# JOINT CENTER FOR LESSONS LEARNED

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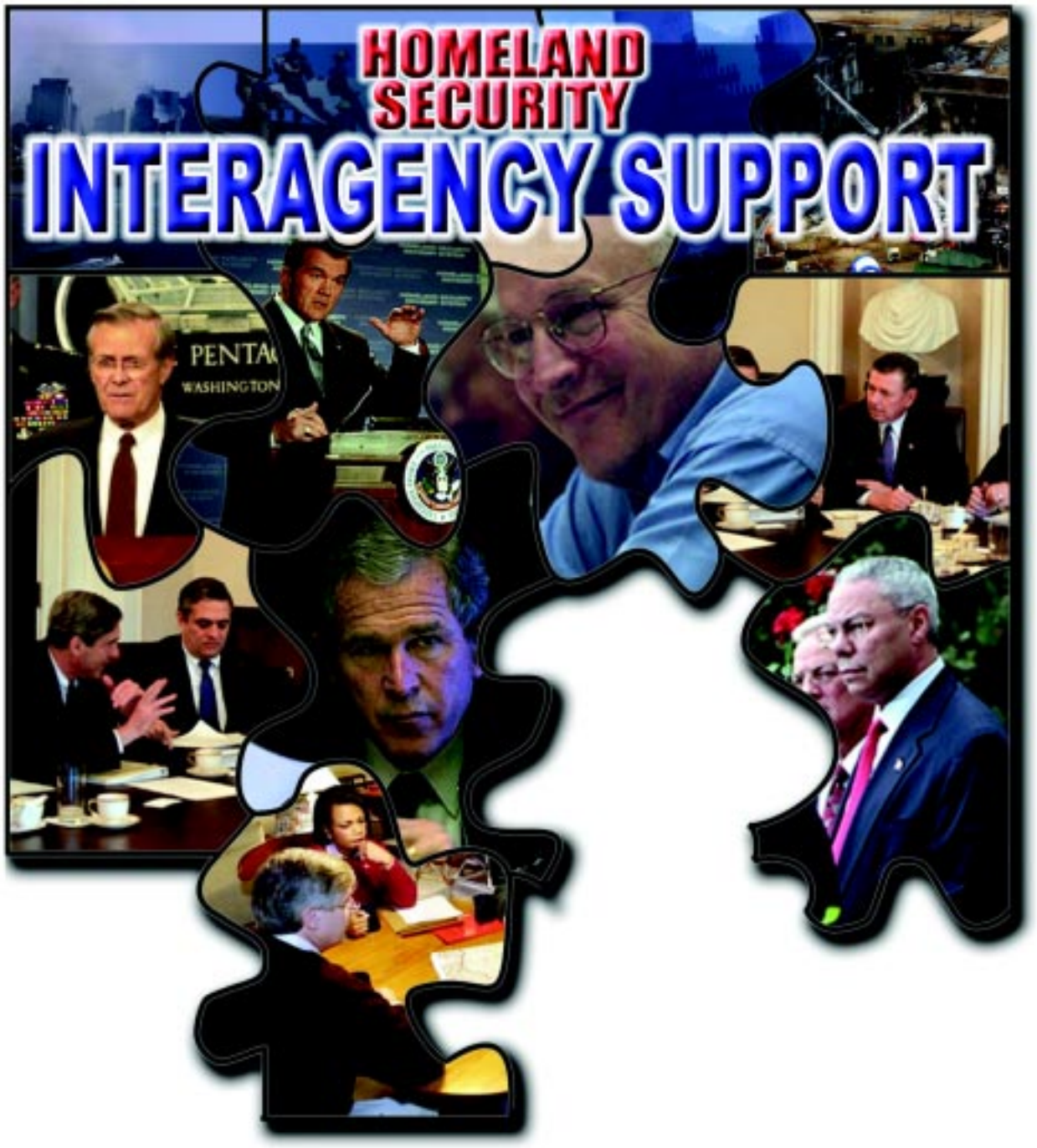

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## From The Staff

The JCLL seeks to identify trends, issues, and lessons that impact our Joint Force capability. We rely on the inputs from you in the field. You are in the best position to know and report what may improve Joint Force capability. You work the issue every day, so let us know:

- What was supposed to happen?
- What happened?
- What went right?
- What went wrong?

If you or your unit have an input that could help others do it right the first time, send it to us. Don't wait until you have a polished article. The JCLL can take care of the editing, format, and layout. Do provide a short, one paragraph biography on yourself. We will acknowledge receipt and then work with you to put your article in a publishable form with you as the author.

**We want your e-mail address!** We now have the capability to electronically disseminate the Bulletin to you when it is published. You can sign up for this service in the Bulletin section of our website listed below. See the inside back cover for details and instructions.

We have a staff ready to serve you. Below are the staff points of contact if you have a question we can help you answer.

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Cover design by Mr. Wade Tooley and courtesy of the JWFC Graphics Department

## Message From the Commander

**BGen Gordon C. Nash, USMC**
**Commander, JFCOM JWFC**

The Joint Warfighting Center is here to provide assistance to you in the field. As the new commander, I want to assure you that we will make every effort to provide the best support possible to enable you to accomplish your mission. If you have lessons you wish to share with the Joint or Service communities, or an idea on how things might be done better, feel free to let us know. The Joint Center for Lessons Learned (JCLL) is here to help you share your experiences with those who need to know.

The JCLL Bulletin is designed to provide a forum for generating thought and discussion of contemporary topics that are relevant to your needs. Articles on topics such as Combat Identification, Enduring Freedom lessons learned, building a Standing Joint Task Force HQ, JTF Olympics lessons learned, or any other relevant topic would be welcome.

In this issue of the Bulletin, we continue with the topic of Homeland Security (HLS). Here we look at the inter-agency support to the HLS effort. The first article is on the ***Federal Emergency Management Agency*** (FEMA) and their response to terrorism and natural catastrophes within the United States. This article is based upon personal interviews conducted by the author, Ms. Christina Mayes, JCLL Military Analyst, in November 2001.

The second article, authored by Mr. Mike Runnals, JCLL Military Analyst, describes the interface between the ***Federal Bureau of Investigation*** (FBI) and the DOD. This article is also based upon interviews conducted in November 2001 by the author. In the article, Mr. Runnals provides an inside look at the military/FBI relationship from the perspective of the military liaison officer assigned to the FBI.

***How To Forecast The Next Wave Of Catastrophic Terrorism***, by Dr. Joshua Sinai, PhD, ANSER Corporation, is reprinted from the web based **Journal of Homeland Security**. In this article, Dr. Sinai describes seven attack indicators that are useful for predicting possible terrorist activity. The article is designed to provoke consideration of a new way of thinking about terrorist plans to attack the United States.

The final article is a paper written by three students at the Joint Forces Staff College (JFSC). Titled, ***Homeland Defense: DOD vs. Civilian Intelligence And Law Enforcement–The Obvious Decision***, Lt Col Hanna, Lt Col Olbeter, and LCDR Felder discuss the roles and issues of the DOD, the need for unity of effort, and intelligence fusing to draw conclusions on how we need to reorganize nationally to prevent future terrorist attacks.

I look forward to my tenure here as the Commander, Joint Warfighting Center, and to ensuring we do all we can to support you in your mission.

GORDON C. NASH
Brigadier General, U.S. Marine Corps
Commander, Joint Warfighting Center
Director, Joint Training, J7

# JCLL UPDATE

*Mr. Mike Barker*
*Director, JCLL*

As I'm composing my thoughts for this "JCLL Update," I am on a return flight from Guantanamo Bay (GTMO), Cuba. A small group of us from the Joint Doctrine Branch and Joint Center for Lessons Learned have spent the last five days interviewing key principals in both JTF 160 (detainee security) and JTF 170 (detainee interrogation), as a result of a direct invitation from BG Mike Lehnert, Commanding General JTF 160. What a great group of marines, soldiers, sailors, and airmen they are. The job they have accomplished since 6 January has been nothing short of astounding. Many of these people, who are out of the 2nd Force Service Support Group at Camp Lejeune, got word on or about 23 December to prepare to deploy to GTMO. The advanced party arrived just after Christmas with the bulk, including augmentees, arriving on 5-6 January. Some of those who arrived with this main group had 72 hours or less notice of their deployment. JTF 160 was now up and running. On 6 January, JTF 160's orders were to build a secure detainee camp that ensures the detainees stay in and which provides maximum safety to the security and interrogation forces. The first flight of detainees arrived at Camp X-Ray on 11 January.

From these orders, Camp X-Ray was resurrected from the migrant camp operations of Operation SEA SIGNAL. The first phase of this detainee camp construction was completed on time through the super efforts of the JTF 160, NAVBASE GTMO, the Seabees, and contract construction support that was already resident on GTMO. Over the next several weeks, the camp was completed and is now housing approximately 300 detainees. Work is now in progress for a permanent detainee area for these individuals plus approximately another 200 detainees still being held in Afghanistan.

Since we plan to focus a future Bulletin on JTF 160 and JTF 170, I don't want to go into any more detail now. However, I would like to give anyone who is, or was, involved with this part of the operation an opportunity to submit an article of your experiences (lessons learned) to JCLL. So, if you'd like to see your name in print and share your lessons with others, please consider sending JCLL an article before mid August 2002.

# Contents

# A Lead Federal Agency Perspective: The Federal Emergency Management Agency

## Handling The Nation's Disaster Response

*Christina Mayes*
*Military Analyst*

Author's Note: The interviews, this article, and the issues presented were produced during November 2001 through February 2002. It is important to note that after the events of September 11, 2001, FEMA is experiencing a high state of flux in light of new and changing responsibilities during their reorganization and functional realignment. As such, some of the statements and discussions within this article may be overcome by the reorganization/ realignment events, and identified issues that call for attention may already be addressed.

