

REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Washington Headquarters Service, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington, DC 20503.				
PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.				
1. REPORT DATE (DD-MM-YYYY) 17-06-2012		2. REPORT TYPE Master's Thesis		3. DATES COVERED (From - To) 25-07-2011 to 17-06-2012
4. TITLE AND SUBTITLE Applying the Combatant Command Construct to the DHS Command Structure			5a. CONTRACT NUMBER	
			5b. GRANT NUMBER	
			5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) John R. Morris, PAIC, U.S. Border Patrol			5d. PROJECT NUMBER	
			5e. TASK NUMBER	
			5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Joint Forces Staff College Joint Advanced Warfighting School 7800 Hampton Blvd Norfolk, VA 23511-1702			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)			10. SPONSOR/MONITOR'S ACRONYM(S)	
			11. SPONSORING/MONITORING AGENCY REPORT NUMBER	
12. DISTRIBUTION AVAILABILITY STATEMENT Approved for public release, distribution unlimited				
13. SUPPLEMENTARY NOTES				
14. ABSTRACT An analysis of the Department of Homeland Security's (DHS) current command structure reveals that it is in a state of dysfunction when it comes to providing a unified effort in securing the homeland. This is due to several reasons, but the most glaring causes are the manner in which DHS was stood up, and the disjointed command system that is currently being used in an attempt to unify the efforts of all of its agencies. The Department of Defense (DOD) had similar issues prior to 1986. Prior to this date, DOD lacked true unity-of-command and unity-of-effort in its mission of providing for the defense of the nation. The DOD, after 1986, implemented the Combatant Command (CCMD) structure which provided a single position, with the proper authority to command all military assets under its command, that could be geographically or functionally focused to carry out the duties assigned to it. These two seemingly unrelated topics, DHS' command structure problems and the DOD's CCMD, are revealed to be remarkably similar. The latter is an excellent construct for the former to follow in that it is a proven system which addresses DHS' command structure issues.				
15. SUBJECT TERMS				
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Unclassified Unlimited	18. NUMBER OF PAGES 77
a. REPORT Unclassified	b. ABSTRACT Unclassified	c. THIS PAGE Unclassified	19a. NAME OF RESPONSIBLE PERSON	
			19b. TELEPHONE NUMBER (include area code) 757-443-6301	

INSTRUCTIONS FOR COMPLETING SF 298

1. REPORT DATE. Full publication date, including day, month, if available. Must cite at least the year and be Year 2000 compliant, e.g., 30-06-1998; xx-08-1998; xx-xx-1998.

2. REPORT TYPE. State the type of report, such as final, technical, interim, memorandum, master's thesis, progress, quarterly, research, special, group study, etc.

3. DATES COVERED. Indicate the time during which the work was performed and the report was written, e.g., Jun 1997 - Jun 1998; 1-10 Jun 1996; May - Nov 1998; Nov 1998.

4. TITLE. Enter title and subtitle with volume number and part number, if applicable. On classified documents, enter the title classification in parentheses.

5a. CONTRACT NUMBER. Enter all contract numbers as they appear in the report, e.g. F33615-86-C-5169.

5b. GRANT NUMBER. Enter all grant numbers as they appear in the report, e.g. 1F665702D1257.

5c. PROGRAM ELEMENT NUMBER. Enter all program element numbers as they appear in the report, e.g. AFOSR-82-1234.

5d. PROJECT NUMBER. Enter all project numbers as they appear in the report, e.g. 1F665702D1257; ILIR.

5e. TASK NUMBER. Enter all task numbers as they appear in the report, e.g. 05; RF0330201; T4112.

5f. WORK UNIT NUMBER. Enter all work unit numbers as they appear in the report, e.g. 001; AFAPL30480105.

6. AUTHOR(S). Enter name(s) of person(s) responsible for writing the report, performing the research, or credited with the content of the report. The form of entry is the last name, first name, middle initial, and additional qualifiers separated by commas, e.g. Smith, Richard, Jr.

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES). Self-explanatory.

8. PERFORMING ORGANIZATION REPORT NUMBER. Enter all unique alphanumeric report numbers assigned by the performing organization, e.g. BRL-1234; AFWL-TR-85-4017-Vol-21-PT-2.

9. SPONSORING/MONITORS AGENCY NAME(S) AND ADDRESS(ES). Enter the name and address of the organization(s) financially responsible for and monitoring the work.

10. SPONSOR/MONITOR'S ACRONYM(S). Enter, if available, e.g. BRL, ARDEC, NADC.

11. SPONSOR/MONITOR'S REPORT NUMBER(S). Enter report number as assigned by the sponsoring/ monitoring agency, if available, e.g. BRL-TR-829; -215.

12. DISTRIBUTION/AVAILABILITY STATEMENT. Use agency-mandated availability statements to indicate the public availability or distribution limitations of the report. If additional limitations/restrictions or special markings are indicated, follow agency authorization procedures, e.g. RD/FRD, PROPIN, ITAR, etc. Include copyright information.

13. SUPPLEMENTARY NOTES. Enter information not included elsewhere such as: prepared in cooperation with; translation of; report supersedes; old edition number, etc.

14. ABSTRACT. A brief (approximately 200 words) factual summary of the most significant information.

15. SUBJECT TERMS. Key words or phrases identifying major concepts in the report.

16. SECURITY CLASSIFICATION. Enter security classification in accordance with security classification regulations, e.g. U, C, S, etc. If this form contains classified information, stamp classification level on the top and bottom of this page.

17. LIMITATION OF ABSTRACT. This block must be completed to assign a distribution limitation to the abstract. Enter UU (Unclassified Unlimited) or SAR (Same as Report). An entry in this block is necessary if the abstract is to be limited.

NATIONAL DEFENSE UNIVERSITY

JOINT FORCES STAFF COLLEGE

JOINT ADVANCED WARFIGHTING SCHOOL



**APPLYING THE COMBATANT COMMAND CONSTRUCT TO THE DHS
COMMAND STRUCTURE**

by

John R. Morris

PAIC, U.S. Border Patrol

**APPLYING THE COMBATANT COMMAND CONCEPT TO THE DHS
COMMAND STRUCTURE**

by

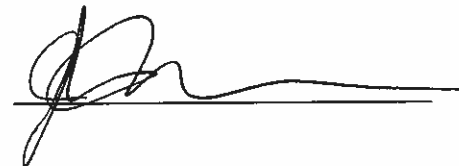
John R. Morris

PAIC, U.S. Border Patrol

A paper submitted to the Faculty of the Joint Advanced Warfighting School in partial satisfaction of the requirements of a Master of Science Degree in Joint Campaign Planning and Strategy. The contents of this paper reflect my own personal views and are not necessarily endorsed by the Joint Forces Staff College or the Department of Defense.

This paper is entirely my own work except as documented in footnotes.

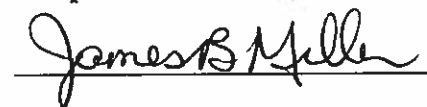
Signature: _____



16 April 2012

Thesis Advisor:

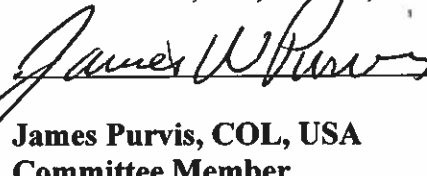
Signature: _____



James Miller, Col, USMC, Thesis Advisor

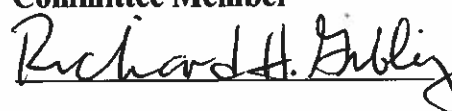
Approved by:

Signature: _____



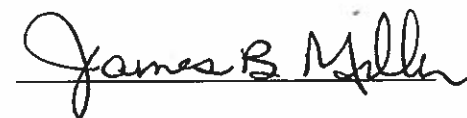
**James Purvis, COL, USA
Committee Member**

Signature: _____



**Dr. Richard Gribling, PhD
Committee Member**

Signature: _____



**James Miller, Col., USMC,
Director, Joint Advanced Warfighting School**

ABSTRACT

An analysis of the Department of Homeland Security's (DHS) current command structure reveals that it is in a state of dysfunction when it comes to providing a unified effort in securing the homeland. This is due to several reasons, but the most glaring causes are the manner in which DHS was stood up, and the disjointed command system that is currently being used in an attempt to unify the efforts of all of its agencies. The Department of Defense (DOD) had similar issues prior to 1986. Prior to this date, DOD lacked true unity-of-command and unity-of-effort in its mission of providing for the defense of the nation. The DOD, after 1986, implemented the Combatant Command (CCMD) structure which provided a single position, with the proper authority to command all military assets under its command, that could be geographically or functionally focused to carry out the duties assigned to it. These two seemingly unrelated topics, DHS' command structure problems and the DOD's CCMD, are revealed to be remarkably similar. The latter is an excellent construct for the former to follow in that it is a proven system which addresses DHS' command structure issues.

ACKNOWLEDGEMENT

It is with profound gratitude that I give thanks to Deputy Chief Patrol Agent Manuel Padilla, Jr., and Assistant Chief Patrol Agent William P. Hitchcock, of the U.S. Border Patrol. I would not have found myself in the position of having the opportunity and support needed to attend the Joint Advanced Warfighting School without their inspiration, leadership, and encouragement. I also give sincere thanks to Dr. Paul Melshen, one of the finest people, academics, and teachers I have ever known, and Col. Bruce Miller, USMC, for his knowledge, guidance, and patience in assisting me through this endeavour. A special thank you goes out to Dr. Gail Nicula and her library staff for their superb and personal attention to my research activities. I also must thank all of my classmates in Seminar III, and our instructors, for their willingness to listen, explain, and teach material that was previously not in my personal or professional vernacular.

To my wife, Kendhall, thanks is not enough for putting up with all that came with moving and taking care of our family for a year so I could attend this program. To my children, you guys were great for coming with me for a year just so I could go back to school!

TABLE OF CONTENTS

INTRODUCTION	1
CHAPTER I.....	7
DHS BACKGROUND	7
The 9/11 Attacks	7
Hurricane Katrina.....	9
Make-up of DHS	11
CHAPTER II.....	15
DHS CURRENT OPERATIONAL TEMPO AND CHALLENGES	15
Operational Overview	15
Challenges	18
Options	29
CHAPTER III	33
COMBATANT COMMAND.....	33
Brief history.....	33
COCOM Framework.....	35
Challenges	36
Successes	37
CHAPTER IV	41
APPLICABILITY OF THE COCOM FRAMEWORK FOR DHS	41
DHS COCOM	41
Long-term sustainment.....	46
Benefits.....	50
Drawbacks.....	63
CONCLUSION.....	67
BIBLIOGRAPHY	71
Appendix A.....	75
VITA.....	77

INTRODUCTION

“And today, our first priority remains protecting against, and preventing, another terrorist attack on America.”-Department of Homeland Security Secretary Janet Napolitano, April 15, 2010¹

Colin Gray has written about the idea that you can win the war, but you must also win the peace.² It is doubtful that he realized at the time he pinned the now famous maxim, it would translate into today’s Homeland Security mission. Today, the United States’ Department of Homeland Security (DHS) finds itself in a similar quandary in the fulfillment of its daily mission. The only difference is that the “war” is the security of America’s citizens, homeland, and way of life, and the “peace” is America’s ability to pursue happiness and carry out its daily legitimate activity unencumbered by security organizations and processes.

The United States of America is a country founded on freedom, independence, and equal justice. America is also based on free trade, liberty, and the desire to promote these ideals both within our borders and around the world. These ideals, however, are not shared by all of the peoples on this Earth. Certain people, or groups of people, are willing to take physical action to oppose or destroy these American ideals. In addition to human challenges to the American ideal and way of life, natural and man-made incidents can also have a bearing on American prosperity. The primary departmental entity

¹ Department of Homeland Security, Office of the Secretary, *Prepared Remarks by Secretary Napolitano at Harvard University’s John F. Kennedy Jr. Forum*, Secretarial address, Kennedy School of Government, Harvard University, (Cambridge, MA, April, 2010).

² U.S. Department of Defense, U.S. Army War College, “Defining And Achieving Decisive Victory”, by Colin S. Gray, Open-file report, Strategic Studies Institute (Carlisle Barracks, 2002).

charged with securing America's homeland from these threats and ensuring American prosperity is the Department of Homeland Security.

As challenges to America's homeland continue to morph at an alarming rate, the U.S. must use all assets at its disposal to meet them. Likewise, DHS must be able to use all of its capabilities to carry out its mission. As Mariko Silver, the Acting Assistant Secretary Office of International Affairs for DHS in 2010 said, "The accelerated flow of ideas, goods, and people around the world generally advances America's interests, but also creates security challenges that are increasingly borderless and unconventional."³ One of the major obstacles DHS has in carrying out its mission to the most effective level possible is its command structure.

Department of Homeland Security Secretary Napolitano correctly stated "The diverse capacities of our components, far from being a weakness, are in fact one of our biggest strengths."⁴ The same thing could be said about the Department of Defense and its diverse capability set, yet the Federal Government had to pass the Goldwater-Nichols Act in 1986 to create the type of command structure necessary to unify the efforts of the military. No such legislation has been enacted that could similarly improve DHS' command structure. That is precisely why one journal makes the same comparison when it points out that "Today, one could argue that the executive branch of the Government is

³ Department of Homeland Security, Office of International Affairs, *National Security, Interagency Collaboration, and Lessons from SOUTHCOM and AFRICOM*, by Acting Assistant Secretary of International Affairs Mariko Silver, testimony to United States House of Representatives Subcommittee on National Security & Foreign Affairs (Washington, DC, 2010).

⁴ Department of Homeland Security, Office of the Secretary, *Transcript of Secretary Napolitano's Remarks Highlighting DHS' Major Accomplishments in 2009*, by Secretary Janet Napolitano, Secretarial address at Citizenship and Immigration Services (Washington, DC, December, 2009).

stovepiped much like the four Services were 20 years ago.”⁵ This is the reason why the component agencies that comprise DHS remain mired to the point where informal or localized cooperation make up the best case scenario. Meanwhile, the remainder of the Department continues to operate in a fragmented and uncoordinated homeland security effort. Senior DHS leadership appears to understand the challenges the Department is facing in its command structure and the need to foment a unified DHS. This recognition is reflected in on-going efforts and initiatives throughout the Department. The need to unify the Department is further illustrated by Secretary Napolitano’s comments about a “...One DHS...”, and something she calls a “...fifth priority...” which she describes as “...the steps that we are taking to create ‘One DHS’.”⁶ The DHS needs to restructure its command structure to remedy this issue.

The Department of Homeland Security’s major problem affecting its ability to bring a unified effort to its mission is its disjointed command structure. This issue is perfectly reflected in an Eisenhower National Security Series study that states, “Contrary to DoD’s attempts at instilling “jointness” and developing its joint personnel force structure, the exact opposite concept of operations exists within the Department of Homeland (DHS).”⁷ Even though DHS will have almost a decade of existence in March, 2012, it is still relatively young for a government Department. Yet, despite intense scrutiny, congressional reviews, and attempts at transformation, the Department’s major

⁵ Christopher L. Naler, “Are We Ready for an Interagency Combatant Command?”, Joint Forces Quarterly, no. 41 (2nd Quarter 2006):26-31.

⁶ Department of Homeland Security, Office of the Secretary, *Transcript of Secretary Napolitano’s Remarks Highlighting DHS’ Major Accomplishments in 2009*, by Secretary Janet Napolitano, Secretarial address at Citizenship and Immigration Services (Washington, DC, December, 2009).

⁷ U.S. Department of Defense, United States Army War College, *Goldwater-Nichols Act for Homeland Security*, by Colonel Michael Edwards, USAF, Open-file Report, Eisenhower National Security Studies (Carlisle Barracks, 2006).

structural flaws remain largely unaddressed. Fortunately, DHS does not have to look very far to find a solid solution to its problem. The answer lies in the U.S. military's Combatant Command (COCOM)⁸ framework. Under this framework, the military exercises unity-of-command and unity-of-effort to carry out its duties and combat the challenges and threats it faces in its geographic commands. The Department of Homeland Security should examine and implement a similar system to address its own dysfunctional organizational structure.

