

A New Direction Toward a More Secure America

**A Monograph
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Abstract

A Direction Toward a More Secure America, by Mr. Johnny Lairsey Jr. 55 pages.

The security of the United States is an enduring dilemma that if not properly addressed will leave the nation vulnerable to existing and future threats. The attacks of September 11, 2001 were a stark reminder of our vulnerability. Despite the initial and subsequent government responses to secure the country, it is still vulnerable to attack. To prevent further attacks in our country it is necessary for the Department of Defense to lead an effort to build a whole of government approach towards securing the nation. The Department of Defense should clarify its existing doctrine on homeland defense, facilitate the sharing of information and assist in developing a family of unified plans that links the actions of the numerous agencies involved in Homeland Security to the strategic end state of providing a safe, and secure environment for the country.

Since 1949, the Department of Defense has been a critical component for the common defense of the country. A review of the history of civil defense reveals the extraordinary efforts the government took to protect and prepare the nation against potential attacks. Unfortunately, those efforts failed to achieve a lasting result. This is due to the ever-changing political environment and were subject to budgetary constraints that eventually changed the face of civil defense to one that focused on natural disaster response versus securing the country

The attacks on 9/11 immediately changed the way in which the country viewed its security. In response to the attacks, the government created several new offices responsible for homeland security, redefined other government agencies missions and passed legislation to support their efforts. Eventually a separate Executive Department encompassing twenty-two government agencies was created to serve as the nexus for all matters relating to the security of the nation.

Regardless of the numerous efforts to provide for a more secure country, the nation is still vulnerable and it is necessary for the Department of Defense to use its vast resources to do more to protect the country.

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Introduction

“It’s called Homeland Security. While the effort will begin here, it will require the involvement of America at every level.” Secretary of Homeland Security Tom Ridge.

The founding fathers of the United States had a vision for America. It is described in the preamble of the Constitution, which states, “We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”¹ Their vision included a nation that provided a safe and secure environment for its citizens. Unfortunately, time and technology have emboldened our enemies and increased our vulnerability. To prevent further attacks on our country it is necessary for the Department of Defense to lead an effort to build a whole of government approach towards securing the nation. The Department of Defense should clarify its existing doctrine on homeland defense, facilitate the sharing of information and assist in developing a family of unified plans that links the actions of the numerous agencies involved in Homeland Security to the strategic end state of providing a safe, and secure environment for the country.

For much of its history, the United State’s relative geographic isolation was for a long time considered a vital strategic asset. America’s position in the world forced its enemies to depend on unsustainable supply chains in order to wage war against her. Later, with the advent of radar and other technologies, America’s position provided early warning for potential threats. Of course, America’s enemies adapted and created methods of threatening the United States that resulted in igniting a Cold War that led to several decades of arms races and if initiated assured the destruction of the entire planet.

¹ U.S. Constitution, Preamble.

At the realization of a new threat, the government grappled with how it should provide for the defense of the citizenry. The second section of this paper describes the struggle that occurred within the government in relation to creating a viable civil defense system. The struggle revolved around the recurring theme of civil defense, which became the answer to how the government would provide for the safety and security of its citizens in the event of a nuclear war. This method of providing for the defense of the nation lasted from the beginning of the Cold War until the late seventies in which a philosophy of dual use was purported by the Carter administration. Dual use asserted that all resources expended for civil defense would have a military and civilian application.² During the Reagan administration, the dual use philosophy was eliminated but quickly returned after the fall of the Soviet Union. From the end of the Cold War until the attacks on September 11, 2001, dual use prevailed as the strategy for protecting the citizenry. The attacks on September 11 were evidence that the old methods of providing for the defense of the Nation were antiquated and needed to change. As a result, a new government agency was created along with several other positions and offices. Despite the changes the nation is still vulnerable to attack and more must be done to address the gaps in the nations defenses the threats are exploiting to attack the country.

The dilemma of civil defense became more complicated with the development of nuclear weapons which changed the manner in which nation would prepare for and execute a war. The Cold War between the Soviet Union and the United States proved more challenging as America could not rely on the military to defeat the threat of ballistic missiles prior to them causing some measure of destruction to the country. How then would the nation approach the defense of the country? Understanding that the dynamics of confrontation have shifted to include a doctrine of mutually assured destruction the nation developed active and passive defense measures to provide greater protection to the nation. Active defense measures are those taken to destroy or disable attacking weapons while passive defense measures are

² Jack Pinkowski, *Disaster Management Handbook* (Boca Raton: CRC Press, 2008), 57.

those taken to protect lives and mitigate property damage from attacks.³ To achieve a common understanding of civil defense and ensure the most effective measures were employed the government commissioned several studies. The Office of the Commanding General, Army Service Forces, conducted one of those studies.⁴ The study, titled 3B-1 conducted in 1946 defined civil defense as the “mobilization of the entire population for the preservation of civilian life and property from the results of enemy attacks, and with rapid restoration of normal conditions in any area that has been attacked.”⁵ In essence, civil defense was the nation’s passive defense measure but the ways in which the country would conduct and fund civil defense shifted during each Presidential campaign. Despite similar results from numerous studies purporting the need for a strong civil defense program, the leadership of the country failed to provide a common vision or execute a shared strategy that would last over time. Eventually the Soviet Union collapsed and America remained as the lone superpower with no perceived traditional nuclear threat other than a few rogue nations who did not possess the technology to pose a serious threat. Then on September 11, 2001, the nation suffered its worst attack on the homeland since Pearl Harbor. The need to revive a civil defense program was evident as for the first time in over fifty years the nation failed to provide for the common defense against an international threat.

The ability to produce the desired results from those events is still being realized as they produced the most dramatic changes to the government’s structure since the passage and implementation of the National Security Act of 1947. The third section of this paper describes the evolution of those changes including the creation of a new executive level department, a new intelligence director, a new geographic combatant command, the passage of significant supporting legislation and a realignment of the Federal Bureau of Investigations.

³ Lawrence J. Vale, *The Limits of Civil Defense in the USA, Switzerland, Britain and the Soviet Union* (New York: St Martin’s Press, 1987), 21.

⁴ Thomas J. Kerr, *Civil Defense in the U.S. Bandid for a holocaust?* (Boulder: Westview Press, 1983), 20.

⁵ Ibid.

The nation's immediate response to the terrorist attacks on September 11, 2001, included the creation of an office within the White House titled the Office of Homeland Security, which then became the Department of Homeland Security responsible for leading the unified national effort to secure the country and preserve our freedoms.⁶ That effort is known today as the whole of government approach to identifying and solving problems plaguing the nation. Of course, this was only one of numerous changes that occurred in the aftermath of the attacks. The position of Director of National Intelligence was created to act as the single point of contact responsible for collecting, analyzing and sharing information.⁷ There were also changes in the FBI and the Department of Defense. The Department of Defense created United States Northern Command, a geographic combatant command and published joint doctrine in support of the Department of Homeland Security. The doctrine codified the difference between homeland defense and homeland security. Homeland defense is the protection of United States sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression or other threats as directed by the President.⁸ Homeland security is a concerted national effort to prevent terrorist attacks within the United States; reduce America's vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur. The Department of Defense published Joint Publication 3-27 in 2007, which made it clear that homeland defense is not homeland security. The publication states that the military leads homeland defense while it supports homeland security through the Defense Support of Civil Authorities as part of the concerted national effort to prevent further attacks and respond to major disasters.⁹ The Department of

⁶ Department of Homeland Security, "U.S. Department of Homeland Security Strategic Plan Fiscal Years 2008-2013," http://www.dhs.gov/xlibrary/assets/DHS_StratPlan_FINAL_spread.pdf, (accessed October 1, 2009).

⁷ Office of Director of National Intelligence, "ODNI Fact Sheet," http://www.dni.gov/press_releases/2010_Fact_Sheet.pdf (October 1, 2009)

⁸ Joint Publication 1-02. *Department of Defense Dictionary of Military and Associated Terms* (Washington D.C.: Government Printing Office, October 31, 2009).

⁹ Joint Publication 3-27. *Department of Defense Dictionary of Military and Associated Terms* (Washington D.C.: Government Printing Office, October 31, 2007).

Defense conducted extensive reorganization to fulfill its responsibilities and is still seeking to determine the best structure to carry out its mission in the homeland with efficacy.

Despite all the major restructuring efforts throughout the United States government, the nation is still vulnerable to attacks from terrorist as evidenced in the more than six attacks that were attempted within the last nine months and the one attack successfully carried out by Major Nidal Hasan at Fort Hood Army Post.¹⁰ The whole of government approach touted as the answer is still yet to be realized and it is up to the Department of Defense to use its vast resources to build the unity of effort necessary to create an effective approach towards defeating the nation's threats and responding to major disasters.

¹⁰ Emily Friedman, Richard Esposito, Ethan Nelson, Desiree Adib, "Fort Hood Gunman Who Killed 12, Wounded 30 Survived Gun Battle," <http://abcnews.go.com/WN/fort-hood-shooting-army-doctor-leaves-12-dead/story?id=9007938> (accessed December 1, 2009).

The History of Civil Defense

Harry Truman once said, “The only thing new is the history we don’t know.”

All governments are necessarily concerned with the protection of their borders and preservation of internal security as a fundamental aspect of sovereignty. The United States is no exception. In 1798 to provide a holistic approach to securing the nation, the United States passed a key piece of legislation when the Fifth Congress, 2nd session passed and President John Adams signed into law the Alien Act.¹¹ The act provided for the apprehension of any non-naturalized citizens of certain ages in the event a war was declared between the United States and another foreign nation.¹² From its birth until 1917, civil defense as homeland security was then known did not merit much discourse at the national level. The United States was quite adept at focusing its efforts on protecting its borders and its surrounding seas. During World War I, the advent of aerial bombing coupled with internal threats to national security initiated a vibrant debate about civil defense in the United States.

The development of a new form of warfare that included strategic bombings terrorized the citizens of Great Britain and alarmed those of the United States. This new form of warfare increased the need for future national plans to account for the protection of the public. These intentions were codified on August 29, 1916 with the creation of the Council of National Defense.¹³ The council consisted of the Secretaries of the Army, Navy, Interior, Agriculture, Commerce and Labor.¹⁴ Among its many duties were the responsibility of mobilization of military and naval resources for defense and the increase of domestic production to support the army and people during interruptions of foreign commerce.¹⁵ Of

¹¹ Maxwell, Bruce, *A Documentary History* (Washington, D.C., CQ Press, 2004) 4.