**FEMA OVERVIEW**

The Federal Emergency Management Agency (FEMA), responsible for disaster mitigation and the planning for, response to, and recovery from disasters, is guided by a mission to provide leadership and support, reduce the loss of life and property, and protect the nation from all types of hazards.[1]

Having recognized the similarities between natural hazards preparedness and civil defense activities, FEMA's first director—John Macy—prompted FEMA to develop what is referred to as the "All-Hazards" philosophy.[2] This approach, in conjunction with the FEMA mission, supports the mission of the Office of Homeland Security (HLS). And so, with regard to support of the HLS mission, the very nature of FEMA's day-to-day activities do support HLS, as FEMA's mission deals with the principles of emergency management: preparedness, response, recovery, and mitigation. FEMA is charged with preparing to respond to all hazards, be it a natural disaster or a Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE, also known as Weapons of Mass Destruction) event.[3]

Presidential Decision Directive (PDD) 39 designates the Federal Bureau of Investigation (FBI) as the Lead Federal Agency (LFA) responsible for crisis management and FEMA as the LFA responsible for consequence management. PDD 39 states that FEMA will ensure that the Federal Response Plan be adequate to respond to the consequences of domestic terrorism.[4] More specifically, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121, et seq., aka - the Stafford Act)[5] and Executive Orders 12148 (Federal Management) and 12656 (Assignment of Emergency Preparedness Responsibilities), designate FEMA as having primary responsibility for coordinating Federal emergency preparedness, planning, management, and disaster assistance functions.[6]

FEMA provides support using a regional response system based on the standard 10 Federal regions nationwide. See Figure 1.


Figure 1. FEMA Regional Offices [7]

FEMA developed and coordinated with other Federal departments and agencies to build what is known as the Federal Response Plan (FRP).[8] The Federal Response Plan (FRP) establishes a process and structure for the systematic, coordinated, and effective delivery of Federal assistance to address the consequences of any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121, et seq.).[9]

Emergency managers must develop a "disaster life-cycle" [see Figure 2], in which they address preparation, response, recovery, mitigation, risk reduction, and prevention. "And at every stage of this cycle you see FEMA – the Federal agency charged with building and supporting the nation's emergency management system."[10]


Figure 2. Disaster Life Cycle [11]

FEMA's response to a major disaster or emergency, as defined under the Stafford Act, is guided by the Federal Response Plan.[12] An overview of disaster operations is graphically represented in Figure 3. "This overview illustrates response and recovery actions Federal agencies likely will take to help State and local governments that are overwhelmed by a major disaster or emergency. Key operational components that could be activated include the Regional Operations Center (ROC), Emergency Response Team - Advance Element (ERT-A), National Emergency Response Team (ERT-N), Emergency Support Team (EST), Emergency Response Team (ERT), Disaster Field Office (DFO), Catastrophic Disaster Response Group (CDRG), and Disaster Recovery Center(DRC)."[13]

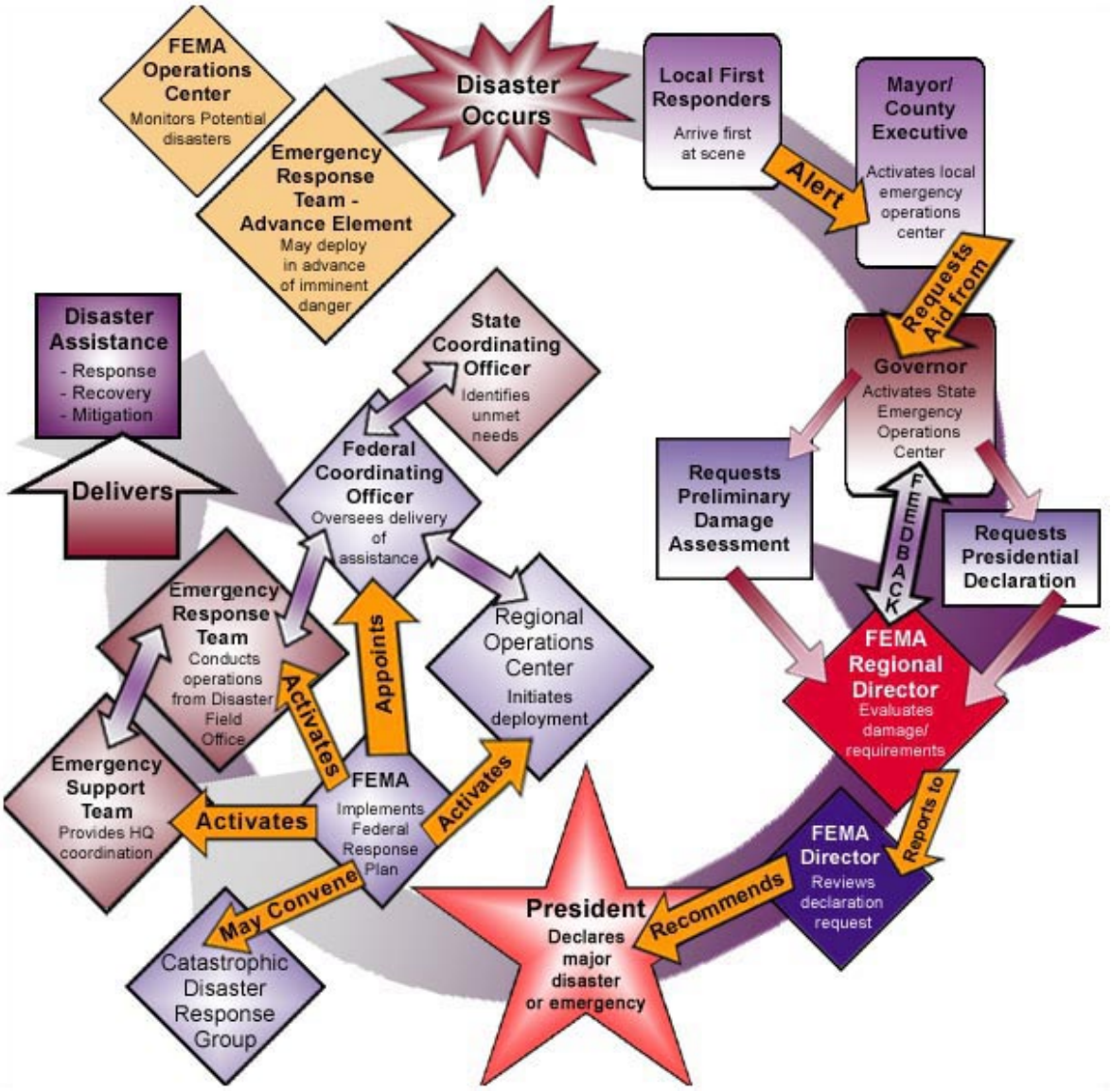


Figure 3. Disaster Operations Overview [14]

Several Federal Emergency Management Agency officials were interviewed from the Readiness, Response, and Recovery Directorate (RRR): Mr. Michael Lowder, Chief, Policy and Planning Branch, under the Planning and Readiness Division of the RRR; Ms. Linda Norberg-Peterson, Program Specialist, also from the Policy and Planning Branch under the Planning and Readiness Division of the RRR; and Mr. Bruce Price, Chief of the Situation Assessment Branch in the Operations Division. The RRR Directorate is responsible for FEMA's preparedness, training, exercise, response, recovery, and disaster logistics functions. It also conducts terrorism and catastrophic disaster planning, in coordination with State and local level preparedness planning, as well as interagency coordination. Figure 4 depicts the general structure of the organization, but realize FEMA is still going through reorganization – with another that was expected by the end of 2001.

Several common threads emerged from the interviews. One was the desire for a central Department of Defense (DOD) point of contact through which FEMA could interact. Another was that some sort of "DOD Master Exercise Schedule" be accessible to FEMA, as this would allow them to better prioritize their exercise participation and prepare with the limited number of personnel and resources available to them.[15] These common threads are discussed in more detail below, under Issues of Commonality.


Figure 4. Organizational Structure [16]

**ISSUES OF COMMONALITY**

Throughout the interviews and discussions, two major issues emerged. The first major, and most discussed, issue that emerged dealt with the need for a central point of contact (POC), and the second issue dealt with a common exercise schedule.

A major element in accomplishing the FEMA mission is to serve as the coordinator of the Federal response – to coordinate the response of those Federal resources and get the right mix of assets in accordance with the type of disaster. As such, FEMA works with many Federal agencies, to include many DOD organizations. For example, FEMA deals with the Director of Military Support (DOMS), Joint Staff, Joint Task Force-Civil Support (JTF-CS), Joint Forces Command (JFCOM), Assistant Secretary of Defense Special Operations/Low Intensity Conflict (ASD SO/LIC), Joint Special Operations Task Force (JSOTF), Transportation Command (TRANSCOM), NORAD, Pacific Command (PACOM), Southern Command (SOCOM), as well as the National Guard Bureau, to name a few.[17]

Obtaining information and coordinating support from the numerous DOD organizations FEMA interacts with can, at times, prove to be a challenge in its own right. Ms. Norberg-Peterson explained that historically, FEMA has been provided with one DOD point of contact for requesting military support following a disaster: the DOMS. And just prior to 9-11, the Secretary of Defense (SecDef) issued two memoranda; one directing responsibility for responding to CBRNE events to SO/LIC and the Joint Staff; the other, terminating Executive Agency status for the Secretary of the Army (SecArmy), who was responsible for providing military support to civil authorities (MSCA).[18] Following the attacks of 9-11, those two actions were put on hold, leaving DOMS as FEMA's single point of entry for requesting support, since they are organized, trained, and have established procedures for responding to FEMA's requests. Another recommendation that was made to the SecDef following 9-11 was to create a Commander-In-Chief (CINC) for homeland defense. The Services have already been in the process of developing their own Homeland Defense plans and some have created offices for Homeland Security/Defense.[19] With all of these changes taking place in DOD, it can be confusing and somewhat frustrating for FEMA to determine with whom they are supposed to work, coordinate, and plan, despite the best efforts of FEMA's DOD Military Support Office. With at least three organizations to coordinate with (DOD/HLS, JS, and DOMS), questions arise pertaining to: who is the lead for a particular issue or planning effort, and who is going to do what in response?

At least now, with reference to the SecArmy serving as the executive agent, FEMA is temporarily able to continue to rely on DOMS as the single contact point when they need to coordinate military support. The current arrangement, with DOMS designated by the SecArmy as the action agent for MSCA, allows FEMA to make a request for military support and DOMS can task it out to the appropriate CINC.[20] This is due to the SecDef's

temporary suspension of his move to terminate executive agency status for the SecArmy. If the SecDef ends the temporary suspension, DOMS will no longer be FEMA's lead entry point for DOD support. The entry point for military support actions in DOD is the Office of the Executive Secretary who gives the approved action to DOMS to work.