The primary benefit that the COCOM framework brings is unity of command, an element that DHS is lacking. It will create unity-of-command and unity-of-effort that currently does not exist in DHS. The benefits do not stop there, however. By creating regional commands, the Department will be better able to apply a "whole of DHS" effort to issues specific to its area of operations (AOR). In addition, it improves the Department's ability to work with its other Federal, State, Local, and Tribal (F/S/L/T) partners as it provides a single point of contact for incidents and interactions occurring outside of the Department. Other benefits to implementing a COCOM framework include economic efficiencies, a better trained workforce, and a workforce better resourced to carry the homeland security mission into the future. The implementation by DHS of a COCOM-type framework remedies its command structure deficiency and brings other benefits as well.

A holistic view of DHS' situation, and resolution of its organizational shortcomings, requires this study to take a wide-angle view with a historical background. The military

⁸ There is much discussion as to the correct use of the Combatant Command terms and their associated acronyms. For the purposes of this study, the author uses the following: COCOM is used for the Combatant Command Authority and the Combatant Command construct in general; CCCR is used to identify the Combatant Commander position; CCMD is used identify the actual geographic or functional command.

often accuses itself of spending 90 per cent of its time on the solution and only ten per cent of its time on problem identification. This study seeks to do the opposite, whereby the solution becomes self-evident at the end. Initially, it is necessary to discuss the background of DHS. An understanding of the environment in which DHS was created sets the stage to explain how the Department was formed and under what auspices. This also provides the construct to analyze the current structure under which it operates. The next step provides the current environment that DHS operates in while carrying out its myriad of duties. A picture of the operational environment, coupled with the Department's make-up, provide the ideal case study to understand why DHS' command structure is in such desperate need of reformation. Following these lines of approach will be a brief discussion of the U.S. Military's Combatant Command framework. This includes the Combatant Command Authority (COCOM), the actual Combatant Commands (CCMD), and the Combatant Commander position itself (CCDR). While this study does not portend to be an in-depth look at the Combatant Command itself, it is necessary to present a brief background on it and give a general description of its construct to explain its applicability to DHS. The final step in this study describes the direct applicability of the COCOM construct to the DHS command structure and discusses the benefits and challenges of such a transformation. Conclusions at the end of this study discuss the applicability of the proposed solution and whether this proposition is what one report calls "a bridge too far..."⁹, or is truly feasible.

⁹ U.S. Department of Defense, United States Army War College, *Is a Goldwater-Nichols Act Needed for Homeland Security?*, by Christine E. Wormuth, open-file report (Carlisle Barracks, 2006).

This Page Intentionally Left Blank

CHAPTER I DHS BACKGROUND

The 9/11 Attacks

The attack on America and its people that occurred on September 11, 2001, remains both a seminal moment and a keystone to how America operates in the homeland security mission today. Many people have examined, and many people have posited, as to how 15 Saudi Arabians, one Egyptian, one Lebanese, and two Emiratees managed to perpetrate the worst attack on American soil since the Japanese sneak attack on Pearl Harbor in 1941. It is not just the question of how these people managed to effect the attack, but also how the United States could let an attack of this magnitude happen. After all, in the nearly 60 years since Pearl Harbor, there should have been plenty of time to learn our lessons and put preventative measures in place. These attacks were not spur-of-the-moment, nor were they isolated. The attacks did not occur in an area or situation where there was a security vacuum. They were not perpetrated by people who were completely unknown to American Intelligence and Law Enforcement communities. The attacks were well thought-out, planned over a lengthy amount of time, and carried out by people who already had some type of official American attention.

This study is not about re-hashing the events of September 11, 2001 (commonly and simply referred to as “9/11”), nor is it necessarily about why they happened or whose fault it was, if anybody’s other than the attackers. It is, however, necessary to provide the backdrop to discuss the topic at hand. It is the events themselves that were the catalyst to the creation of the Department of Homeland Security (DHS). The Department of Homeland Security, and the manner in which it operates, is the crux of this thesis, and to explain the issues at hand, it is necessary to be aware of the genesis leading up to the

issue. On 9/11, an attack occurred that resonated across numerous Federal agencies that all had a part in its formation, occurrence, and aftermath. A sample of the agencies that had a nexus to it were the Department of Justice (DOJ) and its sub-agencies: Federal Bureau of Investigation (FBI) and Immigration and Naturalization Service (INS); the Department of State (DOS); the Federal Aviation Administration (FAA); the Federal Emergency Management Agency (FEMA); and the Central Intelligence Agency (CIA). In response to the 9/11 attacks, the United States Federal Government underwent its largest reorganization in decades. The end result was the formation of the Department of Homeland Security.

The Department of Homeland Security was officially established on March 1, 2003. Its creation involved the consolidation of part or all of 22 different executive branch organizations. It is directed by a cabinet-level Secretary of Homeland Security. The DHS currently has 16 organizational elements consisting of both administrative and enforcement duties. Organizational reach extends into emergency management, immigration, trade, customs, aviation security, maritime enforcement and safety, protection, nuclear response, border control, and immigration services. A search of all Federal departments will not reveal a more diverse set of missions than exists in DHS. Considering that the 9/11 attackers were foreign nationals, who entered this country from abroad, and committed felonies utilizing this nation's aviation system, it seems logical that the current make-up of DHS addresses most of these characteristics. The one thing that the organizational structure of DHS did not address was its command structure. After all, the agencies that existed pre-DHS were already carrying out their respective missions. Reorganizing and re-naming them doesn't necessarily change their focus.

What was lacking in the reorganization was a system to integrate all of the disparate capabilities, resources, and talents into a focused organization. Hence, the thesis of this paper is to examine how the Combatant Command (COCOM) framework, and its organizational Combatant Command (CCMD) functions and Combatant Commander (CCDR) concept, as created in the Goldwater-Nicholls Department of Defense Reorganization Act of 1986, can be applied to DHS' command structure problem.

Hurricane Katrina

Another defining moment for DHS, and the first real test for it to flex its considerable, if un-toned, muscles came on August 29, 2005. On this date, Hurricane Katrina came ashore in Plaquemines Parish, Louisiana, and passed to the southeast of New Orleans along the Louisiana-Mississippi border.¹ This storm, one of the largest in terms of death toll, and the actual largest in cost, arguably caused one of the greatest natural disasters in American history. While the actual storm damage was severe in and of itself, the resultant wind, rain, and tidal surge also caused several levees in and around New Orleans to fail. Massive flooding and destruction enveloped much of the city killing, displacing, and affecting thousands of lives. The federal government's response encompassed a wide spectrum of activities including search-and-rescue, evacuation, relief delivery, waterway management, resumption of trade, and airspace management. All of these activities were carried out specifically by, or in close cooperation with, the Department of Homeland Security.

¹ U.S. Department of Commerce, "Hurricane Katrina-Most Destructive Hurricane Ever To Strike The U.S.", National Atmospheric and Oceanographic Administration, <https://www.katrina.noaa.gov> (accessed November 11, 2011).

Several studies and analyses have been conducted on DHS' performance during this disaster. Many of them are unfavorable towards the Federal government in general, and DHS specifically. Former President George W. Bush is even quoted as stating "the system, at every level of government, was not well-coordinated, and was overwhelmed in the first few days."² One of the first problems, and the one that is most enigmatic within its own organization, is that DHS can not control other departmental agencies. Even though Homeland Security Presidential Directive-5 (HSPD-5) assigns the role of Principal Federal Officer to DHS, it does not assign any corresponding authority.³ Within DHS, agencies such as FEMA, the Coast Guard, CBP, and ICE were all stakeholders in this disaster. All of them are part of DHS. Notwithstanding the individual efforts of each component, there was no unified command to coordinate the activities of each component and each acted in a component manner. In addition, shortcomings in Command and Control (C2), unified management, communications, training, and logistics were just a few of the other lessons learned to come from Katrina.⁴

DHS, to its credit, did take heed of some the lessons learned from Katrina. One of the benefits to emerge from this debacle was the increased training and coordination, specifically in relation to Incident Management and Hurricane Preparedness, implemented by DHS. Unfortunately, these changes did not include any improvements to DHS' command structure. Another benefit was the re-working of the national incident system. The system leading up to Katrina was called the National Incident Management

² U.S. Department of Defense, United States Army War College, *Is a Goldwater-Nichols Act Needed for Homeland Security?*, by Christine E. Wormuch, Open-file report, Eisenhower National Security Series (Carlisle Barracks, 2006).

³ Ibid.

⁴ Ibid.

System (NIMS). This system was reconfigured and is now called the National Response Framework (NRF). William Carwile wrote in *Homeland Security Affairs*, "...there are important lessons to be learned in achieving workable intergovernmental structures."⁵, and it appears that DHS continues to strive to improve its processes.

Make-up of DHS

Today, few people well versed in homeland-defense and national-defense, and current with today's asymmetric threats and speculative economy, would argue against a "Whole of Government" approach to American Security. Department of Homeland Security Secretary Janet Napolitano said "It is truly a 'whole of government' effort, involving many Departments and Agencies coordinating their roles."⁶ As part of a "whole of government" effort, DHS plays a major role. In addition, DHS has many other roles that are fairly specific to the department. However, before DHS can fully participate in the whole-of-government effort, or even fulfill its own specific missions, it needs to address the glaring problem in its command structure.

The Department of Homeland Security is a huge and complex organization. Personnel-wise, it consists of approximately 230,000 men and women.⁷ A Fiscal Year

⁵ Homeland Security Affairs, "Unified Command and the State-Federal Response to Hurricane Katrina in Mississippi," Homeland Security Affairs, <http://www.hsaj.org/hsa/voll/iss2/art6> (accessed August 25, 2011).

⁶ Department of Homeland Security, Office of the Secretary, *Prepared Remarks by Secretary Napolitano at Harvard University's John F. Kennedy Jr. Forum*, Secretarial address, Kennedy School of Government, Harvard University, (Cambridge, MA, April, 2010).

⁷ Department of Homeland Security, Office of the Secretary, *Transcript of Secretary Napolitano's Remarks Highlighting DHS' Major Accomplishments in 2009*, by Secretary Janet Napolitano, Secretarial address at Citizenship and Immigration Services (Washington, DC, December, 2009).

2011 budget of \$56.9 billion⁸ accompanies this workforce of nearly a quarter million employees. When compared to the Department of Justice budget, which is half its size at \$28.2 billion⁹, it is clear to see the amount of human capital and national treasure the American people have invested in the security of the homeland. There is a range of component agencies that are responsible for duties such as international trade, Presidential security, maritime protection, disaster response, border security, and others. The DHS has 22 offices and agencies, but here are the seven primary operational components that have a direct line to the Secretary¹⁰:

- Transportation and Security Administration (TSA)
- U.S. Customs and Border Protection (CBP)
- U.S. Citizenship and Immigration Services (CIS)
- U.S. Immigration and Customs Enforcement (ICE)
- U.S. Secret Service (USSS)
- Federal Emergency Management Agency (FEMA)
- U.S. Coast Guard (USCG)¹¹

Furthermore, some of the largest and most active DHS assets are further sub-categorized as sub-components of the components listed above. A partial list of these

⁸ Department of Homeland Security, “DHS FY 2011 Budget in Brief,” Department of Homeland Security, <http://www.dhs.gov/xlibrary/assets/budget-bib-fy2012.pdf> (accessed February 28, 2012).

⁹ Department of Justice, “Department of Justice FY 2012 Budget Request,” Department of Justice, <http://www.justice.gov/opa/pr/2011/February/11-ag-181.html> (accessed February 28, 2012).

¹⁰ Congressional Research Service, Department of Homeland Security Reorganization: The 2SR Initiative, CRS Report for Congress (Washington, D.C.: The Library of Congress, 2005), 8.

¹¹ For the purposes of this work, the author foremost concentrates on these seven primary operational components. These seven components constitute the majority of DHS’ day-to-day activities which have the most direct bearing on DHS’ missions of anti-terrorism, incident response, immigration, trade, border security, and maritime issues.

sub-components includes the Federal Air Marshalls (FAM), Homeland Security Investigations (HSI), and the U.S. Border Patrol (USBP). Herein lies the heart of the problem for DHS. All of the component C2 structure is stovepiped from the lowest field level to DHS Headquarters. Exacerbating the problem is that even the sub-components have stovepiped C2 all the way from the lowest field level through the component head. The element most glaringly missing from this make-up is some type of C2 position to ensure coordination of DHS efforts at the regional, operational, and tactical levels.

Efforts are on-going to eliminate this hindrance. A few examples such as CBP's Joint Field Command (JFC) in Arizona and the Central California Maritime Agency Coordination Group (CenCalMACG)¹² are attempting to fill this C2/coordination void. These efforts, however, are only component specific or regionally aligned. The only DHS-wide coordinated effort to date to set up a joint command is the DHS Maritime Operations Coordination (MOC) Plan¹³. This plan, however, is maritime-centric and only involves a portion of the DHS capability pool. DHS seems to have recognized its command structure shortcomings by taking these initiatives, but it has not yet taken the step to bring true unity-of-command and unity-of-effort to the fight.

¹² U.S. Department of Homeland Security, "CenCal MACG Officially Takes Form to Enhance Southern California Maritime Enforcement," Customs and Border Protection, http://cbpnet/xp/cbpnet/obp/message_announce/announcements/operations/cencal_macg.xml (accessed November 1, 2011).

¹³ Ibid.

This Page Intentionally Left Blank

CHAPTER II

DHS CURRENT OPERATIONAL TEMPO AND CHALLENGES

Homeland security is built upon critical law enforcement functions, but is not about preventing all crimes or administering our Nation's judicial system. It is deeply embedded in trade activities, but is neither trade nor economic policy. It requires international engagement, but is not responsible for foreign affairs. Rather, homeland security is meant to connote a concerted, shared effort to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards where American interests, aspirations, and way of life can survive.¹

Operational Overview

Today's Department of Homeland Security focuses on three pillars that it states are essential to the homeland security approach:

- Security: Protect the United States and its people, vital interests, and way of life:
- Resilience: Foster individual, community, and system robustness, adaptability, and capacity for rapid recovery: and
- Customs and Exchange: Expedite and enforce lawful trade, travel, and immigration.²

In addressing these three pillars, the Department performs a broad spectrum of duties. However, it is necessary to understand how DHS carries out these missions to truly understand the challenge it faces. A more accurate statement is that the component agencies, and subsequently the sub-components, of DHS carry out the missions, while DHS itself oversees administrative functions. This is not dissimilar to other Departments. For example, the Federal Bureau of Investigation (FBI) carries out its duties under the Department of Justice (DOJ). However, there is one major difference: the agencies

¹ Department of Homeland Security, *Quadrennial Homeland Security Report and Review*, Washington, DC: U.S. Department of Homeland Security, Feb. 1, 2010, p. 13

² Ibid., p. ix

making up the DOJ are not further subdivided into disparate components, as are certain agencies under DHS. An examination of the U.S. Marshall's Service (USMS) does not reveal separate sub-components wearing different uniforms or carrying different badges. The same can not be said of DHS' CBP or ICE. DHS could arguably be said to carry out as many missions as it has types of badges.

The various agencies, missions, and sub-components that make up DHS are too varied to discuss in-depth in this study. However, it is the organizational structure that causes DHS its major impediment to a unified effort. An examination of one component, ICE for example, exemplifies the issue at hand. The nation's primary agency for detaining illegal aliens and removing them from the United States is ICE's Enforcement and Removal Office (ERO). The ERO command structure operates from the field level, with the Field Operations Director (FOD), through its highest level of command, the Executive Associate Director (EAD). The EAD reports directly to the Director of ICE, who answers to the Secretary of Homeland Security. Another component of ICE is Homeland Security Investigations (HSI), which is the primary investigative arm of DHS. The HSI chain of command runs from the senior field manager, the Special Agent In Charge (SAC), through to ICE's own Executive Associate Director. This EAD also answers directly to the Director of ICE. Despite the fact that these two agencies have overlapping missions, there is nowhere in their organizational structure a mechanism or position that can unify the efforts of both assets.