¹² *Ibid.*, 5.

¹³ U.S. Code. Title 50, War and National Defense, Chapter 1, Council of National Defense sec.1-6.

¹⁴ *Ibid.*, sec 1.

¹⁵ *Ibid.*, sec 3.

course, when the United States entered WWI the council became engrossed in its duties to mobilize and supply an army. The task of civil defense remained an afterthought during and after the war as the council again focused on demobilization instead of civil defense.

From the end of WWI until the late twenties civil defense was supplanted by other government priorities despite the growing threat from anarchists and communists which became a movement known as the red scare.¹⁶ This movement was the first of two anti communist movements known as the red scare and resulted in acts of terror that peaked in the early twenties when a horse drawn cart carrying a bomb exploded in lower Manhattan making it clear that national civil defense plans are a necessity and should include provisions to protect the public.¹⁷ Indeed as a result of these attacks the government increased funding to a special unit in the Federal Bureau of Investigations headed by a then unknown J. Edgar Hoover.¹⁸ Unfortunately, there were no actions taken to revive a forgotten national civil defense.

For several years, the leadership and mood of the country continued to believe that America's geographic isolation provided adequate defenses against all known threats and therefore civil defense received no priority. Of course this changed in the late nineteen twenties when then Brigadier General William Mitchell stated the "coming of aircraft has greatly modified this isolation on account of the great range and speed which these agents of communication are developing."¹⁹ The development of those aircraft over the next decade and the rise of Germany as a world power caused concern for many. Given the prevailing American isolationist sentiment, however, War Department attention was necessarily focused on continental and hemispheric defense. The department focused on integrating continental defense measures involving aviation, antiaircraft, artillery and air warning.²⁰ The Chief of the Chemical

¹⁶Mark A. Sauter and James J. Carafano, *Homeland Security* (New York, NY, McGraw-Hill, 2005). 8.

¹⁷ Ibid., 8.

¹⁸ Ibid., 8.

¹⁹ Franklin B. Cooling, "U.S. Army support of Civil Defense: The Formative Years" *Military Affairs* Vol. 35, No. 1. (February 1972) 7.

²⁰ Ibid., 7.

Warfare Service who was concerned about chemical attacks took this idea a step farther when he purported that the Army was responsible for the protection of the populace.²¹ The Army General Staff disagreed with this assessment and in 1936, despite their concerns; the War Department discontinued planning for civil defense.²² Of course this respite from civil defense planning did not last. The signing of the Tripartite Pact between Germany, Japan and Italy coupled with their strategic bombing campaigns against their neighbors awakened the need for the War Department to investigate its preparations for defending America. Thanks in large part to the efforts of the Chief of the Chemical Warfare School the General Staff decided to investigate their perceived issues with civil defense that included coordination between military and civil authorities and the scope of activities for which the civil authorities would remain responsible.²³ For over a year, the Army planners struggled to create a viable concept for civil defense and finally in 1940, General Marshal approved the establishment of a civil defense branch in the G-3 Division of the General Staff to exercise civil defense functions for the War Department.²⁴

While the Army was preparing for a larger role in civil defense, President Roosevelt was being urged from both political parties to create a federal agency to coordinate civil defense matters and finally on May 20, 1941 he signed Executive Order 8757 creating the Office of Civilian Defense for Emergency Management of the Executive Office of the President.²⁵ Unfortunately, the creation of the Office of Civilian Defense did not bring a lot of clarity to the tasks associated with its underlined mission. The War Department was once again consumed with mobilization just as it was during WWI and the Office of Civilian Defense was being pulled in several directions. There were great disparities in creating a vision for the new branch of the executive office from the most senior members of the administration and this

²¹ Ibid., 7.

²² Ibid., 7.

²³ Ibid., 8.

²⁴ Ibid., 8.

²⁵ Executive Order 8757 (1941). *Federal Register*, Vol. 6 (May 20, 1941), 2474.

led to a disjointed execution of tasks conducted principally by volunteers throughout the nation.²⁶ The disconcerted effort to execute civil defense led many in Congress to question its validity and several members called for a return of the civil defense functions to the War Department. This sentiment gained traction with many lawmakers at the end of WWII; President Truman signed Executive Order 9562, terminating the Office of Civilian Defense.²⁷

As peace returned to America many, felt a sense of relief but this feeling was fleeting with the rise of the Soviet Union and increased potential for a nuclear war, which became a serious emerging threat to the sovereignty of America. The evolution of nuclear war raised concerns about America's preparedness for such an event and once again, the topic of civil defense rose to the top of the public agenda. To address these concerns the War Department conducted a study chaired by Major General Harold R. Bull, known as the Bull Report concluded that civil defense was an individual's responsibility. This conclusion supported President Truman's philosophy that civil defense was a state and local issue and did not reside with the Federal Government.²⁸ The report did however conclude that the Federal Government could provide resources in the event of a catastrophic tragedy and this led to the creation of National Security Resources Board that among other things was also responsible for civil defense planning.²⁹

In 1948 after further study of civil defense, the Secretary of Defense, James Forrestal established the Office of Civil Defense Planning.³⁰ He then appointed Russell J. Hopley, a civilian business executive, as the director and tasked him to develop a national defense plan that became known as the

²⁶ Cooling, 10.

²⁷ Executive Order 9562 (1945). *Federal Register*. Vol. 10, (June 4, 1945), 6639.

²⁸ Vale, 59.

²⁹ "National Security Council History," <http://www.whitehouse.gov/administration/eop/nsc/history/> (accessed 1 October, 2009)

³⁰ Allan M. Winkler, "A 40-year history of civil defense" *Bulletin of the Atomic Scientist* Vol. 40 No. 6. (June/July 1984) 17.

Hopley Report.³¹ The Hopley report contained over 30 chapters of material and provided a detailed analysis of the division of labor between local, state, and federal authorities.³² The Hopley report rebuffed by many inside and outside the government did spur President Truman to assign further responsibility for civil defense planning to the recently created National Security Resources Board.³³ The National Security Resources Board immediately conducted a study and published a report titled United States Civil Defense more popularly known at the time as the Blue Book because its cover was blue.³⁴ The report asserted many of the same findings as the Hopley report and maintained that panic was a prevailing issue for civil defense authorities.³⁵ In 1949 around the same time as the release of the Blue Book, the Soviet Union detonated a nuclear device, which dramatically affected the American psyche, and as a result, President Truman established through an executive order the Federal Civil Defense Administration to facilitate the national civil defense effort.³⁶

The Federal Civil Defense Administration quickly went to work formulating policy, conducting planning on sheltering and evacuation and assisting states in similar activities. While conducting these actions, members within the administration vigorously debated on how much support the government would provide. The debate centered on a lack of funding and a consensus that the populace would become complacent if they thought the government would protect them and combined these concerns led to a doctrine of self-help.³⁷ At the time, this doctrine was appealing to both Democrats and Republicans who thought the public resources would best serve the nation in an active defense role versus supporting the

³¹ Ibid., 17.

³² Guy Oakes, *The Imaginary War Civil Defense and American Cold War Culture* (New York, NY: Oxford University Press, 1994), 37.

³³ Ibid., 38.

³⁴ Ibid., 38.

³⁵ Ibid., 38.

³⁶ Vale, 59.

³⁷ Laura McEnaney, *Civil Defense Begins at Home: Militarization Meets Everyday Life in the Fifties* (Princeton, NJ, Princeton University Press, 2000), 24.

populace at large.³⁸ That being said the administration did support a campaign that included the building of shelters, stockpiling of supplies and the creation of several pamphlets, films and television shows.³⁹ The administration was quick to realize that the Korean War along with other spending priorities were more valuable to the country than an expanded shelter program. In fact, from 1951-1953 the Truman administration requested over one billion dollars for civil defense operations but Congress only authorized about one hundred and fifty million.⁴⁰ Acknowledging the fiscal constraints the administration chose to focus their efforts on informing the public through a media campaign that included slogans such as “Duck and Cover,” “Alert American” and finally “Run Like Hell.”⁴¹

In 1953, Eisenhower was elected on a promise that he would balance the budget. Of course, to accomplish this feat his administration had to prioritize spending and once again, civil defense programs suffered. Shortly after his election, the Soviet Union detonated the first hydrogen bomb and placed civil defense back to the forefront. As mentioned earlier the campaign slogan shifted from “Duck and Cover” to “Run Like Hell” as the Eisenhower administration’s policy abandoned the idea of placing millions of people in shelters and instead focused on evacuation.⁴² While evacuation became the preferred approach for civil defense it would not last as information gained from the United States detonation of a hydrogen bomb in the Bikini Atoll forced a reversal in policy from evacuation back to shelters.⁴³ Unfortunately, it was too late to shift resources from an interstate highway program designed to connect major cities and support evacuation planning back to a massive shelter in place program. A huge debate erupted between

³⁸ Ibid., 25.

³⁹ Winkler, 17.

⁴⁰ McEnaney, 25.

⁴¹ Winkler, 18.

⁴² Ibid., 18.

⁴³ Ibid., 18.

members of congress and the administration reference civil defense policies and concluded with President Eisenhower establishing a controversial blue ribbon panel study known as the Gaither Report.⁴⁴

The Gaither Report focused on the advantages and disadvantages of active versus passive defense and provided recommendation to the administration on strengthening the military and providing protection to the citizens in the event of nuclear war. The report concluded that civil defense was a strong component of deterrence but deterrence alone was insufficient for the protection of the population and among other initiatives asserted the need for an all-encompassing shelter-building program.⁴⁵ The Gaither Reports recommendation sparked a huge debate about active versus passive defense as proponents of deterrence failed to see the need to divert resources to support a massive shelter-building program. Despite the conclusions of several reports supporting the Gaither recommendations the Eisenhower administration remained resolute on its position against an expanding shelter program and instead preferred to focus on increasing military capabilities.⁴⁶ Under immense political pressure, the administration did establish a National Shelter Policy and merged the Federal Civil Defense Administration with the Office of Defense Mobilization to form the Office of Civil and Defense Mobilization.⁴⁷ Of an interesting side note is the fact that despite the Eisenhower's opposition to shelter construction it initiated Project Greek Island, which is the now infamous bunker, located under the prestigious Greenbrier Resort.⁴⁸

Upon his election President Kennedy was determined to strengthen the nation's civil defense posture as evidenced in a speech he gave congress on May 25, 1961 where he stated, "One major element

⁴⁴ Sauter, 8.