This future plan designates SO/LIC as the lead for CBRNE policy and planning and gives the operational execution for CBRNE events to the Joint Staff. If the SecArmy retains the MSCA mission, FEMA would send support requests to DOMS for conventional disasters and the Office of the Secretary of Defense (OSD) Executive Secretary for CBRNE disasters.[21] While this may sound simple, there is already confusion. For example, if FEMA does not know how, why, and who caused a HAZMAT (hazardous materials) release, and FEMA responds in support of the state, whom does FEMA call for military support? Do they assume a terrorist attack or a conventional HAZMAT incident in determining the request for support?[22] How DOD does business internally should be transparent to FEMA.[23] The concern for FEMA is that the process remains simple and doesn't impede a rapid response.

FEMA staff has heard that they are not alone in their coordination travails, as the Federal Bureau of Investigation (FBI) and the Department of Energy (DOE) have run into similar issues.[24] A central DOD POC, in FEMA's view, is needed to minimize confusion and centralize the point of coordination and information regardless of the event.

The last issue of commonality FEMA discussed was that of a common exercise calendar. In an attempt to address the issues of confusion and a common operating picture as they relate to exercises, FEMA points out that access to a DOD "master calendar" of exercises would be highly advantageous.[25] FEMA has found there is not a lot of good coordination within DOD about who is doing what exercise and at what level the exercises should be run, with regard to outside agency participation.[26] They feel that this DOD common scheduling calendar of exercises would allow them the means to prioritize their exercise support. Giving consideration to the type of exercise, FEMA would be better able to determine the level of support they could provide for the exercises, select participation in those exercises, and allocate their support accordingly.[27]

## FEMA CONCERNS AND CHALLENGES

Some of the confusion mentioned earlier, with regard to post 9-11, is also likely borne out of another issue brought up by FEMA. That issue is a concern relating to the short and long-term effects that a current lack of a comprehensive U.S. Government (USG) policy and strategy for responding to the consequences of a terrorist event will have on homeland security. Without this clear, comprehensive guidance, it seems as if many agencies are clamoring for Federal funding without any clear direction, common objectives, and continuity of purpose as it pertains to an organized effort in tackling the multi-faceted terrorism problem.[28] This has led not only to tremendous duplication of effort, but to overlapping areas of responsibility in Federal departments and agencies as well.[29] A significant challenge for the future will be to define the roles and responsibilities for Federal, State, local, DOD, and National Guard responders, vis-à-vis a national strategy and comprehensive objectives, then seek appropriate levels of funding with a focus on meeting the strategy and objectives.

Ms. Norberg-Peterson is aware that the Departments of the Army and Air Force have been developing their own plans and organizations for Homeland Security without an overarching DOD plan, and again, in the absence of common US Government objectives.[30] Only recently did the SecDef designate a lead for Homeland Security within DOD: the Secretary of the Army. Like FEMA, DOD is undergoing some degree of realignment and is re-evaluating their lead roles for providing military support to civilian authorities during response to natural disasters and terrorist incidents utilizing weapons of mass destruction. If the SecDef's decision, last fall, to transfer the MSCA mission from the SecArmy to the Joint Staff goes into effect, that could become a challenge for the Joint Staff.[31] Since the Joint Staff's role is warfighting, they are not staffed nor organized to support a military conflict

outside of the Continental United States (OCONUS) and a simultaneous domestic response.[32] Following the events of 9-11, the mission transfer was put on hold pending an overall review of the DOD mission. Possible options that are being considered include continuing the use of DOMS for both CBRNE and natural disasters, reorganizing the Joint Staff to accommodate a domestic mission, or creating a CINC Homeland Defense.[33] The final solution may or may not affect the way FEMA requests DOD assistance following a disaster or CBRNE event, but it may affect joint planning efforts. So, until DOD provides FEMA with written guidance describing a different process for requesting military support, FEMA will continue to route their requests through DOMS as they have been doing for years.[34]

Another issue that FEMA and other Federal response organizations, such as the Public Health Service, could be faced with is that much of the expertise for detecting, identifying, and containing chemical, biological, nuclear, and radiological events, and working for extended periods of time in contaminated environments, is resident in the military. In a domestic response to a CBRNE event, some organizations may ask DOD to fill capability shortfalls and provide these unique support capabilities. If the assets have been deployed or are being deployed to support American forces overseas, the result would be a conflict in competing priorities since some of these assets are limited. Unfortunately, the USG has not found a solution for meeting all of these critical needs in a domestic response.

There is little doubt of the support that FEMA will provide with regard to the Office of Homeland Security. Mr. Lowder, of the RRR Directorate, puts it this way - that as the HLS "get their feet on the ground and [HLS] gets more involved, that interaction [between FEMA and HLS] will increase and become more deliberate."[35] Even now, FEMA has several personnel assigned directly to the HLS to provide support and increase coordination, which brings up one of several challenges facing FEMA – staffing.

An agency smaller than most people realize, FEMA employs approximately 2000-2500 personnel nationwide. The impact of FEMA's staffing was felt when, during the height of the 9-11 crisis, they had a significant portion of their workforce on site in New York.[36] Many people had multiple duty assignments in order to cover the response team vacancies and other FEMA needs as the crisis unfolded.[37] One of the things they did in response to the disaster at the Pentagon was to roster an additional response team – the National Capitol Region Emergency Response Team (NCR ERT-N).[38] The consensus among the FEMA interviewees was FEMA's response to the three simultaneous attacks on 9-11 went well. Adding that had there been more attacks on 9-11, although they would have responded, FEMA likely would not have been able to do as well as they would have liked.[39]

Overall, the FEMA staffing issue also impacts general exercise support and participation. On a yearly basis, FEMA participates in and supports about 100 interagency exercises alone. This does not take into account those DOD exercises in which they are asked to participate. And when one takes into account the DOD exercises and the fact that there are far more DOD personnel than FEMA personnel to "go around," FEMA is overwhelmed. They want to participate, but there is simply too much they're asked to do and they just can't support it all.[40] For FEMA, staffing is another reason why the need is so great for a DOD "master calendar" of exercises.

One thing mentioned that FEMA would liked to have done differently was to deploy their response using a Time-Phased Force Deployment Data (TPFDD) schedule.[41] Yet, another challenge FEMA deals with is Time-Phased Force Deployment List (TPFDL) preparation. FEMA uses a "civilianized" version of the TPFDD. While the terminology and the process used in FEMA's "civilianized" TPFDD appears similar to the military TPFDD, they are not the same. Unlike the military, one of the things FEMA has to contend with in preparing their TPFDLs is that they don't always know exactly what they are going to need, or where the resources are going to originate.[42] It is difficult to determine where best to place assets in anticipation of the next disaster or attack. Factors such as where the disasters occur, the affected State's capability to respond, and the type of disasters to which they are responding dictate the resource needs and resource origins. Often there are too many variables that come into play which prevent FEMA from being able to plan many of the details in advance.

They also strive to avoid using two separate TPFDLs – one from DOD and one from FEMA – as doing so causes each list to compete for limited resources and time for off-loading aircraft at the aerial port of debarkation (APOD).[43] As such, it would be beneficial if there were a way to deconflict or combine the FEMA and DOD TPFDLs.

FEMA has developed the Weapons of Mass Destruction Resource Database (WMDRDB), not to be confused with the Department of Defense Resource Database (DODRDB). The contents of the each RDB is not duplicative and the WMDRDB contains information about resources from multiple Federal sources, to include Health and Human Services and the Environmental Protection Agency.[44] The WMDRDB is a key element in assembling FEMA's TPFDLs because it contains many details about the Federal resources, such as capability, type, and amount of cargo to be deployed. FEMA's desire is to maintain a comprehensive list of Federal resources that could respond in support of any disaster or event. Currently, many of the records are incomplete or in serious need of updating.[45] A challenge facing FEMA is obtaining input from DOD to the WMDRDB regarding DOD resources and assets. It appears to FEMA that the reluctance to provide this information stems from an understandable reluctance to "commit" DOD warfighting assets when those assets may be needed simultaneously for military purposes.[46] FEMA recognizes this and is well aware there are no guarantees of resource availability. What FEMA needs is an ability to form some concept, even if the concept is notional in nature, of what resources and/or capabilities they could request from DOD.[47] FEMA also stresses the WMDRDB is not just for FEMA use, but is available for use by DOD and other Federal response organizations as well.

What follows are a few additional open issues facing FEMA, still in a "state of flux" due to a major reorganization initiated in mid-June of 2001. One such challenge is dealing with a disaster that is a result of a deliberate action, where there are issues of force protection. Force protection is an issue FEMA doesn't normally have to deal with in responding to a natural disaster. Another challenge that lies before them is maintaining the current sense of urgency. Requests from FEMA (pre 9-11) that had received a "we'll get to it when we can" type of response have now been met with urgency. But there is concern that as time passes, this sense of urgency will wane even while there is still much work to be done. One such project is to establish a secure area in the FEMA Operations Center that would afford them a means of operating in a classified environment in the event of a disaster necessitating such coordination. Currently, their classified resources and training are sorely lacking and FEMA is taking steps to remedy the situation.[48] FEMA is also looking at alternate logistics transport mechanisms so, in the event there is another air transport shut down, their ability to respond is not paralyzed.

**FEMA SUCCESSES**

The RRR Directorate consensus is FEMA remains an evolving agency and continues to see better ways of doing things as they learn from real-world experience. And despite the many challenges that face this small Federal agency, FEMA has its share of successes. One such success is that the FEMA response system, guided by the Federal Response Plan – the All-Hazards Response Plan – works well.[49] FEMA has seen a good payoff from the work that went into establishing and building the Urban Search and Rescue teams. FEMA also believes that, generally, the interagency cooperation levels are good. The FEMA staff we interviewed suspect that among the Federal Government and the states, there is a better understanding of what FEMA does. FEMA is pleased with the results of the hard work that went into building an effective centralized logistics system where none had existed previously, and the progress it continues to make.[50] Further, the FEMA staff interviewed was satisfied with their ability to work quickly and effectively with the Department of Transportation (in response to 9-11 and post 9-11) to overcome air transportation issues, such as air restrictions and combat air patrols. FEMA has also found their annual Senior Leadership Seminars and Military Support Seminars quite useful, and they have extended the invitation to the JCLL Bulletin readership to participate in these annual seminars conducted jointly with the Army Corps of Engineers.[51]

The consensus is FEMA has done well at preparing for and responding to the disasters that have faced our nation. While there is always room for improvement, and although FEMA conducts exercises and training, to

some extent it takes a real-world experience to really make the organization respond better.[52] A lot of the little details escape exercise participants, either at the exercise planning level or during the exercise itself, as things tend to get "glossed over"— typically as a byproduct of the exercise's time compression.[53] Often the greatest of learning occurs when people are actually involved with a real-life situation and are faced with things they have never faced before.