Another agency within DHS is the United States Secret Service (USSS). Unlike ICE or CBP, the USSS is not a fragmented component agency. Notwithstanding the Secret Service's Uniformed Division, its command structure is similar to the FBI's. Its

senior field leadership component is the Special Agent In Charge who answers through the chain up to the Director United States Secret Service. Unlike ICE or CBP, there are no separate sub-components answering to different chains of command before getting to the Secretary of DHS. However, similar to other DHS components, there is no commander or executive to coordinate the USSS' activities with other DHS components in the greater DHS homeland security mission.

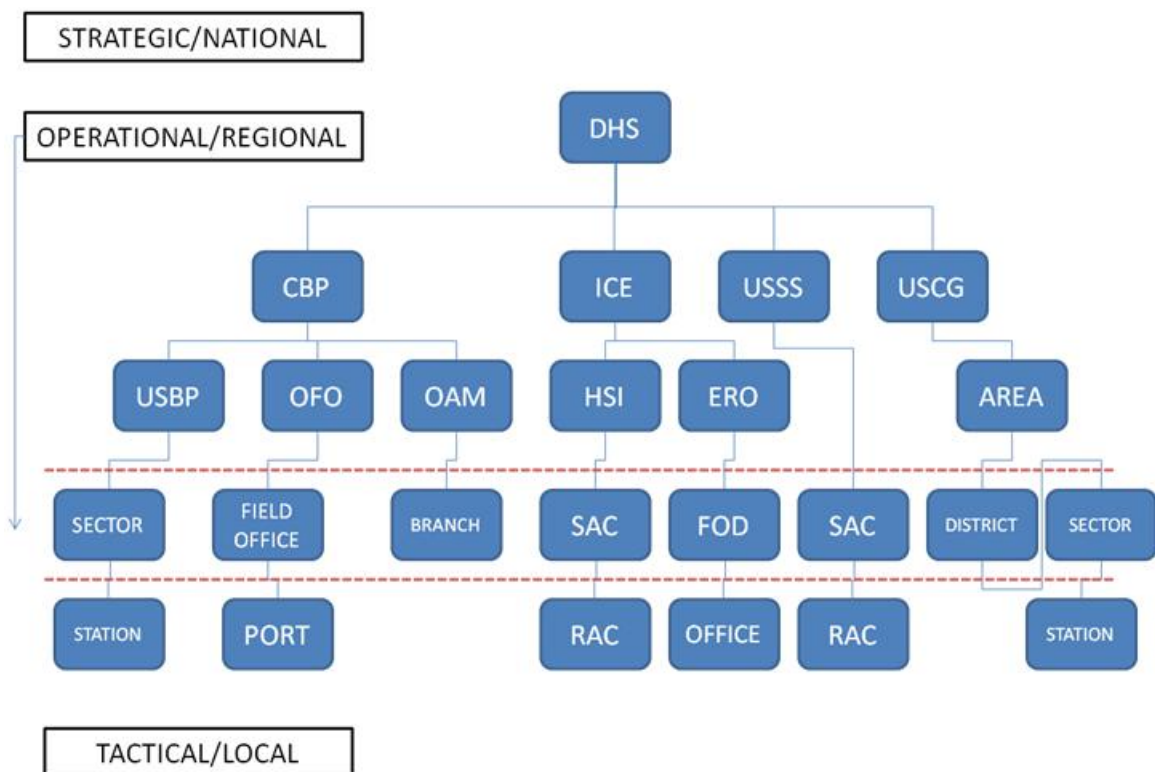


Figure 1. Current DHS Representative Command Structure

Challenges

The challenges facing DHS' command structure do not necessarily stem from the current departmental leadership, nor its component leaders. These shortcomings were built into the system from DHS' inception.

In the aftermath of 9/11, the passage of the HLSA and creation of DHS seemed to become symbolic surrogates for the Twin Towers. From an insider's perspective, the sudden and forced integration of diverse federal agencies creates a bureaucratic maelstrom and is not a model to follow. The rapid reorganization of twenty-two separate agencies within DHS resulted in an under-staffed under-funded dysfunctional department. Aside from the rush, a major problem in the creation of DHS was that the persons responsible for organizing the department did not have much experience in mergers and acquisitions.³

Further complicating the issue was that many of the people involved in creating this new department were mid-level staff workers who were unfamiliar with, at best, or ignorant of, at worst, the agencies, missions, and organizational ethos they were aligning or incorporating.⁴ However, one must wonder how the pinnacle of organizational structure, leadership and chain-of-command, could have been so overlooked. Few people could argue against the fact that this was the most complex reorganization in the Federal government in our nation's history. While the Department of Defense reorganization in 1947 could be said to have been larger, that would only be true in the numbers of people involved. The creation of the Department of Homeland Security was larger by far in the sheer number of agencies merged, created, or eliminated.⁵ The fact that DHS' dysfunction is built into its DNA is at the forefront of addressing these problems.

³ U.S. Department of Defense, Naval Postgraduate School, *The Sandbox Strategy: The Why and How Of Federal Law Enforcement Integration*, by Gregory R. Mandoli, Naval Postgraduate School (Monterey, 2006).

⁴ Ibid.

⁵ Wormuth, *Is a Goldwater-Nichols Act Needed for Homeland Security?*

Perhaps the biggest challenge to DHS' unity of effort is its organizational culture. Several of the Department's components and sub-components have a rich history of service, bravery, and accomplishment. Furthermore, certain components still have employees who served in an agency that ceased to exist upon the creation of DHS. The challenge in dealing with organizational culture is that it creates both the friction in the joint effort while at the same time instills the professionalism, dedication, and esprit d' corps that makes each component so effective at their respective missions.

An examination of some of DHS' departments brings to light the cause of some of its organizational conflict. The U.S. Coast Guard is a prime example of a conflicted organizational culture. Officially organized on August 4, 1790,⁶ it is the oldest organization in DHS. It has seen its duties expand over its lifetime and has been moved between several departments. According to the Coast Guard, "The U.S. Coast Guard is simultaneously and at all times a military force and a federal law enforcement agency..."⁷ Further illustrating this point is that the Coast Guard emblem is found on the cover of several of the military's Joint Publications, yet the Coast Guard's official banner has U.S. Department of Homeland Security on it. The Coast Guard, under DHS, does not contain, nor is it part of, any further sub-compartmentalization. The U.S. Border Patrol (USBP) is another prime example of organizational culture in conflict within DHS. The Border Patrol, officially created on May 28, 1924, began operating under the Department of Labor.⁸ Departmental change continued when the Border Patrol was placed under the

⁶ U.S. Department of Homeland Security, "U.S. Coast Guard History", U.S. Coast Guard, <http://www.uscg.mil/history/> (accessed September 13, 2011).

⁷ Ibid.

⁸ U.S. Department of Homeland Security, "Border Patrol History", Customs and Border Protection, http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_ohs/history.xml (accessed September 13, 2011).

Department of Justice (DOJ) after its tenure in Labor before its placement today in DHS. The USBP has always been a sub-agency in its parent department and never enjoyed the benefit or recognition of a stand-alone agency such as the FBI or DEA. However, this relegation to a compartmentalized existence has been a source of its pride, professionalism, and honor, and is reflected in the Border Patrol motto of “Honor First.”⁹ The former U.S. Customs Service is an inverted comparison of the Coast Guard and Border Patrol. Founded on July 31, 1789,¹⁰ U.S. Customs would have been the oldest component of DHS. On March 1, 2003, the U.S. Customs Service ceased to exist and its duties and personnel were split up into two separate agencies within DHS: U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection. The Customs Service, as it was also called, likewise had a proud history of service to the nation and has many notable accomplishments. Today, many employees within ICE and CBP carry on the pride and professionalism instilled in them as former employees of U.S. Customs.

Investigative responsibilities within the Department seem to further the organizational conflict. ICE recently changed the name of its investigative branch from Office of Investigations to Homeland Security Investigations (HSI). This new moniker gives the appearance that HSI is the sole investigative arm of the entire Department. However, this is not true. One example of this is counterfeit cash seizures, which occur frequently at ports-of-entry by the DHS component OFO. Counterfeit money is the exclusive domain of the Secret Service, also a component of DHS. The USSS

⁹ Ibid.

¹⁰ U.S. Department of Homeland Security, “U.S. Customs Service-More than 200 Years of History,” Customs and Border Protection, <http://www.cbp.gov/xp/cgov/about/history/legacy/history2.xml> (accessed September 13, 2011).

investigates all cases relating to this crime, not HSI. Another example is narcotics seizures made by the USBP, another DHS component. The USBP, due to an aging Memorandum of Agreement, is required to turn over all narcotics cases over to the DEA, an agency within the Department of Justice, for further investigation.¹¹ These two examples, coupled with the historical conflict, contribute to the continuing organizational conflict that exists within DHS. However, the positive traits that these organizations instilled in their employees, and continue to instill today, are also the source of some of the operational effectiveness carried out in their respective component missions.

Traits such as professionalism, pride, determination, and honor are both admirable and necessary to an effective organization. The challenge is finding a way to bring these characteristics together from different organizations and meld them together in a unified effort. One source, in discussing Combatant Commands and civilian agencies, correctly makes this assertion:

Such is the case for the final concern: dealing with organizational culture. The various members of the [CCMD] would each be creatures of their parent organizations' culture. The potential for organizational conflict would be high. The [CCMD] leadership must find a way to embrace each organizations' culture and draw out the benefits from membership rather than allowing seeds of conflict to foment internal strife.¹²

Notwithstanding the outstanding leadership and efforts of individual members or groups, the DHS must find a mechanism to overcome this impediment to realize the "One DHS."

¹¹ In USBP narcotics cases, only cases resulting from strictly USBP activity falls under this requirement. Cases stemming from joint operations or combined efforts may be turned over to another agency participating in the action. In addition, the DEA may decline to take the case, resulting in a turn-over to another agency.

¹² Buchanan, et al.

Another major obstacle to forging a One DHS is the apparent continued misunderstanding or misinterpretation of component roles and the flawed belief that regional jointness can be created at the DHS Headquarters level. One observation that succinctly illustrates this misconception is that "...if true integration only occurs at the national level, execution at the regional or local levels could be fraught with problems, as the agencies representing the instruments of power are organized differently and there is not directive authority implementation at the regional level."¹³ An example of this misguided belief is displayed by former Secretary Chertoff during the 2SR review by Congress: "however, he continued-'to improve our ability to coordinate and carry out operations-we will establish a new Director of Operations Coordination,' who 'will work with the component leadership and other federal partners to translate intelligence and policy into actions-and to ensure that those actions are joint, well-coordinated and executed in a timely fashion.'"¹⁴ The Department did in fact establish the Operations Coordination Office. While this change may have increased DHS' interactions with other departments at the Federal level or with private or Federal/State/Local/Tribal (F/S/L/T) partners, it did nothing to facilitate component cooperation at the regional or operational level. Another example of misunderstood component functions was exposed during Chertoff's July 14, 2005 testimony before the Senate Committee on Homeland Security and Governmental Affairs. As a result of the 2SR review, it had been recommended that DHS combine CBP and ICE. Chertoff's response during his testimony was:

¹³ Ibid.

¹⁴ Congressional Research Service, *Department of Homeland Security Reorganization: The 2SR Initiative*, CRS Report for Congress (Washington, DC: The Library of Congress, 2005), 8.

It seemed to me that you are dealing with functionally different issues when you are dealing with CBP, which deals principally with inspection and with [B]order [P]atrol [A]gents, and on the other hand you have your detention and removal folks and your investigators at ICE, and those are different functions.¹⁵

ICE Investigations is the primary investigative arm of DHS and is responsible for follow-on investigations for all Border Patrol alien smuggling cases. They are also the primary investigative entity for investigating trade and customs cases generated by CBP's Office of Field Operations (OFO). Furthermore, ICE's Detention and Removal Office (DRO) is responsible for the detention, transportation, and physical removal of aliens from the United States, in addition to being responsible for handling alien deportation cases. Since the majority of the Border Patrol's arrests involve illegal aliens, which numbered 463,382 in Fiscal Year 2010¹⁶, there already exists a de facto unity of effort between CBP and ICE at a certain level. In effect, there are not two other DHS components whose missions are more intertwined than CBP and ICE. In addition to the 2SR and its subsequent reviews by Congress, a brief review of history would have revealed that a portion of ICE DRO's mission was formerly under the purview of the Border Patrol showing the natural integration of these missions. It is truly disconcerting to observe how the (then) Secretary of DHS could have so gravely misunderstood the missions of two of the primary components under his command. Furthermore, since CBP accounts for the large majority of DHS' arrests, apprehensions, and seizures, it is unfortunate that Chertoff missed such an obvious opportunity to further the One DHS philosophy.

¹⁵ Ibid., 14.

¹⁶ U.S. Department of Homeland Security, "Apprehensions by the U.S. Border Patrol: 2005-2010," Office of Immigration Statistics, <http://www.dhs.gov/xlibrary/assets/statistics/publications/ois-apprehensions-fs-2005-2010.pdf> (accessed November 11, 2011).

Another challenge to creating a unified DHS is the over-emphasis on the budget. There is no argument that in today's troubled economic times, the Federal government is facing serious budget issues. During a speech in Washington, DC, DHS Secretary Napolitano talks about fixing or refining the One DHS concept. In her speech, she says "So the question is-what are we doing to get there, right? How are we going to get there?"¹⁷ However, the Secretary only talks about efficiency reviews, saving money, and avoiding unnecessary costs. None of those things have anything to do with the system of command. The President, the Congress, and the Secretary are all correct in that the Government must be mindful of how it spends the American taxpayers' money. After all, being a good steward of the national treasure is a paramount duty of all public servants. There is a common belief that aligning multiple agencies within the Government will create efficiencies and reduce redundancy.¹⁸ The irony in the Secretary's speech is that many of the fiscal challenges she covered could be eliminated or reduced by utilizing a COCOM concept.

The fact that DHS has a dysfunctional command structure does not preclude the individual components, and DHS itself, from attempting to address the issue. Many of the senior field level leaders, i.e. Special Agents In Charge, Coast Guard Admirals, Chief Patrol Agents, and others, do work well together. There are numerous examples of joint efforts operating in what Secretary Napolitano calls a "spirit of cooperation".¹⁹ One of the best examples of this "spirit of cooperation" is the Caribbean Border Interagency

¹⁷ Department of Homeland Security, Office of the Secretary, *Transcript of Secretary Napolitano's Remarks Highlighting DHS' Major Accomplishments in 2009*, by Secretary Janet Napolitano, Secretarial address at Citizenship and Immigration Services (Washington, DC, December, 2009).

¹⁸ Naler, *Are We Ready*.

¹⁹ Ibid.

Group (CBIG). This conglomeration of agencies includes: the U.S. Coast Guard; CBP, encompassing the U.S. Border Patrol, Field Operations, and Air and Marine; ICE, encompassing Homeland Security Investigations and Enforcement and Removal Operations; and the U.S. Attorney's Office. The CBIG, however, while having DHS Headquarters approval, is not a result of organizational structure or doctrine. It is an undertaking generated solely by the men and women who carry it out. This spirit can only go so far, however. While many of the DHS field component leaders are working together and operating jointly, this cooperation is built on the professionalism and personal relationships of the leaders. Unfortunately, cooperation can only last as long as the relationship lasts, and the components only work together as long as the component leader sees it as benefitting his organization, irrespective of the larger DHS mission. Furthermore, this type of cooperation does nothing to cure the organizational myopathy or component protectionism that exists within DHS.