⁴⁵ "Deterrence and Survival in the Nuclear Age," November 7, 1957, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB139/nitze02.pdf> (accessed 1 October, 2009)

⁴⁶ McEnaney, 59.

⁴⁷ The National Archives, "Records of the Office of Civil and Defense Mobilization [OCDM]," The National Archives, <http://www.archives.gov/research/guide-fed-records/groups/304.html#304.1>, (accessed 1 October, 2009)

⁴⁸ "Tour The Greebrier Bunker," <http://www.pbs.org/wgbh/amex/bomb/sfeature/bunker.html> (accessed 1 October, 2009)

of the national security program which this nation has never squarely faced up to is civil defense.”⁴⁹

President Kennedy stressed the importance of civil defense and requested funding from congress to support his civil defense initiatives.⁵⁰ To support these new initiatives and maintain balance between emergency management and civil defense the administration reorganized the Office of Civil Defense and Mobilization. The administration chose to split the office and create the Office of Emergency Preparedness, which remained inside the White House and the Office of Civil Defense, which resided in the Department of Defense.⁵¹ President Kennedy later spoke on television about the importance of civil defense issues and the need to protect the populace, his presentation sparked a nuclear fallout shelter scare.⁵²

It was evident that the administration desired an expanded shelter program to ensure public safety in the event of a nuclear war but once again, the ability and or desire of Congress to fund such a program was questionable. Despite a lack of funding, the administration undertook several initiatives to expand the shelter program including shelter surveys and stockpiling of supplies. These measures were relatively successful when juxtaposed against previous efforts. Then in October of 1962, the Cuban Missile Crisis brought the real possibility of nuclear war to every American’s doorstep and awakened a further desire for more shelter capacity. Despite this desire, Congress continued to deny additional funding for a massive expansion of the existing shelter program. The premature ending of the Kennedy administration took with it a President who advanced civil defense initiatives further than any previous administration and its legacy was placed in the hands of his successor President Johnson.

⁴⁹ Wayne B. Blanchard, *American Civil Defense 1945-1984: The Evolution of Programs and Policies*. Federal Emergency Management Monograph Series, National Emergency Center Emmitsburg, Maryland: Vol. 2. Issue No. 2 (July 1986). 8.

⁵⁰ Ibid., 8.

⁵¹ Bullock, 1.

⁵² Vale, 65.

The Johnson administration viewed civil defense as an imperative competency for the nation and entrusted the Secretary of Defense Robert McNamara to advance it beyond its current stages. Indeed McNamara believed the administration had a responsibility to advance civil defense initiatives. In an address to Congress, he stated, “a well planned and executed nationwide civil defense program centered on fallout shelters could contribute much more than further increases in strategic offensive or defensive forces, to the saving of lives in the event of a nuclear attack.”⁵³ For the first time in history, the congress agreed with the administration and was prepared to advance a massive funding bill to support civil defense initiatives but prior to moving it through the committee the Chairman, Senator Henry Jackson, desired confidence from the administration that this is what they wanted.⁵⁴ The vote of confidence from the administration never came and instead an old theory known as mutually assured destruction emerged. This theory became doctrine and civil defense matters took a back seat to a growing anti ballistic missile defense program. At the time, McNamara was playing the role of appeaser trying to support the administration while advancing the cause for civil defense in congress. He believed that a well-resourced civil defense program strengthened an anti ballistic missile defense program, in other words a good offense and defense.⁵⁵ Regardless of any desires, the civil defense program was again sliding into oblivion. With the increasing demands of the Vietnam War, the growth of McNamara’s mutually assured destruction doctrine and overall general resource constraints led to a decreased emphasis on civil defense.

By the time, the Nixon administration entered the White House the public had grown weary of the threat of nuclear war. The national civil defense program was on life support and there were no indications that President Nixon or the Congress was going to revive it. This was further evidenced when the administration ordered the Office of Emergency Preparedness to conduct an in-depth study of the

⁵³ Blanchard, 12.

⁵⁴ Ibid., 12.

⁵⁵ Ibid., 13.

current civil defense program and initiatives.⁵⁶ Throughout the length of the study, nothing was done to advance the civil defense programs as part of a larger deterrent. In 1970, the Office of Emergency Preparedness completed its study and the results were known as National Security Study Memorandum No. 57.⁵⁷ The conclusions of the study led to the creation of the National Security Decision Memorandum No. 184 that directed dual support to civil defense and emergency preparedness.⁵⁸

The dual use initiative gained overwhelming support from states and Congress alike for it was the first time resources would support both civil defense and emergency preparedness. In support of the dual use initiative President Nixon, on May 5, 1972, abolished the Office of Civil Defense, located in the Department of the Army, and established the Defense Civil Preparedness Agency under the Secretary of Defense.⁵⁹ Then on May 26, 1972, the SALT I treaty was signed which essentially placed voluntary restrictions on US and Soviet Union nuclear strategic capabilities.⁶⁰ With the signing of SALT I deterrence through damage limitation was being replaced in favor of the previously stated strategy of Mutually Assured Destruction.⁶¹ This reinforced further decays in civil defense preparedness. Limited availability of funds and public support for emergency preparedness versus civil defense led the administration to reorganize. In 1973, the Office of Emergency Preparedness was abolished and its functions were transferred to numerous other federal organizations.⁶² Multiple federal organizations trying to accomplish the same objectives with no coordinating office led to a dysfunctional strategy to

⁵⁶ Kerr, 146.

⁵⁷ Ibid.

⁵⁸ National Security Council, National Security Decision Memorandum 184, Henry A. Kissinger, 1972.

⁵⁹ Linda A. Burns, Keith Bea, Henry B. Hogue, Mary Jordan, and Wayne A. Morrissey, *FEMA Federal Emergency Management Agency An Organization in the Crosshairs* (New York, NY, Nova Science Publishers, 2007), 13.

⁶⁰ Vale, 69.

⁶¹ Vale, 69.

⁶² Burns, 13.

conduct civil defense and emergency preparedness and this led to little being accomplished in support of either effort.

The Nixon administration ended in crisis, and then the Ford administration had to pick up the pieces. They discovered through increased US intelligence that the Soviet Union was providing a vast sum of resources to bolster their civil defense plans and continuing to increase the size of their conventional forces.⁶³ Instead of continuing to promote the dual use philosophy between civil defense and emergency preparedness the administration chose to separate the two and focus on each effort individually. A shift in doctrine from mutually assured destruction to a more strategic and specific employment of nuclear capability spurred the administration to identify further civil defense options.⁶⁴ This coupled with the increasing threat from the Soviet Union led to an initiative named crisis relocation, which purported two initiatives, first, for the US to respond to a Soviet attack and second, to save lives.⁶⁵ The initiatives mimicked the evacuation plans initiated by the Eisenhower administration and were favored over the existing sheltering programs. Unfortunately, Congress did not share the administrations sense of urgency and blocked funding for the program and in fact cut the administration's proposed defense budget in half.⁶⁶ Meanwhile, the fragmentation of civil defense programs created under Nixon were making it impossible to get anything done. Prior to leaving office President Ford attempted to rectify this issue but was unable to reorganize the responsibilities prior to his departure. In all, the lack of funding had the greatest impact on President Ford's ability to advance his civil defense initiatives.

The disjointed civil defense organization inherited by the Carter administration proved less than efficient. In turn, the administration promptly initiated a study to recommend solutions to improve the current civil defense structure.⁶⁷ The results of the study led to Presidential Directive 41, which sought to

⁶³ Blanchard, 19.

⁶⁴ Kerr, 147.

⁶⁵ Blanchard, 19.

⁶⁶ Blanchard, 20.

⁶⁷ Kerr, 159.

use civil defense to achieve a superior position to the Soviet Union and reduce the possibility that the Soviet Union could coerce the United States and provide for the survivability of our populace.⁶⁸

The incident at Three Mile Island coupled with intelligence that the Soviet Union was undergoing a major effort to protect its population from nuclear war led to a shift in the administrations strategic policy and a further reorganization of civil defense.⁶⁹ In 1979, President Carter issued Executive Order 12148, which established the Federal Emergency Management Agency (FEMA).⁷⁰ The order brought together the agencies dispersed throughout the government under the Nixon administration into the FEMA. Members of the Defense Civil Preparedness Agency were placed throughout the new organization in an effort to achieve dual use. Unfortunately, the organization suffered from a continued lack of funding and never achieved the purported dual use capability. Towards the end of the Carter administration, the public was growing more pessimistic in the value of civil defense and the idea that any measures could reduce the effects of a nuclear war.

Like his predecessors, President Reagan was an advocate of a strong civil defense program. Early in his administration, the National Security Council approved National Security Division Directive 26 that not only supported the previous Presidential Directive 41 but also included among other issues a concrete date in which the development of plans and deployment of supporting operational systems to protect the public would be complete.⁷¹ The cost of implementing the directive was not well received in Congress despite the administrations continuance of a dual use policy.⁷² The Congress was leery of President Reagan's aggressive stance on the Cold War and his 4.2 billion dollar budget proposal to

⁶⁸ "PD/NSC-41 on Civil Defense," <http://www.jimmycarterlibrary.org/documents/pddirectives/pd41.pdf> (accessed October 1, 2009)

⁶⁹ Martin Tolchin, "Carter seeks civil defense plan in response to action by Soviet" *New York Times*, Tuesday (June 20, 1978), A1. <http://select.nytimes.com/gst/abstract.html?res=F40F13FE3A5513728DDDA90A94DE405B888BF1D3>, (accessed on October 1, 2009)

⁷⁰ Blanchard, 21.

⁷¹ National Security Decision Directive 26: US Civil Defense Policy, March 16, 1982.