If you are interested in learning more about FEMA, visit their informative website at www.fema.gov.

**About the Author:**

Christina Mayes is a member of the Joint Warfighting Center (JWFC) Support Team employed by Cubic Defense Applications Group since April 2000. She currently works as a Military Analyst/Information Systems Analyst in the JWFC's Analysis Support Branch, supporting the Joint Forces Command and the Joint Center for Lessons Learned located in Suffolk, Virginia. Having worked for Navy Lessons Learned at the Naval Warfare Development Command in Newport, Rhode Island and the Defense Intelligence Agency, Washington, D.C., she has a background in intelligence and information systems. Ms. Mayes earned a Master of Science in Strategic Intelligence from the Joint Military Intelligence College in Washington, D.C. Ms. Mayes also volunteers with the Chesapeake Sheriff's Office - 43rd Virginia Volunteer Search and Rescue unit, providing service as a local search and rescue (SAR) responder certified in electronic search and rescue (ESAR). In addition, she provides a wilderness airscent SAR K-9, cross-trained in both land and water cadaver recovery.

[1] http://www.fema.gov/about/history.htm; accessed December 12, 2001.
[2] Ibid.
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# Federal Bureau of Investigation
# A Military Perspective

*Mr. Mike Runnals*
*Military Analyst*

*Two months after 11 September members of the Joint Center for Lessons Learned (JCLL) arranged for a series of interviews with officials of the Federal Bureau of Investigation (FBI). Due to unexpected operational requirements, the FBI officials were unavailable on the day of the interviews. However, JCLL members were able to meet with the senior military liaison officer detailed to the FBI for an informal question and answer session. That session is the basis for the following article.*

The Federal Bureau of Investigation: A Military Perspective *will be presented in three parts over the next three succeeding issues of the* JCLL Bulletin. *This issue's installment presents an overview of the FBI organization. Following installments will address the DOD liaison officer position at the FBI and the interface between the FBI and DOD and lessons to be learned.*

## FBI Overview

### Mission

The Mission of the Federal Bureau of Investigation (FBI) is to uphold the law through the investigation of violations of federal criminal law; to protect the United States from foreign intelligence and terrorist activities; to provide leadership and law enforcement assistance to federal, state, local, and international agencies; and to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.[1]

The FBI is the principal investigative arm of the United States Department of Justice. Title 28, United States Code (U.S. Code), Section 533, which authorizes the Attorney General to "appoint officials to detect…crimes against the United States," and other federal statutes give the FBI the authority and responsibility to investigate specific crimes. At present, the FBI has investigative jurisdiction over violations of more than 200 categories of federal crimes.[2]

### Organization

The FBI is a field-oriented organization in which FBI Headquarters (FBIHQ) in Washington, D.C., provides program direction and support services to 56 field offices, approximately 400 satellite offices known as resident agencies, four specialized field installations, and more than 40 foreign liaison posts. The foreign liaison offices, each of which is headed by a Legal Attache or Legal Liaison Officer, work abroad with American and local authorities on criminal matters within FBI jurisdiction.[3]

The Director of the FBI, a political appointee who serves at the discretion of the President, heads the Bureau and its approximately 11,400 Special Agents and over 16,400 other employees who perform professional,

administrative,technical, clerical, craft, trade, or maintenance operations. About 9,800 employees are assigned to FBI Headquarters; nearly 18,000 are assigned to field installations.[4]

## FBI Headquarters

FBI Headquarters recently reorganized to increase the emphasis in counterterrorism, counterintelligence, cybercrimes, and relations with state and local law enforcement. The major elements of the reorganization included:

- Four new Executive Assistant Directors to oversee counterintelligence and counterterrorism, criminal investigations, investigative coordination, and administration.
- Two new divisions to address investigation of computer-facilitated crimes and security.
- Four new offices to address significant issues relating to information technology, intelligence, records management, and law enforcement coordination.

FBI divisions and offices have realigned under one of these four Executive Assistant Directors who report to the offices of the Director/Deputy Director (Figure 1). An Assistant Director heads each of the eleven Headquarters divisions. Assistant Directors of each division are supported by Deputy Assistant Directors (DADs).

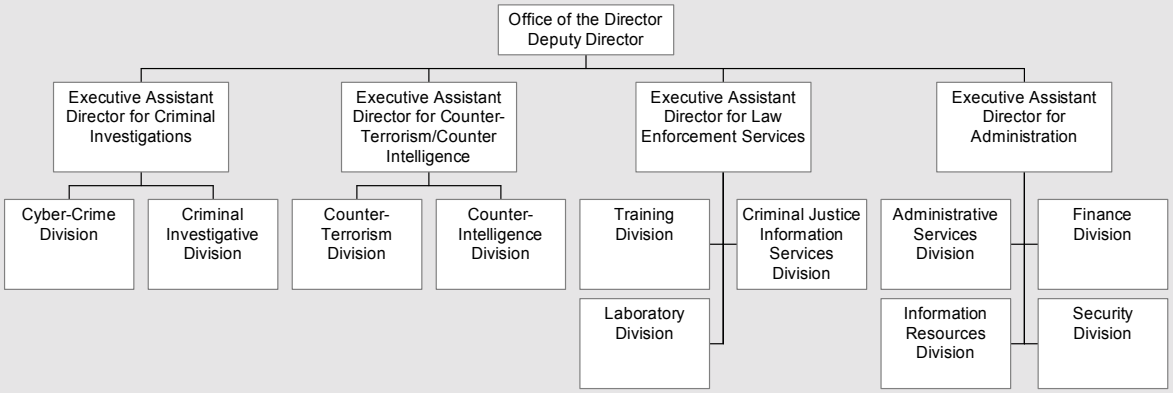


*Figure 1 FBI Headquarters Organization Chart [5]*

Divisions are arranged along broad functional lines into sections, and then into smaller, more specialized work groups known as units. For example, the Counterterrorism Division consists of two sections, the International Terrorism Section and the Domestic Terrorism/Counterterrorism Planning Section. The latter of the two sections consists of four units, the Domestic Terrorism Operations Unit, the WMD Operations Unit, the WMD Countermeasures Unit, and Special Events Management Unit (Figure 2).

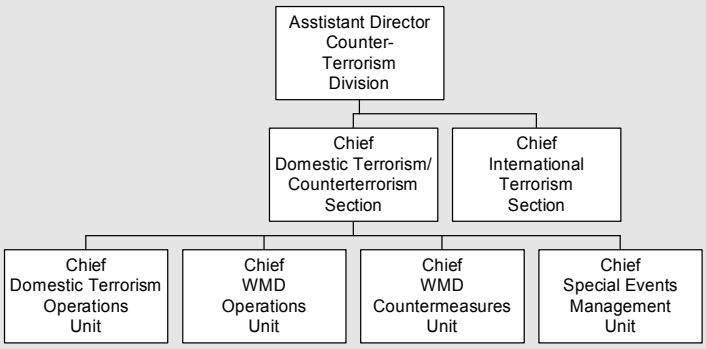


*Figure 2 Division/Section/Unit Hierarchies[6]*

The Deputy Director, Executive Assistant Directors, Assistant Directors, and Section Chiefs are members of the Senior Executive Service (SES). Their counterparts in the Department of Defense (DOD) would be (roughly) the Deputy Secretary of Defense, the Under Secretaries of Defense, the Assistant Secretaries of Defense, and the Deputy Under Secretaries of Defense. In DOD, members of the Senior Executive Service are considered the counterparts of general officers. That being the case, the FBI senior executives are (roughly) equivalent in position to General/Admiral, Lieutenant General/Vice Admiral, Major General/Rear Admiral (Upper Half), and Brigadier General/ Rear Admiral (Lower Half). Senior members of the General Schedule (GS-15) serve as the Unit Chiefs and are equivalent in position to a Colonel/Captain.

In addition to directorates, divisions, sections, and units, FBI Headquarters includes nineteen offices that fall under the Director/Deputy Director or one of the four Executive Assistant Directors. Two of the nineteen offices may be of particular interest to DOD organizations, the Critical Incident Response Group and the Strategic Information Operations Center, both of which come under the Executive Assistant Director for Law Enforcement Services.

The Critical Incident Response Group (CIRG) facilitates the FBI's rapid response to, and the management of, crisis incidents (Figure 3). CIRG was established in 1994 to integrate tactical and investigative resources and expertise for critical incidents that necessitate an immediate response from law enforcement authorities. CIRG will deploy investigative specialists to respond to terrorist activities, hostage takings, child abductions and other high-risk repetitive violent crimes. Other major incidents include prison riots, bombings, air and train crashes, and natural disasters. Each of the three major areas of CIRG — the Operations Support Branch, the Tactical Support Branch, and the National Center for the Analysis of Violent Crime — furnishes distinctive operational assistance and training to FBI field offices as well as state, local, and international law enforcement agencies. CIRG personnel are on call around the clock, seven days a week, to respond to crisis incidents.[1] According to the senior military liaison officer to the FBI, the CIRG is similar in many ways to a joint task force staff operations and plans section.