The last, and perhaps most unique, challenge of the Homeland Security mission is its focus on the community. This focus, however, is not simply a recognition of the community as the benefactor of DHS' missions and efforts. DHS actively seeks out and engages the community as a partner and an integral ingredient of the homeland security mission. Furthermore, DHS strives to inform and educate its employees and stakeholders of this focus by clearly stating "Individuals, families, and communities are essential partners in the homeland security enterprise."²⁰

The DHS, by its very nature, has significant interaction with the public. This relationship stems from its variety of missions such as travel, trade, disaster response, maritime activity, and others. Public interaction is not unique to DHS when compared to

²⁰ Department of Homeland Security, *QHSR*, p. 69.

other departments and agencies since serving the public is the function of the Federal Government. However, this focus is more than just interaction and service. It is the actual empowerment of the individual and communities to take a role in the homeland security mission. This philosophy of establishing a common security mindset throughout the American society is publicly presented in the Quadrennial Homeland Security

Review:

Homeland security is a shared responsibility for which all elements of society—from individuals and communities, to the private sector, to State, local, tribal, and territorial governments, to nongovernmental organizations, to the Federal Government—have a vital role to play. The Federal Government cannot be everywhere, nor can it alone ensure resilience or thwart every threat, despite best efforts. Private individuals, communities, and other nongovernmental actors must be empowered to take action.²¹

This way forward is carried out through various efforts. A sample of these efforts include funding for state intelligence fusion centers, funding and coordination for programs such as Operation Stone Garden which gives money to border sheriff's departments who assist in border security, and conducting Incident Management training for local entities to better assist them in coordinating Federal assistance to incidents and disasters. There are other programs that reach directly to individuals and communities such as the National Terrorism Advisory System (NTAS), the "See Something, Say Something" advertising campaign, and the ready.gov website. A representative illustration of these efforts is depicted in the following figure.

²¹ Ibid., p. 69.

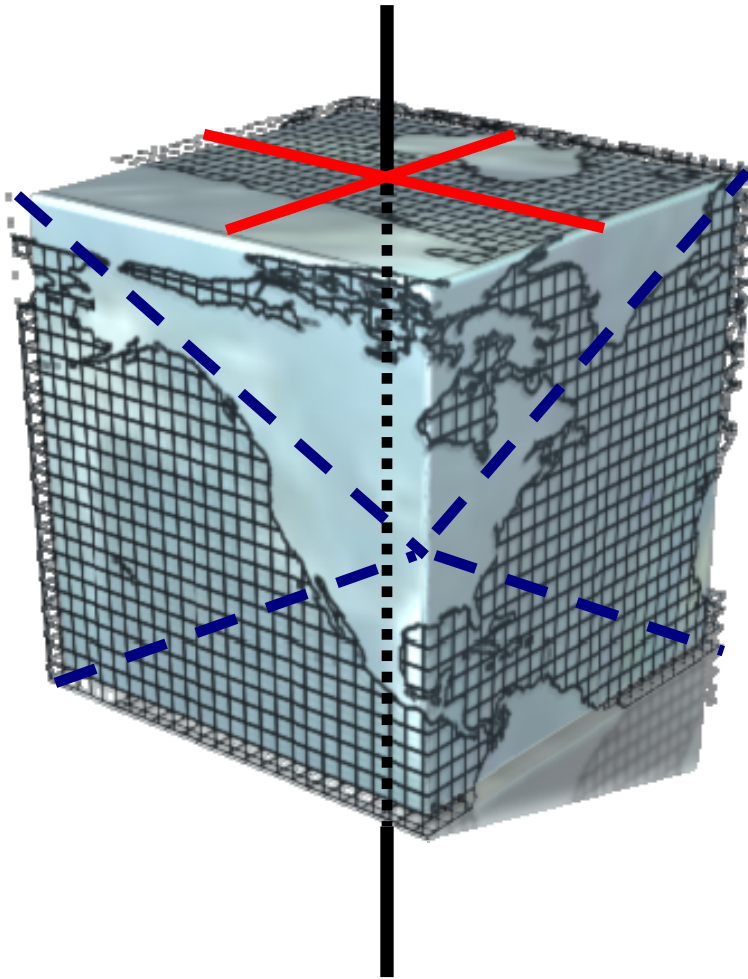


Figure 2. The 3-D Homeland Security Cooperative Cube

In the figure above, the vertical line through the middle of the cube represents DHS' efforts to unify the efforts of all of its component agencies. The crossed lines at the top signify DHS' coordination among all of the various Federal agencies in securing the homeland. The interior connecting lines through the middle of the cube depict DHS'

collaboration with the disparate state, local, tribal, and public and private entities that all share a link in the Homeland Security Enterprise.

The challenge to this community-empowerment focus is the lack of a unified effort which stems from DHS' compartmentalized structure. The Department is the face and voice of these initiatives, but it is the components who carry them out. There are very few instances where an individual, community, or organization simply contacts the Department directly. In addition, when funding or grants are granted, or a DHS-funded center is set-up, it is not DHS personnel, per se, who contribute manpower to staff it. It is the components who are called upon to do it. A more decentralized organizational structure will strengthen these community-based programs. Furthermore, a more geographically-based command will provide a reduction in confusion on the part of the communities which will further enable them to play a larger role in the homeland security effort sought by the Department.

Secretary Napolitano strikes to the heart of these issues when she says she sees DHS as an organization of missions rather than an organization of components.²² This analogy is perfect for certain DHS missions such as screening passengers, conducting Search and Rescue, or inspecting inbound cargo. However, when it comes to missions such as securing our border, preventing terrorist attacks, or responding to natural disasters, the full weight of DHS must be brought to bear. To do this, DHS needs to reorganize its C2 structure and implement some type of regional COCOM.

²² Ibid.

Options

There is no doubt that DHS' command structure issues have been a topic of scrutiny and discussion. Part of the reason for this is that as domestic criminal, terroristic, and trans-national threats grow in capability and penchant for violence, many people in government service have embraced the whole-of-government approach. As a result of this search for a holistic response to this nation's threats, numerous ideas, options, suggestions, and concepts have been proposed. One observation is that "...gaining unity of effort within the interagency realm has galvanized so much debate that possible solutions are blooming from almost every think tank and military academic institution."²³ In addition to the numerous academic approaches to this issue, there has been the actual implementation of various reforms to improve unity-of-effort. The DHS has been at the forefront of these discussions and reforms. It continues to examine, and be examined for, a more fitting process to carry out its mission. Throughout this process, several options have been proposed or partially implemented to address DHS' command structure problems.

One option that has been proposed is to place Command and Control (C2) in the hands of DHS during a natural disaster.²⁴ This option has several benefits. First, the Federal Government would not have to wait for a request for assistance from the affected state. The Federal Government, also, would not have to take the time needed to analyze the situation and to declare an Incident of National Significance (INS) and federalize the incident. Under the current National Response Framework (NRF), the states are the

²³ Jeffrey Buchanan, et al, "Death of the Combatant Command? Toward a Joint Interagency Approach." Joint Forces Quarterly, no. 52 (1st Quarter, 2009): 92-96.

²⁴ U.S. Department of Defense, U.S. Army War College, *Command and Control of Homeland Security Response To Catastrophic Incidents*, by Lieutenant Colonel Dennis M. Thompson, USAWC Strategy Research Project (Carlisle Barracks, 2006).

primary responders and supported entity to any natural disaster and the Federal Government is the supporting entity. This option would eliminate the need to wait on that trigger. However, this option has several drawbacks. First and foremost, it does not address day-to-day operations. It only addresses major natural disasters or significant incidents, which are infrequent as best. This option also does not address the main issue being discussed here, the DHS command issues. Lastly, but certainly not least, is that this option would draw significant opposition from the states and Congress based on the concern that it violates states' rights.²⁵

Another option that has been proposed is to give the homeland security mission to the Department of Defense.²⁶ This option clearly has several benefits. Primarily, it would bring unprecedented resources, technology, personnel, and equipment to the mission. Another huge benefit of this option is that it brings what DHS lacks, and is most in need of: a unified command structure and the Unified Command Plan. These two benefits make this option extremely logical. This option, however, brings probably the greatest challenges of all the proposals. Front and center of these challenges is that, under current law, this option would be illegal. America's Posse Comitatus Act prevents United States Title 10 forces from conducting domestic law enforcement activities in the United States except under special circumstances. Looming just as large as the first obstacle would be the resistance shown by the American public along with the States and Congress. America has a long tradition of civilian primacy in domestic issues while the military handles threats outside of America's borders. This belief is so strong that part of

²⁵ Ibid.

²⁶ Ibid.

the idea of civilian primacy over the military is actually codified in Amendment III of the Constitution of the United States.

The last option to be discussed is the proposed use of the Joint Interagency Task Force (JIATF).²⁷ Unlike the other options, the JIATF is already in place and has been used for some time. It already has an established structure and a proven track-record of success. Several benefits could be gleaned from its use. There are personnel who have JIATF experience and some of the JIATF missions are related to the DHS mission. Furthermore, like one of the other proposals, the JIATF brings what DHS is lacking: unity of command. However, the JIATF brings its own set of unique disadvantages. Primarily, a Task Force (TF), by its very nature, is normally limited in scope and duration. DHS needs unity of command across the spectrum of its duties, and this structure needs to become a permanent adjustment. Personnel, likewise, would have to be assigned to a JIATF. This issue is probably the biggest drawback as it further fragments the DHS components instead of being a unifying agent to create synergy of effort.

There is no doubt that DHS will continue to explore, and be explored, for options to improve its organizational structure. Dedicated DHS personnel, academics, private-sector professionals, and military leaders continue to strive to come up with the appropriate answers. In fact, DHS is perhaps the most analyzed Federal Department in the government due to the fact that it reaches all facets of the nation's governments at the F/S/L/T levels. In addition, the "homeland security enterprise", as defined in the Quadrennial Homeland Security Review Report, consists of Federal, State, local, tribal,

²⁷ U.S. Department of Defense, Air Command and Staff College, *The Interagency Process and America's Second Front In the Global War On Terrorism*, Michelle M. Clays, Air University Press (Maxwell AFB, 2003), 24.

territorial, nongovernmental, and private-sector entities, as well as individuals, families, and communities who share a common national interest in the safety and security of America and the American population²⁸, which further contributes to its continuation as a target of national discussion. However, despite all of the attention and options examined or proposed, none of the options seem to advance beyond the discussion phase.

²⁸ Department of Homeland Security, *QHSR*, 72.

CHAPTER III COMBATANT COMMAND

Brief history

In July 1946 the Senate Joint committee investigating the Pearl Harbor attack published its final report, in which an entire section was devoted to unity of command. All the evidence adduced thus far, the report began, revealed “the complete inadequacy of command by *mutual cooperation* where decisive action is of the essence.” The congressional report led inevitably to the broader issue of unification by concluding that the dual structure of the chain of command was a major cause of the debacle.¹

World War II (WWII) was the genesis for the modern concept America calls “Joint” warfare. It brought together elements of the Army, the Navy and Marine Corps, and the Army Air Forces (the predecessor to today’s Air Force). Furthermore, it was joint warfare in a coalition effort on a scale never seen before. After WWII, Dwight Eisenhower, as Army Chief of Staff and other positions, worked with President Harry Truman to further improve unification at both the national and theater command levels.² By the time the war was over, American leaders and generals had come to the conclusion that “jointness” had to be formalized and that the entire American military enterprise needed to be restructured. It has been said that the Services recognized the value of unity of effort and unified command following WWII,³ but it was more likely a few military leaders, such as General Dwight D. Eisenhower, along with certain civilian leaders. This reformation would come only two years after the end of WWII, in 1947, in what was called the National Security Act of 1947.⁴ While this Act would not cover all the bases

¹ David Jablonsky, *War by Land, Sea, and Air* (New Haven and London: Yale University Press, 2010), 159.

² *Ibid.*, 3.

³ U.S. Department of Defense, Office of the Chairman of the Joint Chiefs of Staff, *The History of the Unified Command Plan 1946-1999*, By Ronald H. Cole, et al, Joint History Office, U.S. Government Printing Office (Washington, D.C., 2003), 1.

⁴ Jablonsky, 165.

wanted by Eisenhower, it was the first step to creating a system where the concept of a unified command could be implemented. Even at the highest levels, it was addressing command concerns. This is evidenced by Secretary of War Henry L. Stimson's lamenting in 1947 about the inability of the Joint Chiefs of Staff not having the authority over its members.⁵

The next major milestone in DOD reformation, and the one which gives us today's Unified Command Plan (UCP), is the Goldwater-Nichols Department of Defense Reorganization Act of 1986.⁶ There were several real world scenarios driving this legislation, but two of the most commonly discussed ones were the failed Iranian hostage rescue attempt and the military operation in Grenada.⁷ These examples are often illustrated by the story of the American soldier in Grenada using a payphone to contact a ship lying offshore, in sight, to pass a message to him. In addition to operational shortcomings, there were several other drivers of the Act. One of these drivers was inefficiencies. In a work cited in an Eisenhower National Security Series report, the author points out: "Competition among air, land, and sea assets gave rise to: Waste, redundancy and inefficiencies in procurement; Overlap and inefficiencies in the development of new technologies; Network, software and equipment interoperability failures; and Issues with manpower and capabilities integration."⁸ Establishing clear authority over assigned forces was another major factor. For a commander to be able to

⁵ James H. Dixon, *Military Planning And Operations: The Joint Perspective* (Washington, D.C.: National Defense University, 1985), 9.

⁶ See Public Law 99-433-Oct. 1, 1986 "GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986."

⁷ U.S. Department of Defense, United States Army War College, *Goldwater-Nichols Act for Homeland Security*, by Colonel Michael Edwards, USAF, Open-file report, Eisenhower National Security Series (Carlisle Barracks, 2006).

⁸ Ibid.

execute his plan, and get his subordinate elements to carry out his orders, he has to be able to exercise a clear, established, and legal authority over them. Goldwater-Nichols clarified and codified this needed authority. Goldwater-Nichols, for these reasons and others, gave the DOD the structure it needed to implement joint efforts and structure that had proved to be previously untenable.

COCOM Framework

One of the products of Goldwater-Nichols was the creation of the Combatant Command (CCMD). The CCMD is commanded by a Combatant Commander (CCDR), who exercises Combatant Command Authority (COCOM), which is a non-transferable or delegable authority vested in him. The Combatant Command structure utilized today has nine Combatant Commands and is divided between Geographical Commands (GCC) and Functional Commands (FCC).⁹ The GCCs are further sub-divided by geographic regions of the world. They include:

- United States Northern Command (NORTHCOM)
- United States Southern Command (SOUTHCOM)
- United States European Command (EUCOM)
- United States African Command (AFRICOM)
- United States Central Command (CENTCOM)
- United States Pacific Command (PACOM)

The FCCs are established by responsibility rather than geographic area. These commands include:

⁹ U.S. Department of Defense, "The Unified Command Plan establishes the missions and geographic responsibilities among the combatant commanders.", Department of Defense, http://www.defense.gov/home/features/2009/0109_unifiedcommand/ (accessed October 29, 2011).

- United States Strategic Command (STRATCOM)
- United States Transportation Command (TRANSCOM)
- United States Special Operations Command (SOCOM)

Challenges

Geographic Combatant Commanders face many challenges in carrying out their duties. The most basic of these challenges is their regional responsibility and strategic fulfillment. Primarily, the CCDRs must be able to “maintain a power projection capability to deploy forces within their respective theaters as well as augment or establish U.S. presence in a different theater.”¹⁰ This must be done by not only carrying out their orders from the Secretary of Defense, but they must also ensure they are working within or in support of the National Security Strategy (NSS) and the National Military Strategy (NMS). Additionally, the threats they face and have to counter are changing more rapidly than at any other time in history. The world’s threats are no longer traditional force-on-force conventional battles and warfare. They must contend with asymmetric warfare, cyber-warfare, and what is being called “social media warfare”. In addition, they still have to contend with terrorism, human trafficking, insurgency, narcotics smuggling, and even narco-terrorism. As described in a Strategic Studies Institute publication “...Unrestrained by border and international protocols, these new dangers

¹⁰ U.S. Department of Defense, U.S. Army War College, THE CINC’S STRATEGIES: THE COMBATANT COMMAND PROCESS, by William W. Mendel and Graham H. Turbiville, Jr., Open-file report, Strategic Studies Institute (Ft. Leavenworth, 1997).

threaten the classic nation-state as surely-if more subtly-as regional wars and WMD.”¹¹

These are just some of the challenges the GCCs face among a myriad of others.