⁷² Blanchard, 22.

implement his directives.⁷³ In 1983, the Congress authorized a little more than half of what the administration had requested for civil defense.⁷⁴

In hopes of rectifying the budget debacle in future years, the administration took steps to address their concerns, which mainly revolved around developing an effective dual use strategy. The FEMA took the lead and developed the Integrated Emergency Management System, which asserted a true all hazards approach including both manmade and natural disasters.⁷⁵ Unfortunately, Congress was not impressed and funding for civil defense remained an annual battle for the administration.⁷⁶

Of course, President Reagan would not let the Congress temper his virulence against communism. On March 23, 1983, he gave a speech that announced the creation of the Strategic Defense Initiative, which was a violation of the previous SALT agreements banning defensive measures.⁷⁷ The inability to secure funding for the administrations civil defense initiatives coupled with the Presidents stance on escalation of the Cold War led to the creation of Executive Order 12656, which identified the lead agencies for natural and manmade disasters.⁷⁸ The administration also amended the Disaster Relief Act of 1974, which is now known as the Stafford Act, which clearly defined the Federal Emergency Management Agency's role in disaster response. Both initiatives were designed to strengthen the Nations preparedness and ally members of Congress for future funding of civil defense programs.⁷⁹

Despite anemic funding levels for civil defense, the active defense measures pursued under the Reagan Administration aided in the fall of the Soviet Union and the Berlin Wall. For the first time in

⁷³ John Dowling and Evans M. Harrell, *Civil Defense: A Choice of Disaster* (New York: American Institute of Physics, 1987), 37.

⁷⁴ Kerr, 166.

⁷⁵ Dowling, 38.

⁷⁶ Ibid, 40.

⁷⁷ President Reagan's SDI Speech, March 23, 1983, <http://www.atomicarchive.com/Docs/Missile/Starwars.shtml> (accessed 1 October, 2009)

⁷⁸ Executive Order 12656, *Federal Register*, Vol. 53, (November 18, 1988), 47491.

⁷⁹ Blanchard, 24.

decades, the United States would survive as the lone super power of the world without a perceived nuclear threat. The conditions created with the fall of the Soviet Union led many legislatures to question spending to support any civil defense activities and the efforts taken to increase funding levels for civil defense were at best in jeopardy and at worst seen as unnecessary.

The FEMA, responsible for the dual use preparedness mission, was in trouble. Coupled with the lack of a perceived nuclear threat a string of natural disasters occurred from 1989 through 1992 that questioned the efficacy of the agency. Those disasters included the Exxon Valdez oil spill, Hurricane Hugo, the Loma Prieta Earthquake, Hurricane Andrew followed by Hurricane Iniki. In each incident, there was a common theme of a poor response by the Agency. Senator Ernest Hollings a Democrat from South Carolina was so upset with the agencies response to Hurricane Hugo that he went on national television and described the organization as the “sorriest bunch of bureaucratic jackasses.”⁸⁰ The criticism was wide spread and led to the development of the Federal Response Plan, which outlined how the Federal government would coalesce and respond when local, and State authorities are overwhelmed.⁸¹ Unfortunately, the plan did not illicit the appropriate response as evidenced during the aftermath of Hurricane Andrew which required then President Bush to appoint Andrew Card the Secretary of Transportation to lead the Federal response effort.⁸²

The failures identified in the aftermath of Hurricanes Andrew and Iniki led some to call for the abolishment of the FEMA, which in turn contracted with the National Academy of Public Administration to conduct a study of the response to natural disasters.⁸³ The study concluded that a small government agency could prepare and respond to catastrophic incidents if the White House and Congress provided the

⁸⁰ Bullock, 6.

⁸¹ Henry B Hogue, and Keith Bea, “Federal Emergency Management and Homeland Security Organization: Historical Developments and Legislative Options” (Congressional Research Service, The Library of Congress, August 1, 2006), 15.

⁸² Bullock, 6.

⁸³ National Academy of Public Administration Panel, “Coping with Catastrophe,” A report required by the Congress of the United States, February 1993, iii.

appropriations to make it an effective organization.⁸⁴ In the four years of the George H. Bush administration, world events and national catastrophic incidents placed emphasis on preparedness and response to disasters versus civil defense. The issues plaguing the Bush administration would continue into the Clinton administration.

Upon assuming office, President Clinton wasted no time in appointing James Witt the director of the Federal Emergency Management Agency.⁸⁵ As the former Director of Emergency Management for the State of Arkansas, he had the experience necessary to carry out sweeping reforms throughout the federal government.⁸⁶ After reorganizing the agency, Mr. Witt focused on training his agency on customer relations while simultaneously focusing his efforts towards building and sustaining relationships with the States.⁸⁷

In the early years of the Clinton administration, the agency successfully faced several catastrophic incidents without much criticism from Congress. Then on February 26, 1993, a terrorist attack occurred in the parking garage of the World Trade Tower in New York City. Six people died and one thousand were injured. In 1995, a Japanese religious cult released sarin nerve gas in several rail cars in Tokyo. A month later, a bombing occurred in Oklahoma City killing over one hundred citizens. In response to these incidents, President Clinton elevated Mr. Witt to a Cabinet level position to improve the line of communication between the President and the Director of the FEMA.⁸⁸

A few months after Mr. Witt was elevated to a cabinet position an attack occurred on the Khobar Towers killing nineteen Americans. The cumulative effect of these attacks led the Congress to act and within months, they passed the Nunn-Lugar-Domenici Act, which focused on preventing terrorists from

⁸⁴ Ibid., 107.

⁸⁵ Bullock, 6.

⁸⁶ Bullock, 6.

⁸⁷ Ibid., 6.

⁸⁸ Ibid., 6.

using nuclear, biological or chemical weapons in the United States.⁸⁹ The act also required the Department of Defense to provide civilian agencies training and advice on the use of weapons of mass destruction.⁹⁰ Attacks continued overseas and Al Qaida professed to continue to seek the destruction of the United States. Because of the attacks and statements, the administration focused its efforts overseas to capture or kill Bin Laudin while establishing several commissions to study the situation and provide recommendations to the President.

In preparation against a potential attack, weapon of mass destruction preparedness was transferred from the Department of Defense to the Office of Domestic Preparedness within the Department of Justice, which instead of streamlining preparedness activities it confounded the problem by fragmenting responsibilities between three departments.⁹¹ To correct the coordination issues President Clinton issued Presidential Decision Directive 62, which created the Office of the National Coordinator for Security, Infrastructure Protection, and Counter-Terrorism within the Executive Office of the President.⁹²

In 2001, in an effort to support the new office, the Department of Defense chartered the United States Commission on National Security in the 21st Century, which upon its conclusion and among other initiatives recommended the creation of a Cabinet-level-National Homeland Security Agency responsible for all government activities related to homeland security.⁹³ Consequently, many of the commissions created during the Clinton administration began to provide recommendations to improve coordination of preparedness and response to terrorist incidents of which one was the recommendation to create an

⁸⁹ Sauter, 17.

⁹⁰ Ibid., 17.

⁹¹ Sauter, 17.

⁹² PDD 62: Protection Against unconventional Threats to the homeland and Americans Overseas <http://www.fas.org/irp/offdocs/pdd-62.htm> (accessed 1 October, 2009)

⁹³ Hogue, 19.

intelligence fusion center but unfortunately, the opportunity to fulfill this recommendation would fall on the next administration.⁹⁴

Since its inception, civil defense functions and responsibilities have shifted between dozens of organizations. In fact, over twenty-two reorganizations occurred between 1947 and 2001.⁹⁵ A common theme throughout these transitions was the presence of the Department of Defense which retained some responsibility for the implementation of civil defense functions whether they were designated the Office of Primary Responsibility or not. Coinciding with these reorganizations were shifts in the threat ranging from a potential aerial invasion to all out nuclear war to limited nuclear war and finally to terrorism. These facts coupled with a lack of funding throughout its history led to an impotent effort that left our Nation vulnerable to attack and on September 11, 2001, our nation was attacked and the perceived importance of civil defense would dramatically change.

⁹⁴ RAND National Security Research Division, "Forging America's New Normalcy: Securing Our Homeland, Protecting Our Liberty," http://www.rand.org/nsrd/terrpanel/volume_v/volume_v.pdf (accessed 1 October, 2009)

⁹⁵ Hogue, 39.

Homeland Security since the Attacks on 9/11

“It is clear that American citizens are the target of choice of international terrorists. Americans comprise only about 5 percent of the world's population. However, according to State Department statistics, during the decade of the 1990's, 36 percent of all worldwide terrorist acts were directed against U.S. interests.” U.S. Attorney General John Ashcroft.

September 11, 2001 began as any other day. For air travelers the weather was beautiful throughout the entire country and from all accounts, it was a great day to fly. The airports, packed with the typical business and leisure travelers included twenty Muslims who had pernicious intentions to hijack several aircraft. Prior to boarding their flights, each of the Muslim passengers had to pass through security checkpoints that were operated by security companies contracted by the airlines. Almost all of the twenty future hijackers received some sort of additional screening measures. A computer assisted passenger prescreening system identified most the future hijackers as warranting additional security checks. A few of the future hijacker's did receive additional screening after they triggered a response from the metal detectors but after a superficial screening, they were allowed to proceed. One of the future hijackers was denied further access by a dutiful immigration inspector.⁹⁶ A total of 19 hijackers boarded four aircraft on Tuesday, September 11, 2001. Five of the hijackers boarded American Flight 11, five boarded United Flight 175, five boarded American Flight 77 and four boarded United Flight 93. All four flights were bound for Los Angeles California but none made it. The hijackers commandeered each of the planes minutes after takeoff and then turned them into deadly missiles. American Flight 11 and United Flight 175 were flown into the North Tower and South Tower of the World Trade Center, respectively, killing everyone on board and countless of people in the buildings. American Flight 77 crashed into the

⁹⁶ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report Final Report of the Terrorist Attacks Upon the United States* (Washington, DC, Government Printing Office, July 22, 2004) 11.

Pentagon and United Flight 93 crashed in an empty field in Shanksville, Pennsylvania both with the same deadly result.

The initial reports to the White House of the destruction at the World Trade Towers indicated that it was an accident. Unfortunately, the initial reports were indicative of the response of all government agencies on that fretful day. The coordination between the Federal Aviation Administration and the North American Aerospace Defense Command was less than adequate. Even if it were, the defense systems could not respond in a timely manner because the Federal Aviation Administration was unable to identify where the planes were located and therefore could not coordinate with the military to take preventive measures.⁹⁷ Despite the existence of protocols and previous training and exercises depicting such a catastrophic event, the nation's defenses failed to respond to save lives and prevent human suffering.

On September 11, airport security was not a part of the government security apparatus and the responsibility for preventing any further attacks initially fell to the Federal Aviation Administration. There a few members initiated a creative solution that led to the grounding of all aircraft.⁹⁸ The communication between the Federal Aviation Administration and the military led to scrambling fighter aircraft from several military installations. Unfortunately this action would prove too little too late.