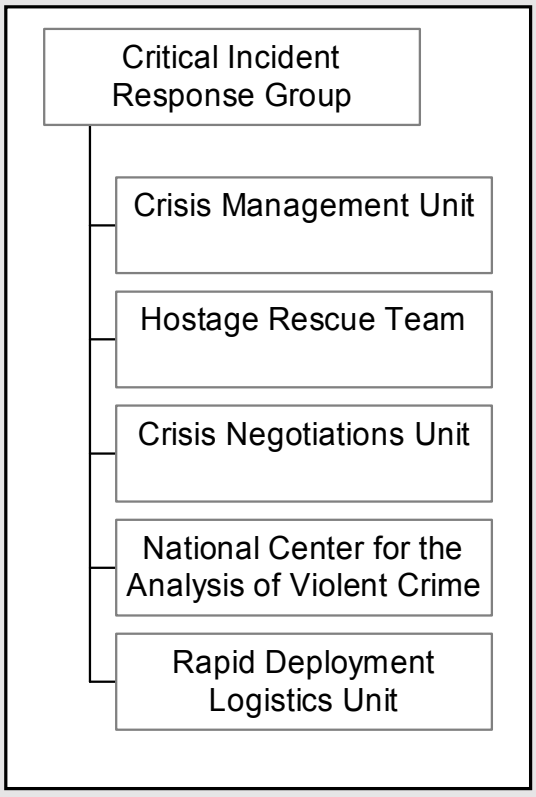

Figure 3 CIRG

The Strategic Information Operations Center (SIOC) is a 40,000 square foot, $20 million facility with the ability to manage several crisis situations simultaneously. A staff of up to 500 personnel may operate from SIOC, allowing the facility to meet the needs of all FBI operational divisions. SIOC operates on a 24-hour a day, 7-days a week basis providing support to FBI Headquarters, field offices, and legal attaches throughout the world. SIOC's mission is operations coordination and information management, serving as the focal point for information flowing into and out of the FBI Headquarters and providing a single point of contact for operational reporting and requests for assistance Bureau wide.[8]

Within minutes of the September 11th attacks, the FBI's Command Center, called the Strategic Information and Operations Center, or SIOC, was operational. Our efforts began as a search and rescue mission, with SIOC providing multi-agency analytical, logistical and administrative support for the teams on the ground in New York, Pennsylvania, and at the Pentagon. Sadly, as days passed, the hope of finding survivors amid the debris began to wane. The crash sites became crime scenes and the tedious process of evidence collection began. The focus in SIOC shifted from rescue efforts to a large scale, global terrorism investigation.

J. T. Caruso
Deputy Assistant Director
Counterterrorism Division
*Federal Bureau of Investigation*

Figure 4 SIOC Actions

## Field Offices and Legal Attaches

The FBI's Field Offices are located in major cities throughout the United States and in San Juan, Puerto Rico. In addition, resident agencies are maintained in smaller cities and towns across the country. The locations were selected according to crime trends, the need for regional geographic centralization, and the need to efficiently manage resources. Some of the FBI's 56 Field Offices have jurisdiction in surrounding states. For example, the Salt Lake City, Utah, Division investigates criminal activity in Utah, Idaho, and Montana; and the Boston, Massachusetts, office has jurisdiction in Maine, New Hampshire, and Rhode Island. Each FBI field office is overseen by a Special Agent in Charge (SAC), except for those located in Los Angeles, New York City, and Washington, D. C. Due to their large size, those offices are managed by an Assistant Director in Charge (ADIC)[9]. The ADICs are assisted by SACs responsible for specific programs such as the New York Office's National Security Division-Counterterrorism Program. ADICs and SACs are responsible to the FBI Director for operations in their respective regions.

The Federal Bureau of Investigation is working every day, not only in the United States, but also in 52 countries outside our borders. Presently, there are 44 Legal Attaché (Legat) offices and four Legat sub-offices, many of which have opened within the past five years in areas of the world where identifiable threats to our national interests exist. The FBI's Special Agent representatives abroad carry the titles of Legal Attache, Deputy Legal Attache, or Assistant Legal Attache. The FBI believes it is essential to station highly skilled Special Agents in other countries to help prevent terrorism and crime from reaching across borders and harming Americans in their homes and workplaces.[10] The expansion of the number of FBI Legal Attache offices around the world has enhanced the ability of the FBI to prevent, respond to, and investigate terrorist acts committed by international terrorists against U.S. interests worldwide. As evidenced by developments in the embassy bombing cases in East Africa, the ability to bring investigative resources to bear quickly in the aftermath of a terrorist act can have significant impact on our ability to identify those responsible.[11] The FBI's Legal Attache Program is overseen by the International Operations Branch of the Investigative Services Division at FBI Headquarters in Washington, D.C.

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Mike Runnals is a retired US Army officer, a member of the Joint Warfighting Center (JWFC) Support Team, employed by Cubic Defense Applications Group, currently working as a military analyst in the Analysis Support Branch at the JWFC, Suffolk, Virginia. A former Combat Engineer, Mr. Runnals has been employed at the JWFC since September 1994, first working in the Training Support Branch and then working in the Joint Center for Lessons Learned support section.


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**Editor's Note:** This article originally was published in the *Journal of Homeland Security,* Copyright 2002 Analytic Services. Reprinted by permission of Dr. Sinai and Anser Corporation. I'd like to thank both Dr. Sinai and Mr. Alan Capps, Editor-in-Chief, Journal of Homeland Security, for their assistance in providing this excellent article.

# How to Forecast the Next Waves of Catastrophic Terrorism

*Joshua Sinai, Ph.D.*
*ANSER*
*February 2002*

*The aim of this article is to provoke consideration of a new way to think about terrorist plans to attack the United States and our overseas interests. This subject is too important to be left to the province of the Intelligence Community. Leaders, planners, and operators at all levels will improve our national capability to respond to the terrorist challenge if they consider the seven attack indicators outlined here and play out terrorist strategies against our plans and capabilities and vulnerabilities by "red-teaming" in much the same manner that military leaders have played threat forces against their forces.*

The catastrophic attacks of 11 September and the follow-on poisonous anthrax letter campaign have ushered in a new terrorist warfare paradigm in which attacks against the United States and its Western European allies will escalate in the lethality of their targeting and weaponry. Because the threshold from "conventional" low-impact terrorist warfare has been crossed, the new types of terrorist attacks will likely involve not only weapons of mass destruction but conventional means to attack critical infrastructural targets such as nuclear and chemical plants, agricultural nodes such as livestock feeding centers, and the heart of the American and world economy-the New York Stock Exchange-with catastrophic economic and human consequences. Usama bin Laden's al-Qaeda terrorist network and its satellite affiliates are the most likely groups to carry out such catastrophic attacks.

As leaders, cells, and operatives of these groups are being rounded up or killed in Afghanistan or arrested in the United States, Western Europe, and elsewhere, there reportedly are dozens or hundreds of "sleepers" left, armed with target folders for the next wave of terrorist operations. The devastating military defeat of these groups in the current military campaign in Afghanistan is likely to serve as the trigger for their remaining operatives to seek catastrophic revenge on behalf of their fallen and retreating comrades.

To forecast the next wave of catastrophic terrorist attacks, this analysis uses a methodology based on several components: seven attack warning indicators; an elaboration of al-Qaeda's mindset, modus operandi, and target selection based on its training handbook (available on the Department of Justice website); public statements by Usama bin Laden that were broadcast on television news programs; and the extensive media reporting of the group's previous failed attacks and plots (as outlined in captured documents), which serve as blueprints for its future targeting.

To preempt and deter such catastrophic attacks, the following risk assessment formula using seven attack warning indicators can be applied to forecast the next waves of attacks.

**Methodology to Forecast**
**Catastrophic Terrorism Against the U.S. Homeland:**

(Indications & Warning Indicators and Observables
preceding the 11 September 2001 Attacks)

| Terrorist Group | Al-Qaeda | Armed Islamic Group (GIA) |
|---|---|---|
| Previous Attacks or Plots | • 1993 World Trade Center (actual)<br>• Plots in 1993 against Holland Tunnel, Empire State Building, UN headquarters<br>• Mid-90s plot to bomb CIA headquarters<br>• December 99 plot to bomb LA Airport<br>• October 2001 bombing of USS Cole<br>• September 2001 plot to crash aircraft into U.S. Capitol and White House | December 94 attempt to plunge airliner into Eiffel Tower |
| Modus Operandi | • Meticulous planning as outlined in captured al-Qaeda training manual<br>• Innovative operationally and tactically<br>– Training to fly commercial aircraft at U.S. and other flight schools<br>– Seek highly visible and symbolic targets | |
| Weapons and Devices | • Interest and training in utilizing commercial aircraft as weapons of mass destruction | |
| State Sponsor Ties | • Afghanistan's Taliban rulers provided safe haven and logistical support<br>• State sponsor Iraq sought vengeance against United States | |
| Geography | • Operational cells in Western Europe, Florida, Maryland, Minnesota, and elsewhere | |
| Historical Dates | • 12 September date of sentencing of African embassy bombing conspirators | |
| Triggers | • 12 September sentencing date of conspirators held in lower Manhattan triggered attack on 11 September | |
| Terror Attacks | • 11 September simultaneous suicide bombing attacks against World Trade Center and Pentagon | |

**Attack indicator #1: Previous terrorist attacks, failed attacks, or plots not yet executed, which serve as blueprints for intentions and future targeting.**

Al-Qaeda's intentions can be found in its terrorism training handbook, which has been summarized in published reports. Its missions include destroying infrastructure nodes such as vital economic centers, bridges, and places of amusement.

The first major attack against the United States by a terrorist group affiliated with bin Laden was the February 1993 bombing of the World Trade Center towers. This resulted in extensive property damage and some loss of life but failed to bring down the towers. The bombing was intended to be accompanied by the bombing of several other targets, such as the Empire State Building, the Holland Tunnel, and the United Nations headquarters.

In December 1994, an al-Qaeda affiliate, the Algerian Armed Islamic Group, hijacked an Air France Airbus with 171 passengers aboard, intending to plunge it into the Eiffel Tower. None of the hijackers could fly the aircraft, so, instead, the plane landed in Marseilles, where French police stormed it.

Also during this period, Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing, while in the Philippines, plotted to blow up 11 U.S. airliners and fly planes filled with explosives into the CIA headquarters in Langley, VA, and nuclear facilities elsewhere in the United States.

In December 1999, an al-Qaeda affiliate was involved in a foiled plot to bomb Los Angeles International Airport. At the same time, al-Qaeda operatives were foiled by Jordanian security authorities in their attempt to blow up tourist sites in Jordan, and internal hurdles prevented them from bombing the USS The Sullivans in the Yemeni port of Aden.

The airplane that ultimately crashed into the Pentagon during the 11 September hijackings reportedly also tar-

geted the Capitol and the White House. The fourth airplane, which crashed in a Pennsylvania field, reportedly was en route to hit a nuclear facility in the region.

Al-Qaeda operatives had planned to hijack airplanes in Britain and crash them into the Houses of Parliament and London's Tower Bridge.

Operationalizing attack indicator #1 yields this forecasting assessment: the 11 September bombing of the World Trade Center signifies that when al-Qaeda fails in its initial mission, it is likely to return-however long it takes to prepare for the mission-to complete its initial objective. Therefore, al-Qaeda operatives are likely to persist in their objective of attacking the following targets: the Holland Tunnel, the Empire State Building, United Nations headquarters, the Eiffel Tower, the CIA headquarters, the U.S. Capitol, the White House, and nuclear power facilities. In the United States and Europe, Disney amusement parks are likely targets. In Britain, the Houses of Parliament and the Tower Bridge are still likely to be al-Qaeda's targets.