Another of the challenges faced by the CCDRs is service parochialism. Even though the first stab at creating the joint force was enacted over 50 years ago, the progress has been slow and painful. As one study put it: “Due to each service’s customs and practices, the teamwork atmosphere essential for conducting synergistic warfare was lacking.”¹² Breaking cultural and institutional resistance seemed to be an issue that the DOD either could not or would not accomplish. Another study put it this way:

...the Goldwater-Nichols legislation mandated changes to the DOD personnel process that ultimately resulted in the development of military leaders that could look beyond their service affiliations and think “jointly,” allowing the Department to leverage the full range of Service institutional capabilities in order to develop more integrated and effective policies, plans, and military operations.¹³

Goldwater-Nichols remains the most recent effort at refining this process, but it has yet to completely erase the Service-centric challenges that still exist.

Successes

One of the successes of the COCOM is its ability to continually modify itself to adjust to the fluid and changing global threat picture. Despite reports that “...expressed

¹¹ U.S. Department of Defense, U.S. Army War College, THE CINC’S STRATEGIES: THE COMBATANT COMMAND PROCESS, by William W. Mendel and Graham H. Turbiville, Jr., Open-file report, Strategic Studies Institute (Ft. Leavenworth, 1997).

¹² U.S. Department of Defense, United States Army War College, *Goldwater-Nichols Act for Homeland Security*, by Colonel Michael Edwards, USAF, Open-file report, Eisenhower National Security Series (Carlisle Barracks, 2006).

¹³ U.S. Department of Defense, United States Army War College, *Is a Goldwater-Nichols Act Needed for Homeland Security?*, by Christine E. Wormuth, Open-file report, Eisenhower National Security Studies (Carlisle Barracks, 2006).

several concerns about the reorganization...”¹⁴, the DOD has not shied away from modifying its Combatant Command structure. A good example of this was the creation of United States Northern Command (NORTHCOM). Established in 2002, NORTHCOM was created 16 years after the creation of Combatant Commands via the Goldwater-Nichols Act of 1986.¹⁵ Another example of reassessment and modification was the elimination of United States Joint Forces Command (JFCOM) on August 31, 2011.¹⁶ JFCOM was established to foster and ensure the joint aspect of military operations and coordination. Unfortunately, JFCOM had grown so broad in scope that it had lost focus on its primary mission. This, coupled with increased scrutiny of the DOD budget, prompted DOD to shut JFCOM down. A reasonable deduction can be made, however, that DOD’s disestablishment of JFCOM is a testament to how far the military has come in the world of joint warfare.

Another success of the Combatant Command structure is its ability to foster the whole-of-government approach. One example of this is Joint Interagency Task Force-South (JIATF-S). JIATF-S is a task force that combines U.S. military, U.S. Federal civilian agencies, and international partners.¹⁷ This coalition combines resources to combat the drug and other illicit cargo smuggling coming out of South America. By successfully utilizing a joint, interagency, and coalition team, JIATF-S has been very

¹⁴ Congressional Research Service, Homeland Security: Evolving Roles and Missions for United States Northern Command, CRS Report for Congress (Washington, D.C.: The Library of Congress, 2006).

¹⁵ Ibid.

¹⁶ Small Wars Journal, “DOD releases Unified Command Plan 2011 Change 1”, Small Wars Journal, <http://smallwarsjournal.com/blog/dod-releases-unified-command-plan-change-1> (accessed October 29, 2011).

¹⁷ Richard M. Yeatman, “JIATF-South Blueprint for Success,” *Joint Forces Quarterly*, no. 42 (3rd Quarter 2006): 26.

successful in stemming the flow of drugs to the United States. Another example is Joint Task force-North (JTF-N). Created on November 13, 1989 by President George H.W. Bush¹⁸ and originally labeled Joint Task Force-6 (JTF-6), this military task force has made significant contributions to America's fight to secure its borders and stem the illegal drug trade into this country. Both of these task forces are under the command of a different Combatant Commander, SOUTHCOM and NORTHCOM, respectively, but both are equally adept at bringing the whole-of-government approach to life.

Interagency cooperation and fusion is another benefit that has come to fruition under the CCMD structure. United States Northern Command (NORTHCOM), for example, has over 60 Federal agencies at its headquarters at Peterson Air Force Base in Colorado¹⁹. As the lines between war, crime, and terrorism continue to blur, and the connections between them keep twisting and becoming fused, it is imperative that all aspects of American strength work together. DHS is among the Departments represented at NORTHCOM. Furthermore, DHS has a large cross-section of its components present, including CBP, FEMA, ICE, and TSA.²⁰ Outside of Washington, DC, there is no other organization or facility that houses as many DHS components in one place. Complementing this fusion of federal agencies at NORTHCOM, DOD has also spread its assets around DHS. There are reportedly 65 DOD personnel working in DHS, as well as NORTHCOM personnel assigned to DHS components such as in the

¹⁸ Global Security . Org, "Joint Task Force North (JTF North", <http://www.globalsecurity.org/military/agency/dod/jtf-6.htm> (accessed December 23, 2011).

¹⁹ Congressional Research Service, *Homeland Security: Roles and Missions for United States Northern Command*, CRS Report for Congress (Washington, D.C.: The Library of Congress, 2008).

²⁰ Ibid.

FEMA regions.²¹ In addition, senior officials from NORTHCOM and DHS meet on a daily basis at the principal and deputy levels.

Perhaps the most strategic benefit of the CCMD structure is what could be called unity-of-thought. This stems from the fact that each CDR is responsible for a specific geographic area or function. The CDR can take his guidance, whether from the National Security Strategy (NSS), the National Military Strategy (NMS), or any other strategic source, and be able to apply it to his Area of Responsibility (AOR). In this manner, the CDR is able to utilize his knowledge, insight, and operational art into applying his assigned mission to his area. Furthermore, he is able to better formulate a theater strategy, prepare for contingencies, and utilize his assigned forces to the most effective and efficient use possible. The CDR, by being able to focus on a specific area, and by having a joint staff to assist him, can maintain his unity-of-thought in carrying out his mission.

²¹ Congressional Research Service, *Homeland Security: Evolving Roles and Missions for United States Northern Command*.

CHAPTER IV
APPLICABILITY OF THE COCOM FRAMEWORK FOR DHS
DHS COCOM

To alleviate the problems that DHS' command structure is continuing to cause, DHS needs to implement a Combatant Command (COCOM) construct similar to the military's. This implementation will need to include a command position (CCDR) exercising DHS-wide authority (COCOM) over all assets assigned to him or her, in a specified geographic command area or function (CCMD). Many of the challenges the military CCDRs face, in addition to the duties they must fulfill, are very similar to the challenges and duties of DHS.

In every region, security challenges are complex, diverse, often nontraditional, and frequently inter-connected. These challenges-which blur traditional distinctions among military, law enforcement, and other roles and missions-have strong interagency and international dimensions that evolve in an environment characterized by profound ambiguity. Military planners are challenged to address requirements across the spectrum of conflict and in peacetime, with disparate missions ranging from the conduct of major regional contingencies under threat of WMD employment, to humanitarian assistance operations.¹

This statement is about as close to the DHS mission and challenges as can be made. If one replaced the military context with a Homeland Security context, it would be a perfect representation. The primary point of bringing this to light is that the military does have a CCDR to bring all aspects of military power to bear on these challenges. Meanwhile, DHS has no such mechanism to bring all aspects of national power to address the same challenges in the homeland.

¹ U.S. Department of Defense, U.S. Army War College, *THE CINC'S STRATEGIES: THE COMBATANT COMMAND PROCESS*, by William W. Mendel and Graham H. Turbiville, Open-file report, Strategic Studies Institute (Ft. Leavenworth, 1997).

As early as 2005, there was recognition that there were issues with the command structure in DHS. In that year, then-DHS Secretary Michael Chertoff's Second Stage Review (2SR) was reviewed by Congress to assess progression and implementation. During this assessment of the 2SR, it was noted that "2SR involved the evaluation of a variety of operational and policy issues, and among those was 'the DHS organizational structure, to make sure that our organization is best aligned to support our mission'." Furthermore, the 2SR review addressed "and how new leadership will be established, filled, compensated, and situated in the DHS hierarchy."² Chertoff stated that his 2SR involved more than 250 DHS staff and sought input from public and private sectors, Federal, state, local, and tribal partners, and international partners. The most significant aspect of this review, however, was noted in Item 6 of the review: "Realign the DHS organization to maximize mission performance."³ While certain changes have occurred in DHS organizationally, very little has changed in the DHS command structure since either Chertoff's 2SR, or Congress' review of it in 2005.

One of the issues that DHS will have to face in creating a CCDR-type position will be that of authority. For the military to address this exact issue, legislation had to be passed as part of the Goldwater-Nichols Act. The G-N Act transformed the role of the combatant commander by holding them responsible for the accomplishment of their mission and giving them the necessary authority over their assigned forces to carry out that responsibility.⁴ This may need to happen for DHS. DHS has already experienced a taste of this issue when there was a Bureau of Border and Transportation Security (BTS)

² Congressional Research Service, Department of Homeland Security Reorganization: The 2SR Initiative, CRS Report for Congress (Washington, D.C.: The Library of Congress, 2005).

³ Ibid.

⁴ Wormuth, *Is a Goldwater-Nichols Act Needed for Homeland Security?*

in the DHS organizational make-up. The problem was mentioned in the 2SR congressional review: “BTS has authority over only a portion of the Department’s major operational components, requiring additional coordination at the Secretary’s level.”⁵ The answer DHS came up with to address this problem was to eliminate the BTS and create the Office of Operations Coordination. While this did not solve the command structure issue DHS still faces, it does lead to the possibility of using an Under Secretary or Assistant Deputy Secretary position to serve in the CCDR role.

The establishment of regional and functional COCOMs is another aspect of the COCOM construct that DHS needs to align with. This facet is critical to the effectiveness of the CCDR. For the regional CCMDs, it is paramount for the CCDR to become familiar with his specific AOR. This is accomplished by having a specified region. A specified regional responsibility will carry the same benefits to a DHS COCOM as it gives a military CCDR. DHS has other duties and responsibilities that are not necessarily geographically oriented. These duties can fall under a functional command. Items such as Training, Intergovernmental Affairs, and Policy do not need to be regionally managed, which makes them the ideal candidates to be placed under a Functional Command. This type of COCOM construct can apply directly to the DHS framework.

The world is divided up among the various Combatant Commanders according to the Unified Command Plan.⁶ The United States can be broken up into regional commands in this same manner. Many of DHS’ components are already aligned in similar manners. ICE and CBP, for example, already share similar geographic

⁵ Ibid.

⁶ Ibid.

boundaries. Coast Guard district boundaries, on the other hand, do not align with any other DHS component. Furthermore, FEMA is organized into regions. FEMA regions not only can encompass several districts or sectors, but it can also divide them. DHS needs to re-align its component boundaries in a similar fashion in order to allow a CCDR-type position the full benefit of the advantages.

A DHS COCOM position will need to have a “joint” staff. This entity, arguably, will be even more important than a military joint staff. The military, despite today’s wide range of duties and assignments, is still a warfighting entity. This gives it both its strengths and weaknesses. The strengths lay in its superior capability to conduct war and win military engagements. The weaknesses exist in the over-expanded role the military has been given over the last decade. Militaries, and military personnel, are not, and should not, be trained, funded, and directed to carry out duties such building schools and roads, supervising elections, or performing police duties. However, the military personnel that make up the joint staff share that one common bond: they are all military. The DHS, on the other hand, is manned, trained, funded, and staffed for a full gambit of missions. Its missions do include law enforcement, flood response, maritime resource protection, and a host of others.

The primary difference between a DHS CCMD joint staff and a DOD CCMD joint staff is there is common bond on the DOD staff. A group of military personnel, regardless of service, could arguably work together in a fashion similar to a group of law enforcement officers, regardless of their department or agency. However, a group of agents, administrators, screeners, regulators, and incident managers will need to work much harder to meld missions and assets in a joint environment than if the group were

made up of solely military or law enforcement. One study succinctly states “There is a real need for a framework and set of institutional relationships that will promote increased integration among the many actors...”⁷ Hence, a professional, capable, and joint-minded staff is crucial to the make-up of a DHS COCOM.

The joint staff of a DHS COCOM will be essential to the effective and efficient command of a joint DHS command. The duties of the joint staff in a military CCMD, according to Joint Publication 1, include the following roles: advice on capabilities, needs, and limitations of force components; acting in the name of the commander; expedite orders; and promote teamwork.⁸ Another major role is to coordinate planning in conjunction with other staffs. These roles fit precisely into the holes that plague DHS’ regional joint efforts. One of the benefits identified in a DHS COCOM structure is reduction of confusion in communication with outside agencies and more efficient coordination in multi-department operations. This is another role that the DHS COCOM staff will fill. The staff will be the conduit for communication with all of the outside entities DHS deals with similar to the fashion that the CCCR uses his staff.⁹ It will also ensure that the DHS CCCR’s mission and requirements are communicated both throughout DHS and outside of DHS.

The joint staff is an integral part of the military’s COCOM framework. The range of duties that are assigned to the CCCR is vast. They require familiarity, if not expertise, with the various assets assigned to him to succeed in his mission. This situation will be

⁷ Wormuth, *Is a Goldwater-Nichols Act Needed for Homeland Security?*

⁸ U.S. Joint Chiefs of Staff, *Doctrine for the Armed Forces of the United States*, Joint Publication 1 (Washington, DC: Joint Chiefs of Staff, May 2, 2007), V14.

⁹ Clays, *The Interagency Process and America’s Second Front In the Global War On Terrorism*.

very similar to the challenges that a DHS CCDR will face. The DHS position in a DHS COCOM, unfortunately, will not have the shared professional background experienced by related groups such as the military. The variety of missions, differences in professional ethos and backgrounds, enormity of the mission requirements, and vital nature of the security of the homeland all require that the DHS COCOM be supported by a joint staff.

Long-term sustainment

One of the key ingredients to the success of implementing the CCMD in the DHS command structure will be managing its long-term sustainment. Fortunately for DHS, there is no need to create a process from scratch by which to do this as this is another area where DHS can follow the framework of the military. The military recognized that to strengthen the jointness inherent to a CCMD, it would have to implement a number of programs. One of these was to change the training for its leaders. Another was to formalize a process to recognize and promote joint officers. These two elements are essential to sustaining a Combatant Command.

Early in the Goldwater-Nichols effort, Congress realized that “...a significant impediment affecting DOD’s ability to fully realize the cultural change is the fact that DOD has not taken a strategic approach to develop officers in joint matters, especially as it relates to the total force concept...”¹⁰ Two of the ways the DOD handles this is by what it calls Joint Professional Military Education (JPME) and through Joint Duty

¹⁰ U.S. Department of Defense, United States Army War College, *Goldwater-Nichols Act for Homeland Security*, by Colonel Michael Edwards, USAF, Open-file report, Eisenhower National Security Series (Carlisle Barracks, 2006).

Assignments (JDA)¹¹. Via this mechanism, military leaders learn more about their counterparts in the other Services while acquiring the requisite skills needed to work in a joint environment. This type of education and training exists only at the executive level for DHS senior managers via SES development, but no such process is in place for lower and mid-level leaders. Part of the Senior Executive Service (SES) training and development requires that the candidate serve a portion of time outside of his or her agency or component. This is due to the fact that SES positions are designed to be executive positions rather than service positions and should be capable of performing executive duties in any office regardless of mission. In a sense, the same should be true of any DHS position. In this perspective, it is logical that DHS should adjust its formal education and have civilian undergraduate and graduate schools to prepare its employees in their professions.¹² All DHS personnel should be at least familiar with the missions of all the other components since, ultimately, they all share the same mission: Homeland Security. One study put it this way:

As part of building such a cadre, there is also recognition that there needs to be a professional development and educational system that explicitly focuses on the myriad, complex and in some cases unique features of the homeland security system.¹³

However, today, one would be hard pressed to find a non-SES agent, officer, or official of any of the DHS components who has spent any meaningful time in a joint-DHS environment, or assigned to another component's office.