In truth, even if the system operated as it was designed to, the attacks against the nation could not have been prevented because the system was flawed. Before these attacks, the system was based on three assumptions: that the hijacked planes would not attempt to disappear, there would be time to address the situation through multiple chains of command, and the hijacking would not result in a suicide mission turning the aircraft into flying missiles.⁹⁹ These assumptions created a seam in our Nations defenses and provided a false sense of security relative to the amount of time required to respond to an airborne threat.

⁹⁷ Ibid., 14.

⁹⁸ Ibid., 31.

⁹⁹ Ibid., 19.

The failures of the system on September 11, 2001 led to the most dramatic and sweeping changes in government since the National Security Act of 1947. On October 8, 2001, President Bush signed Executive Order 13228 creating the Office of Homeland Security within the Executive Office of the President, with the mission to oversee and coordinate a national strategy to protect and respond to any future threats.¹⁰⁰ The strategy would include a myriad of functions including detection, preparedness, prevention, protection, response and recovery. The executive order also created the Homeland Security Council with the responsibility of advising the President on matters relating to Homeland Security.¹⁰¹ This executive order amended Executive Order 12656 by placing responsibility for terrorist threats to the United States under the responsibility of the Homeland Security Council.¹⁰²

Twenty-one days after signing Executive Order 13228 creating the Office of Homeland Security, President Bush signed Homeland Security Presidential Directives 1 and 2. Homeland Security Presidential Directive 1, Organization and Operation of the Homeland Security Council provided further clarity on the composition of the council and its committees as well as established eleven Homeland Security Council Policy Coordination Committees to develop and implement policies in support of the functions outlined in Executive Order 13228.¹⁰³ Homeland Security Presidential Directive 2, Combating Terrorism through Immigration Policies provides for the establishment of a Foreign Terrorist Tracking Task Force, enhanced Immigration and Naturalization Service and Custom Enforcement Capability, limits international student visa abuse and supported the use of technology for data sharing and enforcement efforts.¹⁰⁴

¹⁰⁰ Executive Order no. 13228, Establishing the Office of Homeland Security and the Homeland Security Council, *Federal Register* 66, (October 10, 2001)

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Homeland Security Presidential Directive 1: Organization and Operation of the Homeland Security Council, (October 29, 2001)

¹⁰⁴ Homeland Security Presidential Directive 2: Combating Terrorism Through Immigration Policies, (October 29, 2001)

At approximately the same time as the signing of the Homeland Security Presidential Directives 1 and 2, the Congress approved a significant piece of legislation to support the new office of Homeland Security.¹⁰⁵ Representative James Sensenbrenner from Wisconsin introduced the legislation that became Public Law 107-56 “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001” also known as the Patriot Act.¹⁰⁶ The Patriot Act consists of nine titles, which focus on providing authorization for law enforcement agencies to collect information on suspected terrorists, detain them, detour them from entering and operating in the country, and hinder their ability to launder money in the United States.¹⁰⁷ Once the House and Senate bills were reconciled, President Bush signed the Patriot Act into law on October 26, 2001.¹⁰⁸ The major provisions of the bill include making it illegal to harbor a terrorist, expands the use of roving surveillance on suspected terrorists, expands the ability to detain suspected terrorists without cause, increases the subpoena power for electronic media of suspected terrorists, increases the size of the border patrol and strengthens existing money laundering statutes.¹⁰⁹ The Patriot Act also included a provision for the Department of Justice to request assistance from the Department of Defense to support their activities in enforcing offences involving the use of Weapons of Mass Destruction.¹¹⁰

Passage of the Patriot Act was not without controversy. Upon its creation many citizens were concerned with its impact on civil liberties and believed it failed to initiate significant changes included in the original bill. The opposing argument is that the Patriot Act is providing the tools necessary to keep the Country safe. In a Senate Judiciary Hearing, the former director of the Federal Bureau of Investigations

¹⁰⁵ Bullock, 41.

¹⁰⁶ U.S. Congress, “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001,” Library of Congress, <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03162:@@@D&summ2=m&> (accessed October 1, 2009).

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Congress, United States, Code, Title 18, Part 1, Chapter 10, section 175a, *Requests for military assistance to enforce prohibition in certain emergencies*, 38.

Robert Muller stated, “if the provisions in the act expired uncertainty and confusion that existed in the past would return and agents would waste precious time seeking clarification to complicated situations.” The Patriot Act set the foundation for a more formidable government response to the terrorist threat to the United States. Legislation coupled with the creation of an office of Homeland Security was a nexus that generated changes in many departments within the United States Government.

On April 17, 2002, the Secretary of Defense Donald Rumsfeld released an update to the Unified Command Plan, effective on October 1, 2002, that reflected the new emphasis on homeland defense.¹¹¹ The most significant change within the plan was the creation of the United States Northern Command as a geographic combatant command.¹¹² The new geographic combatant command encompassed all of North America including Alaska, Canada and Mexico, as well as Puerto Rico and the Virgin Islands.¹¹³ Its mission was homeland defense and civil support to other federal, state and local agencies.¹¹⁴ United States Air Force General Ralph Eberhart, the commander of the North American Aerospace Defense Command and Space Command, was nominated and confirmed as the first commander of United States Northern Command. General Eberhart maintained command of the North American Aerospace Defense Command and the United States Space Command transitioned its missions to the United States Strategic Command.¹¹⁵ The United States Northern Command headquarters was collocated with the North American Aerospace Defense Command at Peterson Air Force Base in Colorado Springs, Colorado.

After its activation, United States Northern Command assumed command of Joint Task Force Civil Support, Joint Task Force 6 and the Joint Regional Medical Planning Program. Joint Task Force Civil Support is the Chemical, Biological, Radiological and High Yield Explosive response force for the

¹¹¹ Center for Defense Information, “Terrorism Project: The Impact of September 11, 2001, on the Unified Command Plan,” Center for Defense Information, <http://www.cdi.org/terrorism/ucp.cfm> (accessed October 1, 2009)

¹¹² United States Northern Command, “About US NORTHCOM: U.S. Northern Command History,” US NORTHCOM, http://www.northcom.mil/About/history_education/history.html (accessed October 1, 2009)

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

Department of Defense. Joint Task Force 6 was the counter drug task force established to assist the border patrol in detection and monitoring for illegal narcotic activity. It also established subordinate service commands to include United States Army North, United States Air Force North, and Marine Forces North and established a coordinating relationship with the Second Fleet. United States Northern Command also assumed responsibility for ten Defense Coordinating Elements collocated with the ten Federal Emergency Management Agency Regional headquarters. Each of these elements is led by an Army colonel and a small staff of eight officers who are responsible for planning and coordinating military support to federal, state and local authorities.¹¹⁶

In December 2002, soon after the creation of the new combatant command, Congress passed Public Law 107-314 which established the office of Assistant Secretary of Defense for Homeland Defense.¹¹⁷ The new position became responsible for providing greater oversight of homeland defense related activities conducted within the Department of Defense. Given the complexity of the environment, Public Law 107-314 attempted to provide clarity to an otherwise ambiguous environment of uncertainty by assigning clear supervisory responsibility which includes developing policies, conducting analysis, providing advice, and supervising Department of Defense personnel supporting other federal, state and local officials.¹¹⁸ In an effort to improve coordination with other federal agencies, the Assistant Secretary was given further responsibility to serve as the Domestic Crisis Manager for the Department of Defense.¹¹⁹ Since its inception, the responsibilities of the office have expanded to include the protection of Defense Critical Infrastructure for the Defense Industrial Base and coordination of Department of

¹¹⁶ United States Army, "2008 Posture Statement, Information Papers, Defense Support to Civil Authorities: Defense Coordinating Officer/Defense Coordinating Element," http://www.army.mil/aps/08/information_papers/transform/Defense_Support_to_Civil_Defense_Coordinating_Officer.html (accessed October 1, 2009)

¹¹⁷ *Bob Stump National Defense Authorization Act For Fiscal Year 2003*, Public Law 107-314, 107th Cong., (December 2, 2002), 2620.

¹¹⁸ Department of Defense, "Policy: In the Twenty First Century," http://policy.defense.gov/sections/policy_offices/hd/faqs/homelandDefense/index.html#q3 (accessed October 1, 2009)

¹¹⁹ Ibid.

Defense assistance to other federal, state and local officials responding to threats involving weapons of mass destruction.¹²⁰

The office also assumed responsibility for the role of the Department of Defense related to Homeland Security Presidential Directive 7: Critical Infrastructure Identification, Prioritization and Protection.¹²¹ Homeland Security Presidential Directive 7 supersedes Presidential Directive 63 signed by Bill Clinton on May 22, 1998, and it is designed to improve the executive management of the critical infrastructure protection program.¹²² The office of the Assistant Secretary of Defense for Homeland Defense executes their responsibilities through numerous commands but primarily there are three geographic commands that perform missions in the homeland and those are United States Northern Command, United States Pacific Command and United States Southern Command. In order to provide clarity to the missions of these geographic combatant commands the Department of Defense began to develop supporting doctrine to facilitate their integration into the larger defense effort. The primary document created was Joint Publication 3-27 Homeland Defense, published in 2007, which provides an overview of the many operations supporting the defense efforts and the relationships between the numerous agencies involved. The creation of an Assistant Secretary and a geographic Combatant Command (United States Northern Command) represent sweeping changes within the Department of Defense that would serve as a catalyst for further transformations in the government.

The changes occurring throughout the government in response to the threat of terrorism led to an increase in authority and coordination responsibility for the office of Homeland Security. To address these challenges President Bush signed Executive Order 13267, establishing a Transition Planning Office

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Homeland Security Presidential Directive 7: Critical Infrastructure Identification, Prioritization, and Protection, (December 17, 2003)

for the Department of Homeland Security within the Office of Management and Budget.¹²³ The Transition Planning Office was responsible to plan and coordinate the transition to establish a proposed Department of Homeland Security and to work with Congress to facilitate the creation and passage of legislation in support of the Presidents' guidance.¹²⁴

On November 25, 2002, President Bush signed Public Law 107-296 also known as the Homeland Security Act, which established the Department of Homeland Security.¹²⁵ The Department of Homeland Security included all or parts of twenty-two existing organizations employing approximately 180,000 federal workers. Though the day-to-day operations of these organizations would remain transparent the coordination between them would change and hopefully for the better.¹²⁶ Notably, none of the twenty-two organizations consolidated under the Department of Homeland Security were intelligence agencies despite the fact that intelligence failures were partly responsible for the attacks on 9/11.¹²⁷ The absence of these agencies surrounded much of the debate that occurred in Congress about the composition of the proposed department. Republicans and Democrats were convinced that to avert future intelligence failures it was necessary to include portions of the Federal Bureau of Investigations and the Central Intelligence Agency into the new department.¹²⁸ There was of course a visceral response towards these initiatives, as some believed it was necessary to keep the Federal Bureau of Investigations intact to pursue its law enforcement mission and believed the Central Intelligence Agency needed to remain intact as its intelligence mission would transcend the new department.¹²⁹ Some were also opposed to removing intelligence functions from the Bureau, as they believed that the intelligence function must be coupled

¹²³ Executive Order no. 13267, Establishing a Transition Planning Office for the Department of Homeland Security Within the Office of Management and Budget, *Federal Register* 67, (June 20, 2002)

¹²⁴ Ibid.