**Attack indicator #2: A terrorist group's modus operandi, especially tactics.**

The 11 September attacks involved meticulous planning, training, and precisely timed simultaneous execution. Al-Qaeda is highly meticulous and innovative operationally and tactically.

Future attacks will likely involve the following diabolical tactics:

- "Truck bomb" attacks on the ground or using aerial or maritime delivery means, including miniature submarines
- Driving a truck loaded with a hazardous-materials bomb truck against a prominent target, such as a tunnel or bridge or a busy downtown area
- Detonating a radioactive bomb at a nuclear power facility

**Attack indicator #3: Use of particular types of weaponry and devices that a terrorist group perceives will achieve its objectives.**

The simultaneous bombing attacks of 11 September portend that the next phase will likely involve even more catastrophic assaults, with each successive plot employing newer and deadlier weapons and devices that seek to exploit additional U.S. and allied infrastructural vulnerabilities. In Afghanistan, U.S. forces have uncovered numerous handbooks for conducting unconventional warfare involving chemical, biological, radiological, and nuclear devices.

Current media reporting is filled with discussions of possible chemical, biological, radiological, or nuclear attacks by al-Qaeda operatives. Such speculation is not without foundation. Bin Laden's Afghan training camps taught skills for using weapons of mass destruction-such as feeding poison gas through the air vents of office buildings. Other reports claimed that bin Laden operatives tried to obtain uranium from former Soviet republics but were given low-grade reactor fuel and radioactive garbage. Yet such attacks may still be possible. Also possible are attacks with unconventional explosives against a nuclear power plant or chemical facility.

Regarding chemical attacks, a crop-dusting plane could be employed to carry out such an operation. One of al-Qaeda's operatives had in his possession a manual for operating crop-dusting equipment, so such an attack should not be discounted.

One of the most worrisome, worst-case scenarios troubling counterterrorism specialists is for an al-Qaeda operative to drive and crash a truck into the New York Stock Exchange building, which reportedly has inadequate perimeter defenses, and detonate a "dirty bomb" with conventional and radioactive materials. Such an attack would render the Stock Exchange and its immediate surroundings inactive for months, setting off worldwide economic turmoil-although this might be offset by the backup computer data storage systems located elsewhere.

The London Stock Exchange is a second likely al-Qaeda bombing target, with potentially devastating economic consequences.

A third worst-case scenario would be a biological agent attack against a U.S. agricultural sector, with results similar to those of the foot-and-mouth outbreak that devastated British agriculture recently. Such an attack would also severely impact the commodities trading market.

**Attack indicator #4: The objectives of a group's state sponsor.**

State sponsors are crucial to terrorist groups engaging in catastrophic warfare because the sponsors can be helpful in so many ways. Afghanistan's Taliban provided bin Laden and al-Qaeda with a safe haven. Iraq is alleged to be serving as a sponsor for bin Laden and al-Qaeda because of the convergence of their objectives, particularly in taking revenge against the United States. According to press reports, at camps in Iraq, terrorists are trained in chemical and biological warfare and in flying commercial aircraft. Press reports have indicated that an al-Qaeda operative, Muhammad Ataf, met an Iraqi intelligence official in Prague several times.

Although there are no smoking guns, it is reasonable to assume that Iraq may have provided al-Qaeda with chemical or biological agents-the most likely would include anthrax (a bacterium) and smallpox (a virus).

**Attack indicator #5: The geographic factor-the location of a group's adversary and the group's logistical capability to reach, conduct surveillance, and attack the target.**

Al-Qaeda is the umbrella organization for an international network of like-minded groups with hundreds of cells around the world. These groups operate as planets in al-Qaeda's solar system, which makes them highly dangerous because they already possess the infrastructure to carry out terrorist attacks in any part of the world.

Potential regions to be targeted by al-Qaeda range from the U.S. homeland to foreign lands, especially those where the United States maintains valuable facilities, such as military bases, or where symbols of America, such as the McDonald's restaurant chain, proliferate.

**Attack indicator #6: Historical dates of particular significance to terrorist groups.**

Terrorist groups, particularly religious groups, place a high premium on historical dates that are significant to their religion or their community. Other types of historical dates are also significant. In the case of the bombings of the World Trade Center, for example, 11 September may have been especially significant because the conspirators who carried out the 1998 African embassy bombings were to be sentenced the following day for their crimes. During that period, the conspirators were in a holding cell at a courthouse near the World Trade Center.

Significant historical dates that are likely to trigger al-Qaeda attacks include:

- 17 January (the commencement of Operation Desert Storm)
- 19 March (Jerusalem Day proclaimed by Ayatollah Khomeini to demand the "liberation" of Jerusalem)
- 30 March (referred to by Israeli Arabs as "Land Day," it annually features protests against alleged expropriation of Arab property)
- 7 May (Israeli independence day)
- 31 May (the annual pilgrimage in Mecca begins)
- 5 June (the beginning of the 1967 Six Day War between Israel and her Arab neighbors)
- 4 July (U.S. Independence Day)
- 31 December-1 January (New Year's Day)

**Attack indicator #7: Triggers that propel a group to launch attacks in a revenge mode as quickly as possible as a result of sudden developments, such as a severe military setback.**

The conspiracy for the 11 September attacks began some two years prior to the attacks, but 12 September may have served as a trigger for the attacks to occur on the previous day. Taking revenge against the United States and its allies for their military success against al-Qaeda and the Taliban is surely triggering other plots, some hatched long ago.

## Conclusions

The 11 September attacks were part of al-Qaeda's asymmetric warfare against the United States, in which small, fanatically dedicated teams are employed to inflict maximum psychological and physical damage on a much more powerful adversary.

Terrorist attacks, particularly by groups such as al-Qaeda, are intended to be of such catastrophic magnitude as to send a strong political message to the targeted adversary and to the group's constituents in Islamic lands. In response, the United States, Britain, and their allies must be supported by good intelligence, strong situational awareness, and effective defensive, preemptive, and deterrence measures.

Failing to anticipate the 11 September horrific attacks represented more than a failure of intelligence-it was a failure of imagination. Previously, such attacks were viewed as too grandiose and farfetched to be taken serious by intelligence and law enforcement authorities. Now they appear to be likely blueprints for future catastrophic terrorist operations against the U.S. homeland.

Security and risk assessment planners must always adopt active measures to defend against new types of terrorist threats. Moreover, one should not expect past trends to reveal future attack patterns because terrorists, especially al-Qaeda planners, always seek to exploit new vulnerabilities and new modes of warfare in order to inflict maximum damage. Therefore, instead of such catastrophic attacks taking place "beyond the imagination" of those responsible for security, we need to begin thinking like the enemy-always anticipating and preparing to counteract new types of attacks and targeting. Continuous red-teaming is required, using outside-the-box threat and risk assessments. Such red-teaming must focus on multidimensional, not unidimensional, baskets of potential threats. Above all, emphasis must be placed on intelligence tracking of suspected terrorist networks, cells, and operatives; detection; and preemption during the earliest possible pre-attack incubatory phases.

Within this context, such risk assessment may provide some of the initial conceptual means to anticipate and prevent such catastrophic terrorist attacks from occurring again.

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**Editor's Note:** This article was written as a research paper by students at the Joint Forces Staff College (JFSC), Class # 02-II, and submitted for publication consideration. It is thought provoking and provides insight into some of the current issues being dealt with in the area of Homeland Security. My thanks to the authors and to COL Chess Harris, USA (Ret), Faculty Advisor, in preparing this article for submission. This has been printed with permission of the JFSC.

# HOMELAND DEFENSE: DOD vs. CIVILIAN INTELLIGENCE AND LAW ENFORCEMENT – THE OBVIOUS DECISION

*Jerrold Hanna, Lt Col, USAF*
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## INTRODUCTION

In the aftermath of the terrorist attacks on September 11th, Americans finally realized that they too are no longer immune to terrorism at home, it plagues the entire international community. The silent majority demands that we bolster the defense of the United States (U.S.). The catch-all phrase for this new mission is "Homeland Security." Our government leaders, including Department of Defense (DoD) officials, are frantically considering how to adjust their organization structures and missions in order to both detect and prevent future catastrophic terrorist attacks on our soil. Some Americans call for a greater DoD role in this vital mission for our survival. Political agendas are riding the bow-wave of emotion for a quick and decisive response. The political and legal challenges for employment of U.S. Armed Forces in the continental United States (CONUS) accelerated to a new perspective.

DoD officials are proposing a new unified command that will direct military capabilities for the defense of the North American continent.[1] While this organization and its inherent capabilities may serve the spirit of immediacy to address terrorism within our borders, DoD should support the appropriate civilian law enforcement and intelligence agencies and not be the executive agent for counter/anti-terrorism action in CONUS. DoD's mission should primarily focus on facilitating interagency coordination between civilian intelligence and law enforcement agencies and, providing as required , unique military capability to support civilian agency missions. Unity of effort must be achieved among these agencies if they are going to successfully detect and prevent future terrorist acts within our borders.

## DEPARTMENT OF DEFENSE'S ROLE AND ISSUES

Without doubt, some DoD introspection, assessment, and reorganization will provide value-added benefits to our country's antiterrorism programs. The Chairman of the Joint Chiefs of Staff (CJCS) recently clarified the DoD homeland security mission as "the protection of U.S. territory, domestic population, and critical infrastructure against military or terrorist attacks emanating from ***outside*** [emphasis added] the U.S."[2] In this vein, the establishment of a new regional Commander-in-Chief (CINC) with the responsibility for the North American Region, an area that has been unassigned to any war-fighting CINC, will facilitate better coordination of military support to domestic operations. This new command would direct Air Force jets patrolling the skies over our cities, Navy ships providing coastal security, and Army National Guard troops policing airports and border crossings[1]. But these kinds of activities should be in support to civilian agencies as they respond to both combat and mitigate criminal or terrorist acts.