A popular mantra among leadership dialog is that you train for certainty, but you educate for uncertainty. Along these lines, DHS currently has a number of education

¹¹ Ibid.

¹² Naler, "Are We Ready for an Interagency Combatant Command?"

¹³ Wormuth, *Is a Goldwater-Nichols Act Needed for Homeland Security?*

initiatives in place or in development to address these leadership issues. One of these programs is to send senior leaders to private or contract professional development programs. A program that is currently in place at the University of Chicago School of Business educates upper-level managers in leadership development. While this program is not necessarily a “joint” training program, it does place the student in an environment with other Federal employees, along with business executives from various private business entities. Another program currently under development is the Global Borders College (GBC) at CBP’s Advanced Training Center (ATC) in Harper’s Ferry, West Virginia.¹⁴ The GBC, which CBP bills as “...the center of excellence for professional education and leadership development for the CBP workforce,”¹⁵ appears to be the best effort within DHS at creating a “global” aspect to its employees. This school gives a global perspective to America’s professionals working in the customs and border security agencies. However, even though the school is open to personnel from throughout DHS, it is CBP-centric and falls short of facilitating a “joint” or “One-DHS” ideology. The DOD created joint schools to educate officers “...to operate as a single war fighting entity and to develop officers skilled in attaining unity of effort between and among services, agencies, non-governmental organizations, and multinational forces.”¹⁶

One option that has been proffered to address this education issue is to restructure the National Defense University (NDU). This option suggests that if NDU were to

¹⁴ U.S. Department of Homeland Security, “New Global Borders College to be Training, Educational Crossroad for CBP,” Customs and Border Protection, http://www.cbp.gov/xp/cgov/newsroom/news_releases/national/05202011.xml (accessed October 23, 2011).

¹⁵ Ibid.

¹⁶ Edwards, *Goldwater-Nichols Act for Homeland Security*.

become a “National Security University,”¹⁷ it could become the venue that DHS needs to educate its leaders in joint efforts while giving the military greater exposure and understanding of the homeland security mission. This option has several benefits. The primary benefit is that this is a structure and process that is already in place. DHS would not have to spend valuable resources and manpower searching for and acquiring facilities, organization, and accreditation. In addition to the standard leadership, theory, operations, and planning lessons, this type of program would also provide Homeland Security professionals exposure to the DOD and its resources, procedures, and capabilities. This option also has a few fundamental drawbacks. Primarily, most of the advanced programs in the NDU system, especially the ones offering an advanced degree, require a college degree. While this is not a problem for the military, whose officers are required to have a college degree, this is an obstacle for DHS. In several components of DHS, supervisory and managerial positions do not require a degree. In addition, the core curriculums of most NDU programs have a military or national security foundation. The suggestion that this idea would “...address the full panoply of national security issues (of which homeland security is a part)...”¹⁸ is worthy of discussion, it does not address the issue that DHS needs to have leaders educated in Departmental operations as applied to the homeland security mission. The Department of Homeland Security needs to take a GBC concept and apply it at the departmental level.

Another key to managing the long-term sustainment of this change will be to address promotion and prerequisite requirements. This task will be critical to selecting a

¹⁷ This suggestion has been made in two different sources. The first is in Christine Wormuth’s *Is a Goldwater-Nichols Act Needed for Homeland Security?*, and the second is in Christopher Naler’s “Are We Ready for an Interagency Combatant Command?”.

¹⁸ Wormuth, *Is a Goldwater-Nichols Act Needed for Homeland Security?*

CCDR-type position for DHS as well as staffing his or her joint staff. One of the key requirements will be that the recruitment and selection of personnel must target unity of effort.¹⁹ Just as the military discovered, serving on a joint assignment is not always beneficial to a career. It becomes all too easy to miss the accomplishments of personnel working in a joint position, while recognizing the hard-work and competence of personnel who are working in and for the service component. It is because of this disparagement that DHS will need to implement a system that recognizes service in the joint command. Furthermore, DHS will need to identify the requisite skills, training, and education needed to accomplish the joint effort that a CCMD is set forth to accomplish. This process will ensure that the components don't simply keep their most talented employees cemented to their own agency, while it provides the requisite recognition and encouragement for motivated and qualified employees to fill these roles.

Benefits

An analysis of DHS' origins and structure gives insight into why it suffers from a lack of unity of command and unity of effort. A further review of the DOD's COCOM background and framework reveal a similarity of the two organizations and their past and present challenges in the joint effort. These shared challenges include unity of command, service protectionism, mission integration, and the whole-of-government approach. Several benefits appear when the latter is applied to the former.

One of the primary benefits, if not the most important, is that the CCDR position brings unity-of-command. The main goal of providing CCDRs COCOM authority was "...to ensure that those responsible for national security on the strategic and operational

¹⁹ Naler, "Are We Ready for an Interagency Combatant Command?"

levels have commensurate authority to implement their decisions...”²⁰ The CCDRs are empowered to conduct operational planning for their AORs and they have control over the assets assigned to them to carry out their mission.

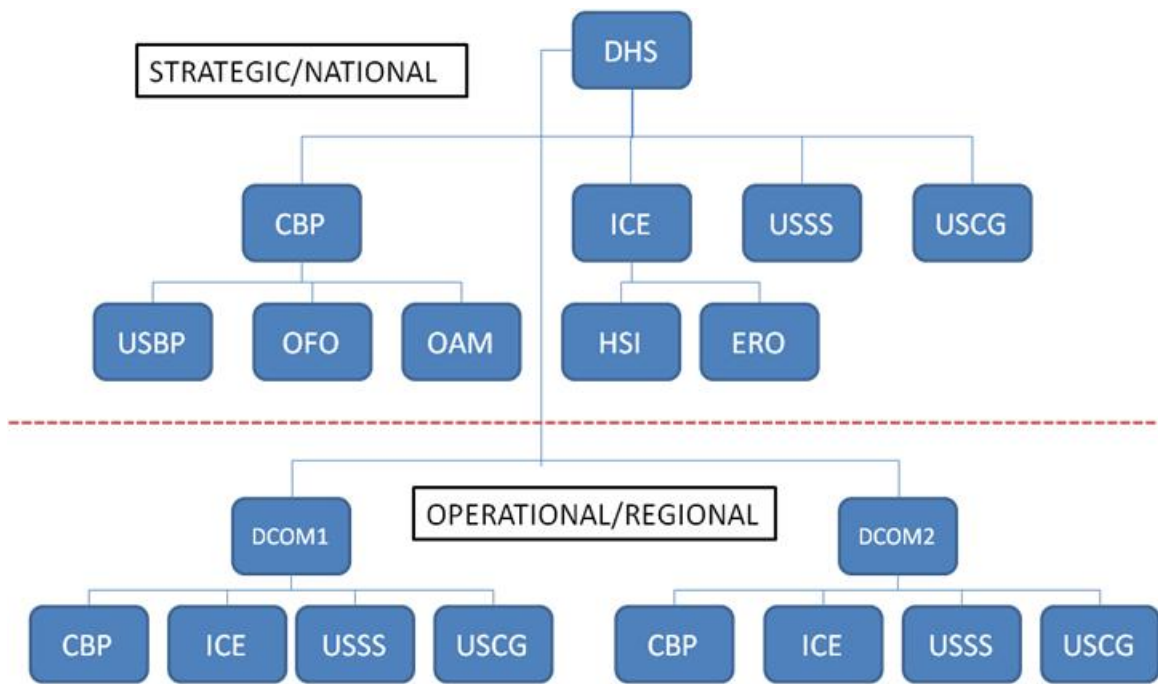


Figure 3. Notional DHS Command Structure using COCOM Framework

However, there “is not today an analogue in the homeland security system for the combatant commanders.”²¹ Therefore, there is no position that can control all of DHS’ assets at the geographic, regional, or operational area. A DHS COCOM would bring this much-needed unity-of-command. Unity-of-command is the authority, and therefore the ability, to coordinate and direct a unified-DHS approach to this nation’s homeland security. Anything less is failing to bring the full complement of DHS’ capabilities to

²⁰ Bourne, “Unintended Consequences of the Goldwater-Nichols Act”.

²¹ Wormuth, *Is a Goldwater-Nichols Act Needed for Homeland Security?*

this effort. Keep in mind that many of the component agencies do, in fact, work well together. However, this cooperation and coordination is usually based on personal relationships and availability of component resources. This is not done because of a formal structure. The situation that this type of coordination brings is that as soon as there are personal conflicts, resource shortages, or one component feels its interests are not getting enough credit for its contribution, the joint effort comes to a halt. Further exacerbating this challenge is that institutional, or in other words component, bias can get in the way. Without a command structure to ensure the DHS mission, versus the component mission, is what is actually getting carried out, DHS is not bringing its full force to bear. Just as America's military faces a dynamic, changing, and asymmetric threat in the far war, America's domestic security enterprise is facing the same thing at home and on our border. In an article by Michelle M. Clays, she writes:

A boundaryless war requires a boundaryless response and a flexible, responsive, interagency organization that can knock down the barriers between the different agencies is what we need now to ensure we can overcome whatever threats America may face-now and in the future.²²

Ms. Clays is writing about the interagency process in the Combatant Command arena. What she probably didn't realize is that she described perfectly the same situation in DHS and the homeland security environment. The Combatant Commander concept will solve this major DHS shortcoming.

Another benefit of the CCCR concept is that of communication with other agencies on the national level. Senior DHS component field leaders may have good communication with their peers around the country, as well as maintaining

²² U.S. Department of Defense, Air Command and Staff College, *The Interagency Process and America's Second Front In The Global War On Terrorism*, by Michelle M. Clays, Air University (Maxwell AFB, 2003).

communication with other component leaders at the local area. However, component leaders don't normally keep up with what other component leaders are facing in other areas of the country. For example, a Coast Guard Sector Commander in New Orleans will not normally keep up with a Border Patrol Sector Chief in North Dakota. As Michelle Clays writes, the Combatant Commander "utilized his...staff as conduits for information with the national level to ensure other agencies were aware of the...mission and its unique requirements."²³ This is a perfect example of how the CCDR, and his staff, can address one of the cross-component problems facing DHS.

One of the greatest opportunities that the CCDR position can capitalize on is the reduction in confusion faced by the public and Federal/State/Local/Tribal (S/L/T) government entities. First, let us examine the issue they face. As mentioned, DHS is responsible for a myriad of missions. If a person encounters suspected illegal aliens trespassing on his property along one of America's international borders, this person would need to know to call Customs and Border Protection's (CBP) U.S. Border Patrol (USBP). However, if this same person is attempting to assist a worker on his property with his immigration documents, he would need to know to call Citizenship and Immigration Services (CIS). On the other hand, if a local sheriff's office stops a vehicle and suspects a case of human trafficking, he would need to know to contact Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI). However, if his office has placed someone in jail and they suspect this person is an illegal alien, they would need to know to call ICE Detention and Removal Office (DRO). Even industry is not immune from this confusion. If a shipping company has questions regarding import, export, or tariffs, they would have to know to call CBP's Office of Field Operations

²³ Ibid.

(OFO). However, if they had a question regarding safety compliance for one of its vessels, they would have to know to contact the U.S. Coast Guard (USCG). To highlight this point, if this same company's vessel observed some sort of suspected maritime smuggling, they could contact either CBP's Office of Air and Marine (OAM) or the USCG. Further complicating the issue is that many of these DHS components use public outreach to encourage public and private entities to call their specific component to report suspicious activity. While this example may seem rote and exaggerated, it is necessary to illustrate the confusing litany of component responsibilities. The use of a regional COCOM can eliminate this confusing and inefficient system, promote public and private confidence in DHS, and more efficiently assign assets to address homeland security threats. Furthermore, by being regionally assigned in a manner similar the military's GCC, the CDR can be focused on issues and threats specific to each region²⁴ and be better prepared to assign the appropriate DHS asset(s) to the task.

The DHS and its mission remain focused on the security of the homeland. This mission, however, does not necessarily mean that all focus, strategy, and assets are restricted to American soil. One of the mantras of DHS is to push the borders out. This means that the farther away from the U.S. border that a threat can be stopped, the more effective the mission of DHS can be carried out. The Department carries out this strategy in a variety of ways: personnel from DHS are currently serving in Iraq and Afghanistan as part of the interagency component; personnel work in embassies around the world; DHS conducts domestic training for foreign law-enforcement, trade, and emergency management officials; and DHS component personnel work with foreign officials

²⁴ Ibid.

adjacent to our borders. The main factor limiting the effectiveness of these efforts is that they are still carried out compartmentally, i.e. by each individual component. Therefore, as information, intelligence, or analysis filters back to the continental United States, it comes back via the stovepipe. Furthermore, as the data is further re-routed to the operational arena, it continues to travel in the same stovepiped manner. The implementation of a regional CCDR would address this problem in two ways: first, it would increase the regional threat picture being pushed out to the DHS assets working foreign as opposed to simply a component viewpoint; then, it would ensure that the return data is applied to the entire DHS threat picture in a region versus simply going to a single component. DHS must improve its foreign mission aspects to continue to push the borders out. As one DHS Acting Assistant Secretary stated as recently as 2010, "...the need to strengthen the international aspects of the Department's mission have received focused attention. This includes strengthening relationships between domestic and international security leaders and institutions, enhancing mechanisms for international civil-security cooperation, and improving DHS' ability to provide coordinated civil-security capacity building assistance to key foreign partners..."²⁵ The use of a regional COCOM will provide significant enhancements to DHS' foreign mission efforts.

Another way DHS seeks to bring a Whole-of-Government approach to the homeland security mission is to facilitate coordination with other Federal Departments. A major partner in this effort is the Department of Defense. Joint Task Force-North (JTF-N) is one of the most well-known results of this partnership. The DHS relationship with JTF-N brings military assets into the homeland security mission while ensuring that

²⁵ U.S. Department of Homeland Security, Office of International Affairs, *National Security, Interagency Collaboration, and Lessons from SOUTHCOM and AFRICOM*, by Acting Assistant Secretary Mariko Silver, Congressional testimony (Washington, D.C., 2010).

these activities remain within established laws and guidelines regarding domestic military activity. Another example is Joint Interagency Task Force-South (JIATF-S). Unlike JTF-N, this TF actually includes civilian law-enforcement working hand in hand with military forces. Another difference is that JTF-N coordinates activity within the continental United States, while JIATF-S coordinates activity outside of the continental U.S. For the purposes of this discussion, the common factor is that both of these TFs operate under the control of a military Combatant Commander, albeit one works for U.S. Northern Command (NORTHCOM), while the latter works for U.S. Southern Command (SOUTHCOM). While DHS senior leadership acknowledges that DHS and the COCOMs are working together to improve our strategic alignment and operational coordination²⁶, this relationship still suffers the same drawback as the rest of the DHS mission. These relationships still have to overcome component separation. Once a CCCR position is created, this DHS-DOD relationship will be enhanced by ensuring that the coordinated effort between DOD and DHS remains DHS-mission specific rather than component-mission focused.

In a dynamic and changing threat environment, DHS needs to remain inside our adversaries' operational decision cycle. This challenge remains difficult enough for an individual component of DHS. Various activities carried out by DHS, on the other hand, require close coordination and cooperation among the various components. However, several aspects of DHS' mission are so critical to homeland security that any delay in acting on or responding to a threat or incident is unacceptable. The DHS Secretary acknowledged this challenge when she stated that "To succeed, we need to be fast,

²⁶ Ibid.

flexible, and creative.”²⁷ An example of how this necessity is being hindered is the need for OPORDS (Operations Orders) to be approved through the various component chains-of-command, thereby delaying coordinated action on anything but the most basic activity or imminent national emergency. Implementing a regional COCOM would eliminate this wasteful misuse of manpower and resources by being able to directly assign and oversee DHS assets. Eliminating the stovepiping and delays in day-to-day activities, joint operations, and imminent threats would give DHS the best chance at staying inside our adversaries’ decision making cycle.