¹²⁵ *Homeland Security Act of 2002*, Public Law 107-296, 107th Cong., (November 25, 2002), 2135.

¹²⁶ Maxwell, 429.

¹²⁷ Ibid., 430.

¹²⁸ Dann Eggen, "Hill Eyes Shifting Parts of FBI, CIA," *Washington Post*, (June 13, 2002).

¹²⁹ Ibid.

with those who understand the law in order to prevent a domestic spy agency.¹³⁰ In the end, President Bush chose not to include these agencies as part of the new department.

At the time of this historic transformation there were over eighty-eight congressional committees and subcommittees that exercised some level of jurisdiction over Homeland Security and the creation of the new department led to a reduction of oversight to approximately seventy-nine committees or subcommittees.¹³¹ The level of oversight Congress exercised over the Department of Homeland Security led to a dysfunctional relationship and system, in the words of James Schlesinger “it will be a disaster for the incoming department unless you simplify its obligations to congress.”¹³² Realizing the complexity of such oversight, Congress held hearings and ordered several studies to provide recommendations on possible solutions.¹³³ The best solutions were to create standing Congressional committees for Homeland Security, which would provide a similar structure as those, responsible for oversight to the Department of Defense, which in contrast to the new department had only six committees that exercised some level of jurisdiction over its affairs.¹³⁴

While political wrangling continued over the best solutions for oversight of the Department of Homeland Security, the Federal Bureau of Investigations began evolving into an effective agent for the capture and prosecution of terrorists within the United States. With a prescient sense of what was to come, the Federal Bureau of Investigation began making changes to its structure prior to the events of 9/11. Those changes included the creation of a division within the department dedicated to fighting

¹³⁰ Transcript: Senate Judiciary Hearing on the Patriot Act, *Washington Post*, (April 5, 2005).

¹³¹ Center for Strategic and International Studies, *Untangling the Web: Congressional Oversight and the Department of Homeland Security* (Center for Strategic and International Studies, 2004) 2.

¹³² Maxwell, 430.

¹³³ *Ibid.*, 431.

¹³⁴ Center, *Untangling the Web*, 2.

terrorism, the tripling of the number of Special Agents dedicated to investigating terrorism and increasing the budget to fight terrorism by more than ten percent.¹³⁵

Unfortunately, these actions failed to prevent the disastrous attack on the United States but did serve as a platform the FBI used to usher in significant changes. The first of which, shifted the priorities within the FBI and established the number one priority of the Bureau as protecting the United States from a terrorist attack.¹³⁶ To codify the change the FBI as of 2005 increased appropriations to combat terrorism by fifty percent and increased the number of personnel assigned to fight terrorism by eighty percent.¹³⁷ Though the increase in appropriations expanded the capacity of the FBI to fight terrorism it was the passage of the Patriot Act that provided the tools necessary to close the seam of ambiguity the terrorist exploited to attack the country. Prior to existence of the Patriot Act, the FBI was unable to share information between terrorist investigations and criminal investigations.¹³⁸ The passage of the Patriot Act eliminated this impediment and led to changes in how the FBI integrated intelligence. To ensure the integration of intelligence within the Bureau it created the office of intelligence within the terrorism division, then developed programs, and appropriately staffed the office, which in May of 2003 separated from the terrorism division and became its own division titled the Office of Intelligence under the Director of the FBI.¹³⁹

To ensure intelligence would not again become a matter of mere possession the director of the FBI designated the director of the intelligence office as the principle official for information and intelligence sharing within the Bureau and external to its federal, state and local partners.¹⁴⁰ In addition to sharing intelligence, the Bureau established several task forces and coordination cells to ensure a whole of

¹³⁵ Paul R. Pillar, *Terrorism and U.S. Foreign Policy*, (Washington D.C., Brookings Institute Press, 2001)

¹³⁶ United States Department of Justice, "Report to the National Commission on Terrorist Attacks upon the United States," <http://www.fbi.gov/publications/commission/9-11commissionrep.pdf> (accessed October 1, 2009)

¹³⁷ Ibid., 10.

¹³⁸ Ibid., 23.

¹³⁹ Ibid., 26.

¹⁴⁰ Ibid., 37.

government approach towards the detection and destruction of terrorists operating within the Country.¹⁴¹

Though the FBI developed several task forces, they consider the Joint Terrorism Task Forces to be the foundation of their coordination efforts. The Joint Terrorism Task Forces consist of representatives from other federal, state and local departments and agencies and are found in every field office in the country, and are a key component to the prevention and interdiction of terrorism within the country.¹⁴²

The ongoing reorganizations of the early 21st century included the signing of the Intelligence Reform and Terrorism Prevention Act of 2004 also known as public law 108-458.¹⁴³ President Bush signed into law the Intelligence Reform and Terrorism Prevention Act on December 27, 2004.¹⁴⁴ The law established the position of Director of National Intelligence to serve as the head of the intelligence community, to oversee and direct the implementation of the national intelligence program and serve as the principal advisor to the President, the National Security Council and the Homeland Security Council on all intelligence matters.¹⁴⁵ Congress created the legislation to establish the position and office of Director of National Intelligence to address what the 9/11-commission report identified as a gap in the ability to fight terrorism.

The Director of National Intelligence is responsible for breaking down the barriers that existed prior to the 9/11 terrorist attacks. To fulfill this responsibility the law gives the Director control over the other intelligence agencies through the power of the purse by mandating a single clearinghouse for the consolidation and prioritization of budgets in support of the National Intelligence Program.¹⁴⁶ The law also stipulates that the Director will oversee the National Counterterrorism Center and will establish

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ *Intelligence Reform and Terrorism Prevention Act of 2004*, Public Law 108-458, 108th Cong., (December 17, 2004), 3638.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

objectives, priorities and guidance for the entire intelligence community.¹⁴⁷ The law created a structure to prioritize, analyze and share intelligence across the spectrum of agencies, which will aid in the development of reports required and or requested by the President and or Congress. It is the Directors job to submit those reports and to ensure mechanisms are in place to facilitate the sharing of intelligence within the intelligence community and if necessary establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods.¹⁴⁸ Providing a structure to consolidate and disseminate information coupled with the creation and sustainment of provisions in the Patriot Act reduce the opportunity to repeat the mistakes made in our Nations past regarding intelligence failures.

The importance of intelligence collection and dissemination did not stop with the creation of the Director of National Intelligence. In 2005, the Department of Homeland Security underwent significant restructuring in order to address deficiencies in its ability to collect, analyze, disseminate and share information. On March 2, 2005, the incoming Secretary to the Department of Homeland Security, Michael Chertoff, announced to Congress his intentions to initiate a sweeping review of the Departments policies, operations and organization structure.¹⁴⁹ In July 2005, the Secretary announced that the structure of the review revolved around six broad areas, which he titled the six point agenda.¹⁵⁰ Those areas included preparedness, transportation security, border security, information sharing, operations improvements and organization improvements.¹⁵¹ The results of the review led to several changes within

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Henry B. Hogue, Harold C. Relyea, *Department of Homeland Security Reorganization: The 2 SR Initiative* (Congressional Research Service, 2005) 2.

¹⁵⁰ Department of Homeland Security, "Department Six Point Agenda," <http://www.rwb.gov.edgesuite.net/dhspublic/display?theme=10&content=5754&print=true> (accessed October 1, 2009)

¹⁵¹ Ibid.

the department but the most significant changes were the creation of a Director of Policy, an Office of Intelligence and Analysis, a Director of Operations and a Director for Preparedness.¹⁵²

The Director of Policy was created to consolidate the many policy directorates that existed in its previous structure into one that provided the leadership greater visibility over the creation and implementation of policies and regulations over the entire department.¹⁵³ The new director also assumed responsibility for border and transportation security policy and provided a vehicle for long range planning within the Department of Homeland Security.¹⁵⁴

Arguably, the most important change resulting from the review is the creation of the office of intelligence and analysis. The Homeland Security Act of 2002 did not include an office of intelligence in the original structure and instead created an office titled Information Analysis and Infrastructure Protection, which was largely void of the responsibility of intelligence collection, analyses and dissemination. The new office designed to fill the void is responsible for collecting intelligence from the ten intelligence offices in the department, analyzing the intelligence and sharing it with the intelligence community including state and local officials.¹⁵⁵ The structure also added a director of the new office that would report directly to the Secretary and serve as a single point of contact for all intelligence matters within the Department.¹⁵⁶

The creation of a Director of Operations was necessary to coordinate the effective employment of the different agencies within the department towards a common objective.¹⁵⁷ In essence, the new structure provided a vehicle to act on intelligence harnessing the power and ability to coordinate joint operations to prevent or respond to any incident.

¹⁵² Ibid.

¹⁵³ Hogue, *Department of Homeland Security Reorganization: The 2 SR Initiative*, 2.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid., 7.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid., 8.

In an attempt to design a department capable of responding to all hazards, the Secretary created the office of Director of Preparedness who is responsible for current preparedness efforts essentially alleviating the Federal Emergency Management Agency of these responsibilities and allowing them to focus on response and recovery.¹⁵⁸ The separation of these activities continues to achieve the efficacy sought during the Nixon administration of a dual use agency capable of preparing for a spectrum of threats be they manmade or natural. The office would also focus on emerging cyber threats and include a Chief Medical Officer responsible for preparing for and coordinating a response to potential or actual biological threats.¹⁵⁹

Some of these restructuring efforts required Congressional approval. On August 3, 2007, Congress approved Public Law 110-53 titled Implementing Recommendations of the 9/11 Commission Report that essentially incorporated many of the restructuring changes recommended from the six point agenda.¹⁶⁰ The final efforts resulted in the designation of sixteen separate components within the Department of Homeland Security focused on terrorism, border security, preparedness, response, recovery and immigration. Of course, an organizational structure is nothing without direction, which is why there are no less than a dozen strategic documents providing the ways in which the department will achieve its mission of protecting the homeland.