The character of America's democratic society will be extremely wary of military intrusion into domestic affairs. Congress enacted the Posse Comitatus Act in 1878, as a result of the use of federal troops for law enforcement in the South following the Civil War, to counter what Congress deemed a threat or danger to the military's subordination to civilian control.[3] It originally addressed the Army and Navy, but later included the Air Force. The Act states that:

*"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both."*
*18 U.S.C. 1385*

U.S. Code Title 10, Chapter 18 prescribes further guidance and restrictions on military involvement in domestic security. Both the letter and intent of the Posse Comitatus Act reinforces our historic reluctance to entangle our Armed Forces in day-to-day law enforcement in the name of preserving the national defense.[3] However, the Act does not apply to National Guard units who are under the authority of state governors to respond to state emergencies. If nationalized at the direction of the President, they would then come under federal control. Also, it "…does not prohibit military involvement in civilian law enforcement activities, as long as that involvement is in a passive or support role."[3] The spirit of our individual freedoms and the "…inalienable right to life, liberty and the pursuit of happiness"[4] remain enduring American values that cannot be compromised.

We must take great care to preserve the separation of the roles and missions of our military from that of our civilian law enforcement agencies. Unquestionably, our military forces possess unique skills and capabilities that may be needed in response to future terrorist acts, especially those that may involve weapons of mass destruction. However, our National homeland security plan should not turn to the military as the executive agency and primary responder to terrorism threats in CONUS. Of no small concern in this regard are the vast number of on-going obligations and missions that our military must execute beyond U.S. national borders – supporting national interests and those of our allies and friends.

Secretary of the Army Thomas E. White amplified this distinction and primacy of military mission in an interview last January, "The problem is concurrency. The Army is fully deployed in 100 different countries, supporting our regional commanders in chief. And we are hard-pressed to do that which the Army is principally organized to do. So we don't need to volunteer for any other tasks."[1] We should turn to the military only when the skills and capabilities it possesses are necessary and uniquely separate from those offered by our civilian law enforcement agencies. Examples are the use of fighters to patrol the skies over our cities in defense against hijacked or stolen aircraft that are intended for use as manned bombs, augmentation of first-responders to sites where weapons of mass destruction have been used, and Navy augmentation of the Coast Guard coastal patrols to make up for the lack of Coast Guard vessels and crews.

These examples reinforce a core premise: the military will be operating as a result of requests by civilian authority in the effort to assist their mission execution due to extraordinary situations. The military should not be looked upon as the primary solution to the material shortfalls and planning/coordination challenges within the civilian law enforcement, intelligence, and their supporting agencies that allowed the events of 9-11 to occur unchecked. The establishment of a CINC with responsibility for the North American region will serve to better coordinate military support to domestic operations, but it would not have prevented the 9-11 airliner hijackings and subsequent flights into the World Trade Centers and the Pentagon.

## NEED FOR UNITY OF EFFORT

Integrating the processes and products of civilian intelligence, law enforcement, and their supporting agencies efforts must occur in order to combat terrorism within our borders. These national organizations are legally authorized to plan and execute the domestic side of the homeland security mission for the safeguard of our

country. Civilian law enforcement agencies must be the main effort to protect U.S. citizens from attacks taking place within U.S. territories. This seems particularly appropriate when such attacks will involve small bands of individuals engaged in criminal acts within our homeland instead of stereotyped conventional military troops engaged in nation-state sanctioned combat along our borders. In order to accomplish the homeland security mission, we must both politically strengthen politically and organizationally power these agencies, while simultaneously resourcing them commensurate with the mission requirement. One can easily imagine the complexities of both coordinating and facilitating a unity of effort for a mission when there are "over 50 separate states and agencies"[5] that have an interest and a role in countering terrorist acts in our homeland. This lack of interoperability and complementary unity of effort is the greatest challenge facing the new Homeland Security Office led by former Pennsylvania Governor and Congressman Tom Ridge.

Looking back at the events leading to the 9-11 tragedy, several issue quickly surface. There was a distinct breakdown in communication and/or a lack of organizational effectiveness across a number of civilian and federal law enforcement agencies. Two separate recent news reports illustrate the inadvertent bumbling of information sharing and questionable cooperation among agencies entrusted to protect our homeland. According to a CBS 60 Minutes II segment titled "By the Book," warnings of internal terrorist threats were given in 1993 after the bombing of the World Trade Center where, according to a federal prosecutor involved in the investigation, "…we knew we were being secretly invaded by our enemies."[6] From the investigation into the African Embassy bombings of 1998 this same, now former, prosecutor said that the investigation yielded "…clear information that people had been put into the U.S. planning long-term destruction."[6] ABC News recently aired a segment citing the occurrence of three major signals that the attacks of 9-11 were imminent. ABC reported that the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA) both were certain an attack by Usama Bin Laden was coming; however, they were focused on targets outside of the U.S. despite evidence indicating otherwise.[7]

First, on 21 August the FBI requested that two known terrorists be put on the border watch list. They learned after they made this request that both men had already entered the United States. Second, in early August, local flight schools contacted the FBI office in Phoenix with concerns about an abnormal influx of Arab students. The Phoenix office forwarded this information to FBI headquarters, but as former Justice Department Chief Internal Security Officer, John Martin, stated, "FBI headquarters were given a heads up but they did not pick up on it." And third, on 15 August in Minneapolis, instructors from the Pan Am Flight Academy contacted the FBI with concerns of a possible hijacking after a student of theirs, Zacarias Moussaui, with a "…wad of cash, foreign background and lack of flying skills…" wanted to learn to fly a Boeing 747. According to the ABC news report, Moussaui was taken into custody, "…but at the outrage of FBI agents in the field, (FBI) Headquarters was slow to react saying there was no proof he was part of a terrorist group." Also, all three of these incidents were forwarded to the joint FBI and CIA Counterterrorism Center in Washington. The Center failed to accurately assess the implications of these seemingly unrelated events.

Additionally, on this news report of foreign students of questionable backgrounds seeking flight lessons, Alexis Debut, a former French Defense Ministry Official, claimed the French told the Americans (FBI) six days before the hijackings that Moussaui was a known terrorist. The bottom line: related events that were clear indicators of a pending attack were not correlated. In fact, the hijackers lived, trained, and operated under the noses of U.S. Law Enforcement agencies for at least 2 years before the actual terrorist attack occurred.[7]

Failing to assemble the evidence and predict events involved three major agencies: the Immigration and Naturalization Service (INS), the FBI, and the CIA. Most Americans would expect information sharing among these federal agencies, especially on issues directly linked to our vital security. Our expectation did not occur; the system broke down due to agency parochialism and organizational separations. Extrapolating from the inability of the INS, FBI, and the CIA to fuse information to now involve state agencies across 50 different states and numerous federal agencies, further serves to illustrate the cumbersome and fragmented structure of our numerous intelligence and law enforcement organizations. The technical application of unity of command is unfeasible

when considering the vast number of different agencies that play a part in law enforcement. However, we can take a page from Air Force Doctrine Document 1 concerning unity of effort:

> *"In many military operations other than war, the wide-ranging agency and nongovernmental operations involved may dilute unity of command; nevertheless, a unity of effort must be preserved in order to ensure common focus and mutually supporting actions."*[8]

The Goldwater-Nichols Act directed the military services to improve their joint interoperability. It is apparent that the establishment of a joint FBI and CIA Counterterrorism Center in Washington alone did not provide an adequate unity of effort. Perhaps legislation along the lines of the Goldwater-Nichols Act is now necessary to direct the cooperation of our federal civilian law enforcement and supporting agencies on missions of common interest – the security of our homeland. Until we can achieve a unity of effort across the interagency, the products and efforts of many agencies defending our homeland will remain ineffective and terrorist organizations will continue to successfully seek out and exploit the seams between these agencies.

The lack of a cohesive border security process and the inability of our intelligence and law enforcement agencies to fuse their information are the two primary failures illustrated in the ABC and CBS investigative news reports.

**SECURING OUR BORDERS**

We do not have a unity of effort among the different agencies charged with managing the flow of people and trade across our borders. INS records show that 13 of the 19 terrorist hijackers responsible for the 9-11 attacks entered the US legally with valid visas. Three of them were still in the country on 9-11 with expired visas, and six of them didn't have any INS records at all.[9] The vast area of common border with Canada and Mexico, and the large number of border crossing points, U.S. airports, and U.S. seaports, presents a daunting task to secure or track immigrants, aliens, as well as U.S. nationals that exploit international terrorist connections. Each year, more than 500 million people are admitted into the United States, of which 330 million are non-citizens. Overland, 11.2 million trucks and 2.2 million rail cars cross into the United States, while 7,500 foreign-flag ships make 51,000 calls in U.S. ports annually.[9] A recent statement by Senator Stearns further illustrates the porous nature of our borders:

> *"We can keep enacting legislation and of course we could spend more money around here, but efforts to counter terrorism will be futile unless we establish effective controls to secure our borders at the points of entry. Each year there are more than 300 million border crossings in the United States. These are just the legal crossings that are recorded. While there are 9,000 border agents working to keep America secure on the U.S. – Mexican border, there are less than 500 agents tasked with securing our 4,000 mile border with Canada. To make matters even worse, out of the 128 ports on the northern border, only four of them are open around the clock. The remaining are not even manned, thereby allowing anyone with good or evil intentions to enter the United States without even so much as an inspection, not to mention even a question or a written record of their entry."*[9]

At a quick glance there are at least four major agencies involved with the business of directly securing our borders: the Customs Service, Federal Aviation Administration (FAA), Coast Guard, and the INS. Each of these agencies is resourced by and responds to a different cabinet-level department. The Customs Service comes under the direction of the Department of Treasury. Both the FAA and Coast Guard are under the direction of the Department of Transportation, and the INS, which includes the Border Patrol, is under the direction of the Department of Justice. The plethora of missions and tasks that each of these departments are assigned are voluminous. Many of the missions not related to border security and homeland defense. As a direct result of inadequate cross-cabinet coordination on field operating agency missions and areas of responsibility, seams and

areas of ambiguous overlap between Department mission areas are easily exploited by terrorist organizations. For example, the Coast Guard's missions include Maritime Safety, National Defense, Maritime Security, Mobility, and Protection of Natural Resources. Prior to September 11th the Coast Guard spent about 2% of its time on duties involved with port security. Since then, the time spent on port security has increased to between 50 – 60%. Obviously, the mission emphasis of the Coast Guard has made a large change and it is unlikely to shift back to the pre-9-11 priorities anytime in the near future. Without doubt, the agencies associated with effectively securing our borders are going to need more resources to do their mission, and the President's 2003 budget is making great strides in providing for an increase with respect to these needs. However, increased money alone will not solve the problem; a unified border security effort is necessary.