The ability to create and employ small specialized units is another benefit the CCMD will bring to DHS. Currently, there are a few joint DHS units that work together in specific areas. However, these units are subservient to one of the components and are created on an ad-hoc basis. Furthermore, the component personnel working on these units usually have to go through lengthy chain-of-command approvals or may require Memorandums Of Agreement (MOA) or Memorandums Of Understanding (MOU) to participate. A CCDR, exercising COCOM, will be able to create, direct, and employ such units in a manner supporting the overall DHS mission. This will alleviate several issues present today. First, this would eliminate the component bias of the lead component’s focus found in today’s process. The CCDR would also be able to form, terminate, or staff the unit as he sees fit. There would be no component approval issues as the CCDR would be the supreme authority over the personnel in the unit.

Furthermore, as more and more of today’s homeland security issues are regional or localized, a CCDR would have direct insight into the issues since this unit would be

²⁷Department of Homeland Security, Office of the Secretary, *Prepared Remarks by Secretary Napolitano at Harvard University’s John F. Kennedy Jr. Forum*, Secretarial address, Kennedy School of Government, Harvard University, (Cambridge, MA, April, 2010).

created to address issues specific to his CCMD. The ability to create specialized units, while eliminating the challenges hindering the current process, is one benefit DHS needs more than ever.

One of the most volatile topics available for discussion in the Federal Government is Intelligence. There are continuous debates about the quality of intelligence, collection methods, intelligence budgets, and numerous other related issues. However, there is rarely little debate about the need for intelligence and its criticality to both national defense and homeland defense. Like so many other aspects of DHS' organizational issues, DHS does not escape this one either. Unfortunately for DHS, its efforts at unifying its intelligence enterprise suffer the same fate as its operational efforts. Fortunately, the implementation of a COCOM framework will alleviate the majority of these problems.

To grasp this intelligence issue, it is necessary to have an understanding of the DHS Intelligence Enterprise (IE). At the Departmental level, DHS is a facilitator. The Facilitator role is clearly outlined in Step 1 of DHS' Information Sharing Strategy Guiding Principles. This role is different from pure intelligence agencies such as the Central Intelligence Agency or the Defense Intelligence Agency. As a facilitator, DHS' role is to ensure that information and intelligence are shared among the various Federal agencies and with S/L/T partners as appropriate.²⁸ DHS provides funding to state and local entities to set up intelligence fusion centers, oversee systems compatibility, and coordinate access. In this role, DHS appears to be successful. According to one report, DHS has assisted in establishing and/or funding 72 intelligence fusion centers around the

²⁸ U.S. Department of Homeland Security, *Department of Homeland Security Information Sharing Strategy*, Securing the Homeland Through Information Sharing and Collaboration, April 18, 2008 (Washington, DC: Department of Homeland Security), 5.

country²⁹ and has component personnel working in or associated with them. Part of the success of DHS' intelligence facilitation across the spectrum of F/S/L partners has been its ability to transform the fusion centers from a terrorism-only context to today's all-threat/all-hazard approach.³⁰ The operational side, or component side, of DHS is a completely different mechanism however.

Almost all of the operational components have their own intelligence apparatus, in addition to staffing them and organizing them differently. For example, ICE has both a Field Intelligence Group (FIG) and a Tactical Intelligence Center (TIC). Organizationally, the FIG and TIC are staffed with civilian analysts, but do not have agents assigned to them. However, these two ICE IEs work in closer conjunction with HSI than with ERO. The Coast Guard also has its own IE, but it has both civilian personnel and Coast Guard personnel working together. Since the Coast Guard is not a sub-divided component of DHS, the entire organization receives the benefit of its system. CBP, in comparison to the two previous components, has an IE dominated by one sub-component, but is more integrated as a component. The IE contained within CBP is dominated by the Border Patrol and by the Sector Border Intelligence Centers (BIC). The BICs and Border Patrol Intelligence offices are staffed with a complete command structure and have dedicated Intelligence Agents who work in conjunction with their own civilian analysts and assistants. These BICs and Intelligence personnel also work in close coordination with the other CBP components of OFO and AMO. The Secret Service and

²⁹ Intelligence and National Security Alliance, "Intelligence To Protect The Homeland...taking stock ten years later and looking ahead...", Homeland Security Intelligence Council, https://images.magnetmail.net/images/clients/INSA/attach/INSA_Homeland_Security_Intelligence.pdf (accessed December 11, 2011).

³⁰ Ibid.

TSA also have their own intelligence programs. The CBP, ICE, and Coast Guard IEs have the highest degree of cooperation and coordination, but this is due to the shared mission focus of the three. However, there is no commanding authority overseeing or coordinating the efforts of all of these component IEs.

Within DHS, systems integration seems to be the one area where there is integration and joint effort. ICE and CBP, both of whom were partially created from the now-defunct Immigration and Naturalization Service (INS), seem to have retained their lessons from the Railroad Killer³¹ debacle. In 1999, Raphael Resendez-Ramirez was wanted by several law-enforcement agencies, including the FBI, for several murders. Unbeknownst to these law enforcement organizations, Resendez had been caught and released several times by INS while he was a suspect, including when he had a warrant issued for his arrest and was on the FBI's Ten Most Wanted list.³² A national outcry commenced when the fact surfaced that he had committed more murders while being wanted but was released by INS. Once the investigation was completed on this lack of coordination, it was determined that the INS biometric system did not communicate with the FBI system, despite the fact that both of these systems were under DOJ. The system now used by DHS has connectivity with multiple databases. Furthermore, DHS systems are now integrated with DOD biometric systems enabling a greater One DHS and Whole of Government effort in this area.³³ The major issue still outstanding in this area is that

³¹ The moniker "Railroad Killer" was associated with the widely reported murderer who was identified as Raphael Resendez-Ramirez. Due to the fact that he used several aliases, his story is associated with several other names, though his primary alias was Angel Maturino-Resendez.

³² Marcus Stern, "INS computer system in spotlight following release of wanted man," *Union Tribune* (San Diego, CA), July 3, 1999.

³³ U.S. Department of Defense, "Biometrics Task Force Annual Report FY 09," Biometrics Task Force, <http://www.biometrics.dod.mil/files/documents/annualreports/fy09.pdf> (accessed December 30, 2011).

several of the systems used by DHS are controlled by certain components who, at times, are reluctant to share access even within the Department. One report explains this reluctance this way:

Lack of trust stems from fears that shared information will not be protected adequately or used appropriately; and, that sharing will not always occur in both directions. For example, law enforcement and the intelligence community are concerned that competing information uses will compromise ongoing investigations, sources, and methods.³⁴

These concerns are certainly valid. Nevertheless, if the goal of homeland security and law enforcement is to detect, deter, prevent, and apprehend those seeking to harm the United States and its citizens, there can be no room for agency insulation or desire for recognition. With these goals in mind, a restructuring of the intelligence framework is needed.

Unfortunately, today's threats are more interconnected than ever. Drug cartels are no longer simply into drugs, and terrorists and terrorist organizations can not summon funding out of thin air. As it becomes more and more evident that terrorist organizations are supported by traditional crimes such as drug sales, money laundering, forgery, cigarette tax evasion, and others³⁵, it becomes more imperative than ever for intelligence and information coordination to occur both within DHS and among its various partners.

DHS, to its credit, makes an effort at coordinating intelligence in the department. It does this via the DHS Office of Intelligence and Analysis.³⁶ This process, however, suffers from the same ailments as does the stovepiped command structure. The

³⁴ Department of Homeland Security, *Department of Homeland Security Information Sharing Strategy*, 6.

³⁵ Ibid.

³⁶ Department of Homeland Security, "Organizational Chart", DHS, http://www.dhs.gov/xabout/structure/editorial_0644.shtm (accessed September 13, 2011).

intelligence enterprise in DHS remains compartmentalized, i.e. tied to its component, until it reaches at least the component headquarters level. For example, if the Coast Guard receives intelligence on an actionable threat making a maritime approach to the United States, this information will only reach its regional DHS counterparts in a timely fashion, if at all, if that Coast Guard office has a good working relationship with the surrounding offices. Furthermore, the value of a specific piece of intelligence or information to another DHS component is determined at the discretion of the holding official. This is made without the benefit of being seen with a DHS-wide regional view or perspective as would happen at a CCMD level. This DHS IE needs to transform itself into a system where it functions seamlessly across the components. Until a command structure is put in place that can enable this joint effort, this system will continue relying on its players' best efforts.

A COCOM construct would solve this problem by having all DHS-generated intelligence and information pass through the regional command before waiting to be collated and re-distributed at the DHS Headquarters level. The regional DHS CDR will be able to put this information into perspective as it applies to his region and will be best situated to direct the most appropriate resources at addressing the threat. This benefit is clearly more efficient than the current process as "...combining information and intelligence into one directorate provides efficiency in the analysis and dissemination to decision makers."³⁷ Furthermore, with so many non-DHS departments and agencies having overlapping missions, this will further the ability of DHS to coordinate and work with other agencies in common areas. When a single drug smuggling organization can

³⁷ Naler, "Are We Ready for an Interagency Combatant Command?" p. 29.

purportedly bring one kilo of cocaine across the United States border every 10 minutes³⁸, the benefit of an improved intelligence enterprise via the COCOM construct is one DHS must act on.

The benefits of applying a COCOM construct to DHS are numerous, and relevant, to the DHS mission. These benefits, however, are not simply random improvements. They apply directly to the source of DHS' command system shortcomings and provide the remedy DHS has been seeking and is in need of. In an article by Christopher Naler regarding the Combatant Command framework for Federal civilian agencies, he writes

In 2004, Secretary of Defense Donald Rumsfeld emphasized to the 9/11 Commission the success of military institutions that looked beyond their hallowed pasts and gained more than they invested. Such landmark legislation as the Goldwater-Nichols Act adopted today could similarly unify the interagency community. The effect of Goldwater-Nichols on DOD has proven the resourcefulness of its authors in thinking beyond Service cultures and traditions. Using this construct as an interagency model provides the type of internal transformation required for external integration.³⁹

This thought perfectly encapsulates what a COCOM will do for DHS. The vastness of DHS' mission and its impact on the security of the homeland make it logical that the Department implement this type of reform.

Drawbacks

The COCOM framework is not universally held in high regard. The issues and concerns relating to this issue are as varied as the DHS mission set itself. They stem from concern over the responsibility spread being too large, to lack of national focus. They also include entrenched organizational cultures too deep to change. Some of these

³⁸ William Booth and Nick Miroff, "The Ballad of El Chapo," *The Virginian-Pilot*, October 29, 2011.

³⁹ Naler, "Are We Ready for and Interagency Combatant Command?", p. 26.

concerns could have merit if DHS were to adopt a COCOM-type framework. However, there is no argument against the fact that the "...combination of all instruments of national power allows...the full spectrum of options to deter terrorist and conventional threats."⁴⁰ The DHS must be able to harness all of its assets in a unified effort.

Conversely, the Department will need to address certain concerns to do so.

One of the main concerns worthy of analysis is that the Homeland Security mission is too vast and encompasses too many functions. This concern is certainly worthy of examination as DHS does have arguably the widest range of responsibilities in the Federal government. However, this concern is not unlike that made of the military prior to the implementation of the Goldwater-Nichols Act. One article expressing concern about the COCOM structure addresses it in this manner:

"...not intended as criticisms of any individual. Rather, they illustrate that warfighting, particularly as conducted by the United States, is a vast and complex undertaking, and its direction exceeds the abilities of individuals or small groups. Desert Shield/Desert Storm succeeded in part because NCA and DOD ignored the constrained operational command structure instituted by Goldwater-Nichols."⁴¹

While warfighting is not the same undertaking as domestic law-enforcement, regulation, or disaster response, the missions do have overlap and are similar in purpose and complexity. More importantly, though, is that the command issue reflected in that statement can apply to a DHS COCOM structure. Despite the validity of this concern, the DOD has managed to continue to make the COCOM structure work and it is still in use today.

⁴⁰ Ibid.

⁴¹Christopher M. Bourne, "Unintended Consequences of the Goldwater-Nichols Act." Joint Forces Quarterly (Spring 1998): 107.

A lack of focus on national priorities and direction is another objection to the COCOM framework. This argument also has validity and is worthy of notice. The primary base of this concern is that the components continue to operate, whether in a joint environment or otherwise, according to their own interpretation of national strategy. One author states “Joint interoperability and the deliberative direction of national strategy are not necessarily related.”⁴² While this statement is not necessarily false, it precludes the fact that the various organizations in the Federal Government do work under the guidance of a single Executive, the President of the United States. The guidance remains the same even in the grey light of organizational interpretation.

The last argument to be discussed against the COCOM construct is that of political will. Politics plays a role in everything the Federal Government does, and national security and homeland security are no exceptions. This argument, though, requires the utmost scrutiny. The main problem with political arguments is that the actual argument is often not the true source of the objection. When one article argues against the COCOM by referring to a “...possible lack of political support,”⁴³ the authors fail to specify if the lack of political support is due to the COCOM authority itself, the actual CCDR, or some other issue such as the mission, cost, or legality. The DHS regularly receives criticism for its actions and policies and its components are often in the middle of political battles. However, despite accusations of “controversial practices” and critics of its tactics,⁴⁴ DHS’ command structure and unity-of-effort issues remain a

⁴² Ibid., 103.

⁴³ Jeffrey Buchanan, et al, “Death of the Combatant Command? Toward a Joint Interagency Approach.” *Joint Forces Quarterly*, no. 52 (1st Quarter, 2009): 92-96.

⁴⁴ Gene Johnson, “Border Patrol [A]gents scale back searches for illegal immigrants(sic),” *The Virginian-Pilot*, October 29, 2011.

completely separate issue. The political will argument against the COCOM can not be ignored. This argument, though, has to be analyzed for its true root cause, and is something the DOD has found a way to overcome.

CONCLUSION

“Determined to fight on our shores, terrorists are globally networked through ideology, well funded for their goals/methods, organized by cells, and cannot easily be deterred through conventional methods of national influence. They are steeped in radical anti-American ideology, with some of them being financially secured in measure by various criminal enterprises, some Muslim charities, banks and mosques. They are educated in schools that ‘instrumental in creating an ideological climate which generates terrorism.’ Such an enemy is difficult to fight, especially under today’s operational constraints.”(18)¹

This is an age of constrained budgets, hyper-rapidly advancing technology, spreading globalization, and rapidly advancing abilities of non-state actors to wreak major destruction. In addition, the distinction between war and crime has become so blurred that America now looks at crime in Iraq and Afghanistan in the same manner that it looks at the crime in America and on its borders as similar to war. It has become more imperative than ever for the Department of Homeland Security to be able to bring its full power to bear in today’s homeland security mission.

The Department of Homeland Security stands alone in the United States Government as the single civilian Department with the largest variety of mission sets assigned. These missions cover the range of immigration and trade, anti-terrorism, disaster response, maritime security, aviation security, and executive protection among others. In addition, advancements such as cyber investigation, space capabilities, and unmanned aerial systems take this mission from the traditional inspection and investigation practices of the past to the more advanced high-technology future. As the lines between war and crime begin to blend in today’s global society, so must the lines

¹ U.S. Department of Defense, United States Army War College, *Goldwater-Nichols Act for Homeland Security*, by Colonel Michael Edwards, USAF, Open-file report (Carlisle Barracks, 2006).

between Homeland Defense and National Defense. However, for DHS to take on and lead in this role, it must be able to function as a unified Department. Today's DHS command structure not only hinders this unity-of-action, but it also impedes it in some cases. This issue is succinctly elucidated in the statement "One significant gap in our response to an elusive enemy is a coordinated effort bringing to bear all capabilities across all components of government."² DHS must take action to reform and reorganize its dysfunctional command structure if it is to achieve its maximum potential.