The 2006 National Security Strategy creates a foundation for the creation of supporting strategies to help foster an environment that leads to a secure and prosperous America. It purports nine distinct ideals that will help provide security and prosperity to the Country. In broad terms, those ideals include protecting the Nation from a terrorist attack and initiating appropriate mechanisms to defeat terrorism.¹⁶¹ These ideals are expanded upon in the National Strategy for Homeland Security, which asserts the Nation

¹⁵⁸ Ibid., 9.

¹⁵⁹ Ibid., 9.

¹⁶⁰ *Implementing Recommendations of the 9/11 Commission Act of 2007*, Public Law 110-53, 110th Cong., (August 3, 2007)

¹⁶¹ President of the United States, “The National Security Strategy of the United States of America” (March 16, 2006)

should focus on the prevention and disruption of terrorist attacks, protect its key resources and infrastructure, respond and recover from incidents and continue to do the things necessary for long term success.¹⁶² When expanded upon the strategy of prevention and disruption of terrorist attacks begins with border security, then focuses on denying terrorists the opportunity to maneuver within the United States, and finally seeks to prevent the birth of homegrown terrorist.¹⁶³ The National Strategy for Combating Terrorism addresses actions the nation will take to attack terrorists where they are flourishing or seeking refuge.¹⁶⁴ It argues that in order to protect our prosperity we must take the fight to the enemy, deny state sponsorship of terrorism and prevent the terrorists from attaining weapons of mass destruction.¹⁶⁵ The 2008 National Defense Strategy purports five key objectives among them are defending the Homeland and Winning the Nations Wars.¹⁶⁶ It proposes a three layered approach towards a more secure homeland including fighting the terrorists abroad, defending the approaches and conducting homeland defense.¹⁶⁷ The department also created a doctrinal manual to support its concept titled Homeland Defense, which perpetuates the thoughts and ideas generated in the defense strategy. To synchronize the national efforts towards a common goal the National Intelligence Strategy attempts to provide a common understanding of the operational environment through the issuance of four goals supported by six common objectives.¹⁶⁸ The goals are centered on providing the appropriate policies to collect and share information to support the objectives of combating terrorism, providing early warning and enhancing cyber security.¹⁶⁹ All five strategic documents provide the guidance to provide for the security and prosperity of the Country.

¹⁶² President of the United States, "National Strategy for Homeland Security" (October 5, 2007)

¹⁶³ Ibid.

¹⁶⁴ President of the United States, "National Strategy for Combating Terrorism" (September 2006)

¹⁶⁵ Ibid.

¹⁶⁶ United States Department of Defense, "National Defense Strategy" (June 2008)

¹⁶⁷ Ibid.

¹⁶⁸ Director of National Intelligence, "The National Intelligence Strategy of the United States of America" (August 2009)

¹⁶⁹ Ibid.

After the attacks on 9/11, the federal government underwent the largest reorganization since the passage and implementation of the National Security Act of 1947. The changes included the creation of the Department of Homeland Security, which reorganized in 2005, the creation of the Director of National Intelligence and several adjustments to the Department of Justice and Department of Defense. These changes coupled with existing strategic guidance provides the means for the nation to protect itself from another terrorist attack but on December 25, 2009 the United States was moments away from experiencing its worst attack since 9/11 when a terrorist attempted to ignite an explosive device aboard a passenger jet over Detroit Michigan. . In fact, within the past six months no less than nine terrorist attempts were thwarted just days or moments from achieving disastrous results. At the current pace, it is only a matter of time before another successful terrorist attack on the United States. In order to prevent such an attack it is time for the Department of Defense through the United States Northern Command to facilitate the whole of government approach towards protecting the United States from another such attack.

Recommendations to Achieve a Secure America

“We have taken a broad view of national security. In the new era, sharp distinctions between “foreign” and “domestic” no longer apply. We do not equate national security with “defense.” We do believe in the centrality of strategy, and of seizing opportunities as well as confronting dangers. If the structures and processes of the U.S. government stand still amid a world of change, the United States will lose its capacity to shape history, and will instead be shaped by it.” The United States Commission on National Security/21st Century, Road Map for National Security: Imperative for Change.

Since its creation in 1949, the Department of Defense has remained integrally involved in all civil defense efforts. Today, there are a number of federal and state agencies engaged in securing the country. In order to better integrate their efforts a number of recommendations are suggested. These recommendations include using the vast resources of the Department of Defense to lead an effort to build a whole of government approach towards securing the nation. To ensure the success of this approach the Department should clarify its existing doctrine, facilitate the sharing of information and assist in developing a family of unified plans that links the actions of the numerous agencies involved in Homeland Security to the strategic end states in the numerous national strategic documents.

After the attacks on 9/11, the United States government underwent sweeping changes in order to address the newest threat. Since then the civil defense organization evolved into the largest effort in the history of the country. It encompasses every Department and a multitude of strategies to keep the Country safe.

In the past, a number of offices were responsible for defending the United States from potential threats to its liberty. The creation of the Department of Homeland Security is the country’s most recent attempt to secure the nation from potential threats. Unfortunately, the Act that created the department also limited its ability to counter the threat. The mission of the Department of Homeland Security is to lead the unified national effort to secure the country but the structure of the many executive departments and

agencies involved in the effort make it a difficult task.¹⁷⁰ The Department of Homeland Security includes among others the Customs and Border Protection Agency, the Transportation Security Agency and the Immigrations and Customs Enforcement Agency who secure the Country's borders but what about the interior or exterior threats that are beyond the border. Does the Department of Homeland Security lead other agencies?

The Department of Defense asserts its responsibilities are to detect and defeat threats to the United States.¹⁷¹ The Department of Justice would make the same claim except instead of defeat their goal is to apprehend those elements that pose a significant threat to the United States. In fact, the Federal Bureau of Investigations mission is similar to that of the Department of Defense in that their primary objective is to protect and defend the United States from all threats.¹⁷² In truth, there are numerous executive departments and agencies responsible for some aspect of Homeland Security and almost all of them are external to the Department of Homeland Security.

The Director of National Intelligence is responsible for integrating domestic and foreign intelligence products in defense of the United States.¹⁷³ In the event those products identify an external threat, the Department of Defense along with the Department of Justice is then responsible for defeating or apprehending the threat prior to its arrival in the United States. In the event the threat eludes capture, it is up to the Department of Homeland Security to deny the threat entrance to the country, as they are responsible for securing the borders. If the threat eludes capture and enters the country or worse develops inside the country it is the responsibility of local or federal law enforcement.

¹⁷⁰ Department of Homeland Security, "U.S. Department of Homeland Security Strategic Plan Fiscal Years 2008-2013" (2008) 2.

¹⁷¹ Joint Publication 3-27. *Homeland Defense*, (Washington D.C.: Government Printing Office 12 July 2007), I-5.

¹⁷² Federal Bureau of Investigation, "About Us – Quick Facts," <http://www.fbi.gov/quickfacts.htm> (accessed 1 October 2009)

¹⁷³ Director of National Intelligence, "Office of the Director of National Intelligence About the ODNI," <http://www.dni.gov/who.htm> (accessed 1 October 2009)

The Department of Homeland Security is responsible for protecting the country but has no authority to influence the direction of the other departments. The inability to provide direction to the numerous agencies involved in Homeland Security creates a gap in which the threats to the country's security are exploiting to win decisively. In order to close the existing gaps the country must develop a holistic solution to Homeland Security. History indicates the current government organization structure will change to meet the challenges of the future threats but unfortunately time is on the side of the adversary and the challenges must be addressed today. The country must adopt a whole of government approach to close the existing gaps. As touted by the Secretary of Defense this approach will include unified plans and link resources towards programs that help build the approach.¹⁷⁴ Until the whole of government approach is codified in all government organizations, the Department of Defense should do more to close the existing gaps.

The Department of Defense is the logical choice to spear head the effort because of its vast resources to include a geographic combatant command responsible for protecting North America. To ensure this effort is effective the Department should clarify its existing doctrine, facilitate the sharing of information and assist in developing a family of unified plans that links the actions of the numerous agencies involved in Homeland Security .

The Department of Defense should educate its personnel on the term Homeland Security Operations. Too many individuals within the Department of Defense believe that Homeland Security is a task, when in fact it is an effort. Homeland Security is defined as "a concerted effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur."¹⁷⁵ As defined by its own doctrine homeland security is not a task it is an effort to accomplish an objective and the Department of Defense is a critical piece of that effort.

¹⁷⁴ Walter Pincus, "Pentagon Recommends 'Whole of Government' National Security Plans," *Washington Post*, (February 2, 2009).

¹⁷⁵ Joint Publication 3-27. Homeland Defense, (Washington D.C.: Government Printing Office, 12 July 2007), GL 8.

Prior to the establishment of the Department of Homeland Security, the Department of Defense had a policy on how it would provide support to other federal departments and or agencies. That policy is contained in a Department of Defense Directive that provides the authority to support but does not prescribe the nature or scope of that support.¹⁷⁶ Using the directive the Department of Defense supports Homeland Security and conducts Homeland Defense Operations, which are ill defined in existing doctrine. What exactly are Homeland Defense Operations? Are they covered in a separate Directive? To alleviate any confusion the Department should clearly define Homeland Defense Operations as the means by which the military supports or conducts the protection of the United States from threats as directed by the President. If accepted as a viable definition for Homeland Defense this would simplify the ways in which the Department of Defense supports Homeland Security by either Defense Support of Civil Authorities or Homeland Defense Operations.

Existing doctrine purports that the military conducts homeland defense globally that it conducts a defense in depth beginning with the forward regions through the approaches and finally in the Homeland.¹⁷⁷ Unfortunately, the doctrine does not cover exactly what the military does in the homeland or exactly what it does to defeat unconventional adversaries overseas. The Department of Defense asserts its responsibilities are to defeat the traditional threats and allow other government agencies to focus on the defeat of other threats.¹⁷⁸ The doctrine also asserts that when conducting Homeland Defense the Department of Defense assumes responsibility as the Lead Federal Agency.¹⁷⁹ In briefly discussing the employment of forces in support of Homeland Defense the doctrine, suggests USNORTHCOM would lead a Quick Reaction Force to defeat a threat in the homeland. This employment seems less than realistic

¹⁷⁶ Department of Defense Directive 3025.15: Military Assistance to Civil Authorities, (Washington D.C.: Government Printing Office, February 18, 1997).

