).

¹⁴ International Narcotics Control Act of 1989 (P.L. 101-231, sec.3, 103 stat. 1954), <http://www.fas.org/irp/gao/920300-train.htm> (accessed March 4, 2010).

¹⁵ Urgent Assistance for Democracy in Panama Act of 1990 (P.L. 101-234, sec. 101(b), 104 stat.7), <http://www.fas.org/irp/gao/920300-train.htm> (accessed March 4, 2010).

¹⁶ 22 U.S.C. 2364, <http://www.law.cornell.edu/uscode/22/2364.html> (accessed March 4, 2010).

¹⁷ Nina M. Serafino, "The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress," Congressional Research Service RL34639 (December 9, 2008), 86.

¹⁸ Ibid.

¹⁹ Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 324

²⁰ "The U.S. military has conducted security operations since the birth of the Republic, from the Whiskey Rebellion in 1794 to today's insurgencies in Iraq and Afghanistan. Federal forces occupied the defeated South from 1865 until 1877, and military activities associated with

America's westward expansion included many aimed at enforcing law and order in rough frontier communities lacking effective civil enforcement. More recently, military forces have performed domestic security missions ranging from riot control and counterdrug operations to border control. Since the attacks of 11 September 2001, the military's role in homeland security only has expanded. Abroad, security operations have been required in nearly every war the Nation has fought, during both hostilities and incident to post-war occupations. The duration of these operations occasionally has been controversial but, until fairly recently, not the need for them. During the Cold War, however, with U.S. joint forces tasked largely with helping to defend allied nations that would be responsible for securing their own populations, security capabilities such as civil affairs personnel and military police units were curtailed or shifted to the Reserve Components, and both the doctrine and training associated with security operations tended to lapse." See U.S. Department of Defense, *Capstone Concept for Joint Operations v. 3.0* (Washington, DC: U.S. Department of Defense, January 15, 2009), 16.

²¹ COL Bryan G. Watson, *Operation Iraqi Freedom: Three Pitfalls of Adaptive Planning*, USAWC Warfighting Studies Program Research Paper (Carlisle Barracks, PA: U.S. Army War College, 2005), 2.

²² *Ibid.*, 3

²³ Michael R. Gordon and General Bernard E. Trainor, *Cobra II, the Inside Story of the Invasion and Occupation of Iraq* (New York: Pantheon Books, 2006), 150.

²⁴ *Ibid.*, 155.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ "The United States Institute of Peace is an independent, nonpartisan, national institution established and funded by Congress located in Washington, D.C. Robert M. Perito directs the USIPs Initiative on Security Sector Governance under the Centers of Innovation. He is also a senior program officer in the Center for Post-Conflict Peace and Stability Operations where he directs the Haiti and the Peacekeeping Lessons Learned Projects. Perito came to USIP in 2001 as a senior fellow in the Jennings Randolph Fellowship program. Before joining the Institute, he was a Foreign Service officer with the U.S. Department of State, retiring with the rank of minister-counselor. He served as deputy executive secretary of the National Security Council (1988-1989)." The United States Institute for Peace Home Page, <http://www.usip.edu> (accessed March 4, 2010).

³⁰ Michael R. Gordon and General Bernard E. Trainor, *Cobra II, the Inside Story of the Invasion and Occupation of Iraq* (New York: Pantheon Books, 2006), 158.

³¹ *Ibid.*

³² *Ibid.*

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid., 157.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 33.

⁴¹ Erwin A. Schmidl, "Police Functions in Peace Operations: A Historical Overview," in *Policing the New World Disorder*, ed. Robert Oakley, Michael Dziedzic, and Eliot Goldberg (Washington, D.C.: National Defense University Press, 1998), 22, quoted in Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), Ibid.

⁴² Charles, Moskos, Jr., *Peace Soldiers: The Sociology of a United Nations Military Force* (Chicago: University of Chicago Press, 1976), 93 and 130, quoted in Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 34.

⁴³ Don M. Snider, Ph.D., and Maj. Kimberly Field, memorandum to the Strategic Studies Institute's Research and Publication Board on "A Constabulary Force: Impacts on Force Structure and Culture" project, U.S. Military Academy, August 11, 2000, quoted in Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), Ibid.

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⁴⁵ Ibid., 47.

⁴⁶ Ibid.

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⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 37.

⁵² Ibid.

⁵³ Ministère de la défense "Gendarmerie National," http://www.defense.gouv.fr/gendarmerie/votre_espace/contents_in_english/introduction.html (accessed October 1, 2009).

⁵⁴ Ibid. "Special units of the Department Gendarmerie total approximately 4,500 personnel. These units included the Republican Guard, units for the protection of commercial aviation, units that conduct criminal investigations for the judicial police, units that carry out surveillance duties, investigate traffic law violations, and protect mountain regions."

⁵⁵ Ibid.,

⁵⁶ "In Europe, the French Gendarmerie is actively involved in the European Union's (EU) criminal intelligence agency Europol, and other regional organizations that are committed to law enforcement cooperation and collaboration. The French Gendarmerie has a special cooperative agreement with other European constabulary forces, specifically, the Spanish Guardia Civil, Italian Carabinieri, and the Portuguese Republic National Guard." See Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 38.

⁵⁷ Arma dei Carabinieri Home Page, <http://www.carabinieri.it/Internet/Multilingua/EN/.htm> (accessed September 16, 2009)

⁵⁸ Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 39.

⁵⁹ Ibid. "Specialized units answer to other government ministries including Health, Culture, Labor, Agriculture, and Foreign Affairs. The Carabinieri units function both as military police and an internal security force. Duties range from criminal investigation to riot control to border patrol, and they often operate in tandem with regular army units."

⁶⁰ Ibid.

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