The DOD, having already experienced many of the issues currently plaguing the DHS, took a significant step toward rectifying these problems via the Goldwater-Nichols Act in 1986. This Act was created to streamline the services, increase efficiency, reduce waste, and improve operational capabilities. One of the ways it did this was with the creation of the Unified Command Plan. The major component of this plan that is so applicable to DHS is the Combatant Command construct with its Combatant Commander and his COCOM authority. Furthermore, by geographically or functionally assigning the CCMDs, this structure enabled the CCDRs to focus on a specific function or geographic area. The CCMD has made great strides in eliminating Service bias, enhance joint capabilities, and further the ability of the United States to use its full capability set in addressing both challenges and opportunities it faces in today's global stage. Goldwater-Nichols and its resultant reformations have taken the United States military farther than any previous reorganization in its efforts to use the full spectrum of American might.

A review of the Department of Homeland Security's make-up and mission set reveals that it truly has the most diverse role of all of the United States' Departments. It

² U.S. Department of Defense, United States Army War College, *Goldwater-Nichols Act for Homeland Security*, by Colonel Michael Edwards, USAF, Open-file report, U.S. Army War College (Carlisle Barracks, 2006).

also reveals how paramount these missions are to the security of the homeland. Unfortunately, this same study also uncovers how the department's command structure, despite repeated intentions and attempts, remains unable to unify its' components efforts. In a comparison review of the Department of Defense's Combatant Command construct, it is uncovered how this structure can solve DHS' dysfunctional command structure issues. The COCOM concept addresses most, if not all, of DHS' woes: unity of effort, unity of command, component protectionism, organizational myopathy, inefficiencies, and instilling jointness in its members and leaders. DHS must adopt some type of COCOM construct if it is serious about creating the "One DHS" the Department so vehemently espouses. A failure to do so simply reinforces and continues what one study notes as "From the dysfunction of the Department of Homeland Security (DHS)..., it is clear that the United States does not yet have a comprehensive, cohesive and competent system to ensure the security of the homeland."³ The security of the American homeland is too great an endeavour for DHS to continue in its current framework. The COCOM construct rectifies DHS' command structure problems and should be adapted.

³ Wormuth, *Is a Goldwater-Nichols Act Needed for Homeland Security?*

BIBLIOGRAPHY

- Air Command and Staff College. Air University. *The Interagency Process and America's Second Front In the Global War On Terrorism*, by Michelle M. Clays. Air University Press. Maxwell AFB, AL, 2003.
- Bourne, Christopher M. "Unintended Consequences of the Goldwater-Nichols Act." *Joint Forces Quarterly* (Spring 1998): 99-108.
- Buchanan, Jeffrey, Maxie Y. Davis, and Lee T. Wight. "Death of the Combatant Command? Toward a Joint Interagency Approach." *Joint Forces Quarterly*, no. 52 (1st quarter, 2009): 92-96.
- Carwile, William L. "Unified Command and the State-Federal Response to Hurricane Katrina in Mississippi," *Homeland Security Affairs* I, no. 2 (2005): 12.
<http://www.hsaj.org/hsa/vol1/iss2/art6> (accessed on August 25, 2011).
- Congressional Research Service. *Department of Homeland Security Reorganization: The 2SR Initiative*. CRS Report for Congress, by the Congressional Research Service, Order Code RL33042. Washington, DC: The Library of Congress, August 2005.
- Congressional Research Service. *Homeland Security: Evolving Roles and Missions for United States Northern Command*, CRS Report for Congress, by the Congressional Research Service. Order Code RS21322. Washington, DC: The Library of Congress, November 2006.
- Congressional Research Service. *Homeland Security: Roles and Missions for United States Northern Command*. CRS Report for Congress, by the Congressional Research Service, Order Code RL34342. Washington, DC: The Library of Congress, January, 2008.
- Dixon, James H., and Associates. *Military Planning And Operations: The Joint Perspective*. Washington, D.C.: National Defense University, 1985.
- Gene Johnson, "Border Patrol Agents scale back searches for illegal immigrants," *The Virginian Pilot*, October 29, 2011.
- Global Security . org. "Joint Task Force North (JTF North)," Global Security . org.
<http://www.globalsecurity.org/military/agency/dod/jtf-6.htm> (accessed January 1, 2012).
- Jablonsky, David. *War by Land, Sea, and Air*. New Haven and London: Yale University Press, 2010.

- Naval Postgraduate School. *The Sandbox Strategy: The Why and How Of Federal Law Enforcement Integration*, by Gregory R. Mandoli. Naval Postgraduate School. Monterey, CA, 2006.
- Naler, Christopher L. "Are We Ready for an Interagency Combatant Command?" *Joint Forces Quarterly*, no. 41 (2nd Quarter 2006): 26-31.
- Office of the Chairman of the Joint Chiefs of Staff. Joint History Office. *The History of the Unified Command Plan 1946-1999*, by Ronald H. Cole, et al. U.S. Government Printing Office. Washington, D.C., 2003.
- Small Wars Journal. "DOD releases Unified Command Plan 2011 Change." *Small Wars Journal*. <http://smallwarsjournal.com/blog/dod-releases-unified-command-plan-2011-change-1> (accessed October 29, 2011).
- Stern, Marcus. "INS Computer System in spotlight following release of wanted man," *Union Tribune* (San Diego, CA), July 3, 1999.
- U.S. Department of Defense. "Biometrics Task Force Annual Report FY 09." U.S. Department of Defense. <http://www.biometrics.dod.mil/files/documents/annualreports/fy09.pdf> (accessed December 21, 2011).
- U.S. Department of Defense. "The Unified Command Plan." U.S. Department of Defense. http://www.defense.gov/home/features/2009/0109_unifiedcommand/ (accessed October 26, 2011).
- U.S. Department of Defense. U.S. Army War College. *Command And Control Of Homeland Security Response To Catastrophic Incidents*, by Lieutenant Colonel Dennis M. Thompson. USAWC Strategy Research Project. Carlisle Barracks, 2006.
- U.S. Department of Defense. U.S. Army War College. Eisenhower National Security Series. *Goldwater-Nichols Act for Homeland Security*, by Colonel Michael Edwards, USAF. Open-file report, U.S. Army War College. Carlisle Barracks, 2006.
- U.S. Department of Defense. U.S. Army War College. Eisenhower National Security Series. *Is a Goldwater-Nichols Act Needed for Homeland Security?*, by Christine E. Wormuth. Open-file report, U.S. Army War College. Carlisle Barracks, 2006.
- U.S. Department of Defense. U.S. Army War College. Strategic Studies Institute. *Defining and Achieving Decisive Victory*, by Colin S. Gray. Open-file report, U.S. Army War College. Carlisle Barracks, 2002.

- U.S. Department of Defense. U.S. Army War College. Strategic Studies Institute. *THE CINC's STRATEGIES: THE COMBATANT COMMAND PROCESS*, by William W. Mendel and Graham H. Turbiville, Jr. Open-file report, U.S. Army War College. Fort Leavenworth, 1997.
- U.S. Department of Homeland Security. "Border Patrol History." U.S. Customs and Border Protection.
http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_ohs/history.xml (accessed September 13, 2011).
- U.S. Department of Homeland Security. "CenCal MACG Officially Takes Form to Enhance Southern California Maritime Enforcement." U.S. Customs and Border Protection.
http://cbpnet/xp/cbpnet/obp/message_announce/announcements/operations/cencal_macg.xml (accessed November 1, 2011).
- U.S. Department of Homeland Security. "DHS FY 2011 Budget in Brief." U.S. Department of Homeland Security. <http://www.dhs.gov/xlibrary/assets/budget-bib-fy2012.pdf> (accessed February 25, 2012).
- U.S. Department of Homeland Security. "DHS Organizational Chart." Department of Homeland Security. http://www.dhs.gov/xbout/structure/editorial_ob644.shtm (accessed September 13, 2011).
- U.S. Department of Homeland Security. *National Security, Interagency Collaboration, and Lessons from SOUTHCOM and AFRICOM*, by Mariko Silver, Acting Assistant Secretary Office of International Affairs, testimony to United States House of Representatives Subcommittee on National Security & Foreign Affairs. Washington, DC, July 28, 2010.
- U.S. Department of Homeland Security. "New Global Borders College to be Training, Educational Crossroad for CBP." U.S. Customs and Border Protection.
http://www.cbp.gov/xp/cgov/newsroom/news_releases/national/05202011.xml (accessed October 23, 2011).
- U.S. Department of Homeland Security. "FY 2009 Apprehension Data." U.S. Department of Homeland Security. <http://www.dhs.gov/xlibrary/assets/statistics/publications/ois-apprehensions-fy-2009-2010.pdf> (accessed September 17, 2011).
- U.S. Department of Homeland Security. *Prepared Remarks by Secretary Napolitano at Harvard University's John F. Kennedy Jr. Forum*, by Janet Napolitano. Secretarial address, Kennedy School of Government, Harvard University. Cambridge, MA, April 15, 2010.
- U.S. Department of Homeland Security. *Quadrennial Homeland Security Report and Review*. Washington, DC: U.S. Department of Homeland Security, Feb. 1, 2010.

- U.S. Department of Homeland Security, *Transcript of Secretary Napolitano's Remarks Highlighting DHS' Major Accomplishments in 2009*, by Janet Napolitano. Secretarial address, U.S. Citizenship and Immigration Services. Washington, DC, December 16, 2009.
- U.S. Department of Homeland Security. "U.S. Coast Guard History." U.S. Coast Guard <http://www.uscg.mil/history> (accessed September 13, 2011).
- U.S. Department of Homeland Security. "U.S. Customs Service-More than 200 Years of History." U.S. Customs and Border Protection. <http://www.cbp.gov/xp/cgov/about/history/legacy/history2.xml> (accessed September 13, 2011).
- U.S. Department of Justice. "Department of Justice FY 2012 Budget Request." U.S. Department of Justice. <http://www.justice.gov/opa/pr/2011/february/11-ag-181.html> (accessed February 25, 2012).
- U.S. Department of Transportation. "Hurricane Katrina." National Oceanic and Atmospheric Administration. <http://www.katrina.noaa.gov> (accessed November 11, 2011).
- U.S. Government. U.S. Congress. *Public Law 99-433-Oct. 1, 1986. Goldwater-Nichols Department of Defense Reorganization Act of 1986*, by U.S. Congress, Washington, D.C., 1986.
- U.S. Joint Chiefs of Staff. *Doctrine for the Armed Forces of the United States*. Joint Publication 1. Washington, DC: Joint Chiefs of Staff, May 2, 2007.
- William Booth and Nick Miroff, "The Ballad of El Chapo," *The Virginian Pilot*, October 29, 2011.
- Yeatman, Richard M. "JIATF-South Blueprint for Success." *Joint Forces Quarterly*, no. 42 (3rd Quarter 2006): 26.

APPENDIX A

Acronyms

2SR.....	Second Stage Review
AFRICOM.....	United States Africa Command
AOR.....	Area of Responsibility
ATC.....	Advanced Training Center
BIC.....	Border Intelligence Center
BTS.....	Bureau of Border and Transportation Security
C2.....	Command and Control
CBIG.....	Caribbean Border Interagency Group
CBP.....	U.S. Customs and Border Protection
CCDR.....	Combatant Commander (position)
CCMD.....	Combatant Command (area/function)
CENTCOM.....	U.S. Central Command
CIA.....	Central Intelligence Agency
CIS.....	Citizenship and Immigration Services
COCOM.....	Combatant Command (authority/construct)
DEA.....	Drug Enforcement Administration
DHS.....	Department of Homeland Security
DNA.....	Deoxyribonucleic Acid
DOD.....	Department of Defense
DOJ.....	Department of Justice
DOS.....	Department of State
DRO.....	Detention and Removal Office
EAD.....	Executive Associate Director
EUCOM.....	United States European Command
ERO.....	Enforcement and Removal Operations
FAA.....	Federal Aviation Administration
FBI.....	Federal Bureau of Investigation
FCCM.....	Functional Combatant Command
FEMA.....	Federal Emergency Management Agency
FIG.....	Field Intelligence Group
FOD.....	Field Operations Director
G-N.....	Goldwater-Nichols Act of 1986
GBC.....	Global Borders College
GCC.....	Geographic Combatant Commander
GCCM.....	Geographic Combatant Command
HLSA.....	Homeland Security Act
HIS.....	Homeland Security Investigations
HSPD-5.....	Homeland Security Presidential Directive-5
ICE.....	Immigration and Customs Enforcement
IE.....	Intelligence Enterprise

INS.....Immigration and Naturalization Service
 JDA..... Joint Duty Assignment
 JFC.....Joint Field Command (CBP)
 JIATF.....Joint Interagency Task Force
 JIATF-S.....Joint Interagency Task Force-South
 JTF-N.....Joint Task Force-North
 JTF-6.....Joint Task Force-6
 JPME.....Joint Professional Military Education
 MOA.....Memorandum of Agreement
 MOC-P.....Maritime Operations Coordination-Plan
 MOU.....Memorandum of Understanding
 NCA.....National Command Authority
 NDU.....National Defense University
 NIMS.....National Incident Management System
 NMS.....National Military Strategy
 NORTHCOM.....United States Northern Command
 NRF.....National Response Framework
 NSS.....National Security Strategy
 NTAS.....National Targeting and Advisory System
 OAM.....Office of Air and Marine
 OFO.....Office of Field Operations
 OPODS.....Operations Orders
 PACOM.....U.S. Pacific Command
 RAC.....Resident Agent in Charge
 S/F/L/T.....State/Federal/Local/Tribal
 S/L/T.....State/Local/Tribal
 SAC.....Special Agent In Charge
 SES.....Senior Executive Service
 SOCOM.....United States Special Operations Command
 SOUTHCOM.....United States Southern Command
 STRATCOM.....United States Strategic Command
 TF.....Task Force
 TIC.....Tactical Intelligence Center
 TRANSCOM.....United States Transportation Command
 TSA.....Transportation Security Administration
 UCP.....Unified Command Plan
 USBP.....United States Border Patrol
 USCG.....United States Coast Guard
 USMS.....United States Marshalls Service
 USSS.....United States Secret Service
 WWII.....World War Two

VITA

PAIC John R. Morris (U.S. Border Patrol)

Currently, PAIC Morris is serving as the Patrol Agent In Charge (PAIC) of the U.S. Border Patrol's New Orleans Sector. He has oversight of Intelligence, Joint Operations, Incident Management, and Operational Integration. These programs include DHS- and CBP-Intelligence integration, Hurricane Preparedness and Preparedness Integration, State Intel-Fusion coordination, detail management, Operational Planning, and State/Local Liaison.

PAIC Morris entered on duty with the U.S. Border Patrol in 1996. He worked at both the Laredo South and Zapata Stations, Laredo Sector, Texas, prior to his transfer to New Orleans Sector, Louisiana. His prior assignments have included Operation Rio Grande, Special Operations Group/Supervisor, Anti-Smuggling Unit, and Marine Unit. PAIC Morris has also performed assignments as an Academy Instructor in Charleston, South Carolina, at the U.S. Embassy in Mexico City, Mexico, and as an Instructor at the International Law Enforcement Academy in San Salvador, El Salvador. PAIC Morris regularly serves as an Incident Management Instructor and Incident Management Integration. He is also regularly called upon as a Subject Matter Expert in Border Patrol Operations, Integration, and DHS Intelligence Fusion matters.

PAIC Morris earned Bachelor of Arts in Russian Studies/Minor Political Science from the University of Houston. He also did graduate work at the Moscow Language Institute in Moscow, Russia, and speaks both Spanish and Russian. His awards include the Customs and Border Protection Commissioner's Award in 2009 and Law Enforcement Officer of the Year in 2010. PAIC Morris is a native of Houston, Texas. He is married and has two children.