To provide a unified effort in the security and law enforcement of our border operations, we need to establish a new department or build upon an existing department such as the INS, whose primary focus is on the security of our borders. The Hart-Rudman Commission proposed a very similar idea earlier. The Commission proposed the establishment of a National Homeland Security Agency (NHSA), built upon the existing Federal Emergency Management Agency (FEMA), and would include the Coast Guard, the Customs Service, and the Border Patrol.[10] This doesn't narrow the focus enough. One agency for the multitude of homeland security requirements is still too diffuse to provide an effective unity of effort in securing our borders.

A cabinet-level department is needed with a primary mission of enforcing a cohesive border security system. Additionally, FEMA is not a good building block for restructuring this new cabinet mission is that it has a very specific role during and after disasters, both natural and man caused. This mission alone mandates a specific focus – the restoration and relief of the crisis or disaster that has occurred. A more eeffective approach would be to rename the INS, making it the Department of Border Security, and then assign to it the Coast Guard, the newly federalized airport security inspectors (now under the new Transportation Security Administration[1]), and the Customs Service. Make the primary mission of these agencies law enforcement, specifically in the area of border security. The advantage of having these agencies operating under a common cabinet level department would simplify command and control, provide impetus for a unified border security and law enforcement approach, and would empower the new Secretary of Border Security to be able to make the necessary changes in funding, acquisition, and information sharing that will ensure the unity of effort needed for a seamless border security process.

## INTELLIGENCE FUSING

The intelligence community is responsible for warning "policymakers and military leaders of impending crises, especially those that threaten the immediate interests of the nation or the well-being of US citizens."[11] However, if no one shares this information and assessment with those who can act to deter or prevent a terrorist attack, then the information has no value. The inability of our intelligence agencies to complete a shared intelligence preparation of the battlefield (IPB), where each of the agencies held distinctive elements that in the aggregate not only told the story, but also would predict an attack is an indictment of our civilian-based intelligence processes. Finding a way to fuse our national intelligence on the domestic scene is another major area where we can apply the issue of unity of effort in providing for the defense of our homeland.

In 1986, President H.W. Bush led a task force to investigate terrorist actions and concluded that the US Government agencies collected information but then failed to act on the information. As a result of the task force findings, the Director of Central Intelligence (DCI) created the DCI Counterterrorist Center (CTC) and directed it to preempt, disrupt, and defeat terrorists. A key CTC task was to coordinate the Intelligence Community's counterterrorist activities. The CTC Chief worked directly as a special assistant to the DCI and was allowed to tap any or all CIA assets as necessary.[11]

Referencing the ABC News story discussed earlier, the joint FBI and CIA Counter Terrorism Center in Washing-

ton was unable to integrate indications and warnings concerning terrorist activities underway in the U.S., similar to the kind that their own directors had been warning about for several years.[12] These warnings not only came from intelligence agencies, but also Congressmen, Senators, and even Presidents Clinton and Bush.[13] A prominent warning of this nature is found within the Hart/Rudman Commission's, "National Security/21st Century," outlining how our homeland was vulnerable and unprepared for terror attacks from abroad. In their Phase 1 Report they stated as their number one conclusion:

> **America will become increasingly vulnerable to hostile attack on our homeland, and our military superiority will not entirely protect us.**
>
> The United States will be both absolutely and relatively stronger than any other state or combination of states. Although a global competitor to the United States is unlikely to arise over the next 25 years, emerging powers—either singly or in coalition—will increasingly constrain U.S. options regionally and limit its strategic influence. As a result, we will remain limited in our ability to impose our will, and we will be vulnerable to an increasing range of threats against American forces and citizens overseas as well as at home. American influence will increasingly be both embraced and resented abroad, as U.S. cultural, economic, and political power persists and perhaps spreads. States, terrorists, and other disaffected groups will acquire weapons of mass destruction and mass disruption, and some will use them. Americans will likely die on American soil, possibly in large numbers. [14]

No one can argue the prophetic nature of this finding published a full two years prior to the devastating 9-11 attacks. Today, looking at the monumental successes of DESERT STORM, the Kosovo campaign, and the recent actions in Afghanistan, it's abundantly clear we have a military far superior to any other. Yet, this deterrent was insufficient to prevent the attacks on the World Trade Center and the Pentagon, and may not be adequate to deter other terrorism on our soil. The Hart/Rudman Commission predicted this very scenario in their initial assessment:

> As a result, for many years to come Americans will become increasingly less secure, and *much less secure than they now believe themselves to be*. That is because many of the threats emerging in our future will differ significantly from those of the past, not only in their physical but also in their psychological effects. While conventional conflicts will still be possible, the most serious threat to our security may consist of unannounced attacks on American cities by subnational groups using genetically engineered pathogens. Another may be a well-planned cyber-attack on the air traffic control system on the East Coast of the United States, as some 200 commercial aircraft are trying to land safely in a morning's rain and fog. Other threats may inhere in assaults against an increasingly integrated and complex, but highly vulnerable, international economic infrastructure whose operation lies beyond the control of any single body. Threats may also loom from an unraveling of the fabric of national identity itself, and the consequent failure or collapse of several major countries.
>
> Taken together, the evidence suggests that threats to American security will be more diffuse, harder to anticipate, and more difficult to neutralize than ever before. Deterrence will not work as it once did; in many cases it may not work at all. There will be a blurring of boundaries: between homeland defense and foreign policy; between sovereign states and a plethora of protectorates and autonomous zones; between the pull of national loyalties on individual citizens and the pull of loyalties both more local and more global in nature.[14]

The Hart-Rudman assessment clearly underscored the nature of the threat we face—increasing asymmetric attacks. A strong military organization for the North American region will not deter the kinds of attacks that occurred on 9-11, or any future attacks of the kind predicted by this commission. A concerted effort to obtain

better intelligence and fuse it for use in preventing asymmetric attacks is paramount to our national security.

The United States must design and implement a system, that will facilitate the gathering and sharing of terrorist-related information among all levels of government that have Homeland Security responsibilities. This is especially true for our intelligence and law enforcement agencies. The challenge of the task is reflected in the sheer numbers of players involved. For example, Office of Management and Budget records indicate 70 agencies spend money on counterterrorism. In fact, "anywhere between 40 to 50 agencies are believed to be involved in the homeland security effort – ranging from the Departments of Defense, Treasury, Justice, Transportation, Health and Human Services, and Agriculture, to intelligence agencies like the Central Intelligence Agency and National Security Agency, to law enforcement agencies like the Federal Bureau of Investigation, the Secret Service, the Drug Enforcement Agency, and the Bureau of Alcohol, Tobacco, and Firearms" in addition to agencies responsible for monitoring border crossings and those responsible for terrorist consequence management activities such as the Federal Emergency Management Agency.[15] Coordination is needed, for example, between the FBI, which is the lead agency for countering terrorism within the US, and the State Department, which is the lead agency for coordinating counterterrorism policy and operations abroad. We also need to be able work with and share information with foreign law enforcement agencies. Some recent published recommendations to facilitate this are:[16]

* Office of Homeland Security (OHS) Director should create and ensure funding for a Federal-level fusion center for collecting intelligence, law enforcement, and immigration information.
* OHS Director should create a structure for sharing and disseminating information among federal, state, and local agencies.
* President, through OHS director, should mandate the creation of a comprehensive Federal-level lookout database accessible to officials (Consular and INS) involved in border security.

A National Law Enforcement and Intelligence Command Center, along the lines of the National Military Command Center in the Pentagon, must be established. It will have the mission to incorporate all three of these recommendations within its framework. It must be an action-oriented center, manned 24 hours a day - 7 days a week, and empowered with the authority for: directing an integrated system of law enforcement and intelligence agencies, and for fusing and disseminating real-time information that requires coordinated action at federal, state, or local levels.

## CONCLUSION

The September 11th terrorist attacks demonstrated the United States faces a different world of challenges and threats than it has ever encountered before. Attacks on our homeland prove that we are not immune as an island nation and world superpower. The nature of terrorism is more diffuse, harder to detect, and more difficult to defeat than previous conventional, or, unconventional threats. Deterrence alone through a strong military will not work as it once did. Fanaticism and hate are unaffected; they are like a disease that is immune to moral standards, unconcerned with law, and disinterested in a concern for life. These new enemies of the state employ the low-tech solutions that seek and exploit the seams among the federal, state, local, and non-government agencies with the responsibilities to defend the U.S. homeland. We need a strong military to pursue and defeat, ***beyond our borders***, those that would perpetrate destruction and terror in the United States.

The solution to defending American citizens within our own borders is to reorganize, empower, and resource our civilian intelligence, law enforcement, and their supporting agencies with a unity of effort that enables them to prevent another 9-11. Consolidating border security agencies into a single cabinet-level department would provide a unity of effort in the border security process. Establishing a National Law Enforcement and Intelligence Command Center would fuse and disseminate information for action all the way down to the local level, would facilitate a unity of effort among our law enforcement and intelligence agencies, and provide real-time intelligence our law enforcement officers can use to act – defeating the terrorist threat in our homeland.

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**Team Biographies:**

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Lieutenant Colonel Sharon Olbeter, USAFR. Lt Col Olbeter is an Individual Mobilization Augmentee (IMA) assigned to Headquarters United States European Command J4 Logistics and Security Assistance Directorate Engineer Division at Patch Barracks, Stuttgart-Vaihingen, Germany. She entered the Airmen Education Commissioning Program in 1979 and was commissioned as a Second Lieutenant upon graduation from Officer Training School in 1982. Lt Col Olbeter earned a Bachelors of Science degree in Civil Engineering from the University of Texas at Austin in 1982. She also earned a Master of Arts degree in Educational Psychology from the University of Colorado at Boulder in 1996.

Lieutenant Commander Larry Felder, USN. LCDR Felder is currently serving as N34, in USNAVCENT. He was commissioned through Officer Candidate School at Newport, Rhode Island in 1986. LCDR Felder earned a BS in Biology/Psychology from Morris Brown College in 1981, and a Masters of Social Work in Corporate Public Involvement with a concentration in Policy Planning and Administration from the School of Social Work at The Atlanta University in 1983. Prior to his current assignment, LCDR served as the Executive Officer in USS Ponce (LPD 15).

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