¹⁷⁷ United States Department of Defense, "National Defense Strategy" (June 2008)

¹⁷⁸ Joint Publication 3-27. *Homeland Defense*, (Washington D.C.: Government Printing Office, 12 July 2007), I-2.

¹⁷⁹ Ibid.

to suggest that such a small force would place the Department of Defense in the lead and not in support of another federal agency such as the Department of Justice.

The current doctrine should focus on what the Department of Defense's roles and responsibilities are in the homeland. The military does not conduct homeland defense in the forward regions it conducts offensive and defensive operations to destroy the enemy.¹⁸⁰ The United States is not threatened by a traditional threat and it is imperative that the doctrine developed for homeland defense is written in a manner that synchronizes its actions with the actions of other federal agencies. The current doctrine should cover how the military will detect and defeat other threats in the forward regions, strengthen border security, and operate within the borders of the United States to deny threats the freedom of maneuver within the country. Of course the doctrine should also cover the numerous authorities required to allow this to occur but this type of detailed document will provide a more holistic understanding to how the Department of Defense supports Homeland Security.

Currently there are sixteen United States government agencies involved in collecting, analyzing and disseminating intelligence. These agencies are spread between six Executive level Departments and other separate organizations while over half are found in the Department of Defense.¹⁸¹ It is obvious with so many agencies collecting information that the sharing of that information remains elusive and yet is responsible for the largest gap in the nation's ability to protect itself. A common theme uncovered in every review of terrorist incidents is a lack of intelligence sharing. Since the Department of Defense owns a bulk of the intelligence assets, why is it not doing more to facilitate a whole of government approach towards intelligence sharing? Unfortunately, the organization of Northern Command fell prey to the same intellectual laziness as the creation of the Department of Homeland Security where intelligence was an

¹⁸⁰ Joint Publication 3-0. *Joint Operations*, (Washington D.C.: Government Printing Office, 17 September 2006), IV-6.

¹⁸¹ Director of National Intelligence, *An Overview of the US Intelligence Community for the 111th Congress* (Washington, DC, 2009) 5.

afterthought. This despite the results of the 9/11 Commission report and others indicating the sharing of intelligence was a critical piece in protecting the country.

The Department of Defense should immediately remedy this lack of understanding by allocating intelligence collection resources to the Northern Command similar to how it has allocated assets through the United States Army Intelligence and Security Command to support other Combatant Commands. Northern Command should use its resources to understand the needs of the customers of the intelligence products. It can do this through the Defense Coordinating Elements assigned to United States Army North and located in the ten Federal Emergency Management Regions. The customers of the intelligence products are the Federal, State, and Local law enforcement agencies who are already meeting in a forum sponsored by the FBI. The forums in which these individuals meet are known as Joint Terrorism Task Forces and are located in over eighty cities. Northern Command should increase the size of the Defense Coordinating Elements in order for them to participate in these meetings. While there, members of the element can provide a link between the targets of domestic surveillance and overseas intelligence requirements leading to the sharing of intelligence information between the Department of Defense and other agencies. The members can also serve as partners building relations with Federal, State and Local law enforcement in much the same way as those partnerships have formed with other agencies. This would facilitate a whole of government approach if and or when the Department of Defense assumes a lead responsibility during the conduct of Homeland Defense operations.

It should be noted that there are intelligence oversight laws that limit the ability of military assets to collect intelligence but the law does not deny it. Northern Command should view the law as a limitation not an impenetrable object. Northern Command should focus on what it can do, not what it cannot do and if necessary seek to obtain the proper authorities to do what it needs to do. Northern Commands mission in its own words is to anticipate and conduct homeland defense.¹⁸² The best way to

¹⁸² United States Northern Command, "About USNORTHCOM," <http://www.northcom.mil/About/index.html> (accessed October 1, 2009)

anticipate is through intelligence, which is available through the multiple Joint Terrorism Task Forces. Northern Commands participation in these task forces meetings would facilitate a sharing of intelligence information and position itself to conduct its mission.

The use of Department of Defense assets to support domestic response is a last resort. Officials did not understand the gravity of the situation, the Department of Defense waited for requests instead of being more proactive, no unity of effort existed, interoperability of communications was missing and the collection and sharing of information was void. These comments sum up the Department of Defense's response to Hurricane Katrina in 2005.¹⁸³ In the aftermath of Hurricane Katrina, it was obvious to ascertain the lack of unified planning between the various departments. To help craft those plans the Department of Defense increased collaboration with the Federal Emergency Management Agency and modeled its national exercise program after catastrophic natural disasters.

To increase collaboration with federal and state officials US Northern Command established a robust team titled the Defense Coordinating Element. The team is responsible for building habitual relationships with both federal and state officials and is a key player in all federal and state exercises as well as actual incidents.¹⁸⁴ The structure of the Defense Coordinating Element continues to evolve as lessons learned from the different exercises and actual incidents are applied. The success of the elements is evidenced in the seamless integration of military assets in exercises and actual incidents such as the California wild fires in 2007 that required military assistance.¹⁸⁵ The team also assists federal and state officials with planning and conducting local incident management, which helps vet existing national unified response plans.

¹⁸³ Gregory A.S. Gecowets, Jefferson P. Marquis, "Applying Lessons of Hurricane Katrina," *Joint Force Quarterly* (January 2008): 70-76.

¹⁸⁴ Department of Homeland Security, "Defense Coordinating Officer: Role of Defense Coordinating Officer in Disaster Operations," <http://www.fema.gov/about/regions/regionii/dco.shtm> (accessed October 1, 2009)

¹⁸⁵ US Federal News Service, "NORTHCOM Commander Praises U.S. Army North's Efforts During Wildfires," <http://www.highbeam.com/doc/1P3-1373693361.html> (accessed October 1, 2009)

Every year the Northern Command conducts a national level exercise focused on responding to natural or manmade disasters and based on the outcomes of those exercises is successful in capturing lessons learned.¹⁸⁶ These lessons learned have led to the identification of triggers, which identify the resources necessary to mitigate the effects of future disasters. Participation in these exercises provides Northern Command a greater understanding of gaps between disaster requirements and state and federal capabilities that then translate into pre deployment orders for Department of Defense Assets and are incorporated into unified response plans.

Northern Command no longer waits for requests for assistance from federal or state officials and instead based on its unified plans pre deploys the capabilities required to assist federal and state officials in responding to incidents. The collaboration with other officials along with the identification of gaps in capabilities versus requirements allows Northern Command to exercise this prescient ability.

The focus of Northern Command's efforts are responding to natural and manmade disasters but its mission is homeland defense. It is easy to extrapolate the same comments from Northern Commands response to hurricane Katrina might occur again in the aftermath of a catastrophic terrorist attack. What is the Northern Commands role in preventing another terrorist attack? What are the triggers that identify Northern Command as the lead federal agency in conducting homeland defense? What gaps exist in existing federal agencies that Northern Command could fill? The answers to these questions must be addressed in a unified plan.

In a recent Government Accounting Office report it was noted that Northern Command needed to expand the participants of its exercises to include other federal and state officials.¹⁸⁷ Northern Command should expand the size of its coordinating element to establish the same level of collaboration with law enforcement agencies as it has with disaster response agencies. This would facilitate a greater

¹⁸⁶ Government Accountability Office, "Homeland Defense: U.S. Northern Command Has a Strong Exercise Program, but Involvement of Interagency Partners and States Can Be Improved," <http://www.gao.gov/highlights/d09849high.pdf> (accessed October 1, 2009)

¹⁸⁷ Ibid.

understanding of homeland defense and indicate where Northern Command can assist in preventing another attack from happening.

Northern Command must create a family of unified plans that focus on its homeland defense role. It should structure future exercises in a manner that places them in a greater supporting role or as the lead federal agency. To accomplish this task the exercise must include other federal and state partners and should begin with Northern Command supporting those agencies. For instance, a border security exercise with the United States Customs and Border Protection Agency should facilitate the point at which the agency is overwhelmed and in need of further support from Northern Command. At what point the agency is overwhelmed is a decision point that everyone should understand now not when an event happens. An exercise program with other agencies taken to this level of detail will facilitate a greater understanding of requirements versus capabilities and allow Northern Command to create unified plans that anticipate the needs of its federal and state partners.

Throughout time, the nature of civil defense has evolved in simultaneity with known or perceived threats. The advent of aerial bombing, nuclear attack, and narco and suicidal terrorism forced the country to adapt in order to protect its citizens. The creation of the Department of Homeland Security was a response to the attacks that occurred on September 11 in New York City, Washington D.C and Pennsylvania. Unfortunately, the structure of the government cannot react fast enough to counter minor threats such as the Nadal Hasan massacre at Fort Hood or the attempted bombing of a passenger airplane on Christmas Day 2009 by Abdulmutallab. These incidents represent gaps in the current civil defense structure that allow threats to infiltrate the country and wreak havoc on the economy and citizenry. It is time for the Department of Defense to fill the gaps and do what it purports in the latest Quadrennial Defense Review, which is to protect the citizens.¹⁸⁸

¹⁸⁸ Department of Defense, *Quadrennial Defense Review Report* 2010, (Washington D.C.: DTIC, U.S. Government Printing Office, 2010).

Eventually the civil defense structure will evolve to provide holistic protection to the nation but until it does, the Department of Defense must stand in the gap. It is not who is responsible for what; it is a matter of is the Department of Defense doing everything it can to protect the citizenry of this nation? The Department of Defense allocated a combatant command, United States Northern Command to perform this mission and its time they take a more prominent role in homeland defense. The Department of Defense consumes more resources than any other branch of government and must focus on what it can do to protect its citizenry rather than focus on its limitations.

The complexity of operating in the homeland provides little room for interpretation and therefore the department must clarify its existing doctrine making clear those authorities that allow the military to support or lead federal efforts in the homeland. The department must take steps to share intelligence as over a third of the nation's intelligence collection agencies reside in the Department of Defense and finally the department should work to help coalesce the security effort by creating a family of unified plans that link the tactical actions of the numerous agencies to the strategic end state of providing a safe and secure environment for the nation.

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