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TITLE:

**Department of Defense: To Lead, or not to Lead?
(A Look at Whether the DOD Should Be the "Temporary" Lead Federal Agency at Critical Times)**

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EXECUTIVE SUMMARY

Title: Department of Defense: To Lead, or not to Lead? (A Look at Whether the DOD Should Be the “Temporary” Lead Federal Agency at Critical Times)

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Thesis: DOD is better suited to be the *temporary* LFA in homeland security matters until specific conditions are met for the DHS to assume its role as the LFA.

Discussion: Defense of the Homeland continues to be the number one priority for the DHS, DOD, and the American people. This paper considers whether or not the Department of Defense should be considered as the lead federal agency (LFA) during catastrophic events in the United States. The Department of Homeland Security is designated as LFA in matters of homeland security, but may not always be prepared or capable of handling the role. As long as needed, the DOD will continue to support other agencies, but stands ready to be the LFA if directed.

Conclusion: The Department of Homeland Security existed for seven years, and has made dramatic changes in its national response plans, capabilities, and internal directives. While the DHS continues to develop and get better at the roles and responsibilities laid out by the both the Executive Branch and Congress, it still relies heavily on outside agencies to fill critical gaps in Homeland Security and emergency management. Until the DHS permanently closes its identified gaps, the DOD remains the critical link to providing capabilities and resources to close identified gaps. For this, the military is better suited to be the LFA during critical times of the military’s phasing model until such a time when the DHS can fully lead.

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Introduction

Security is like oxygen—you tend not to notice it until you begin to lose it, but once that occurs there is nothing else that you will think about.

Joseph S. Nye, Jr.¹

The horrific attacks of September 11, 2001 rocked the United States to its core, immediately creating widespread panic. The efforts to identify and defeat threats to U.S. national security corresponded with organizational changes in the Executive Branch, and implementation of new federal legislation and executive directives. Among these changes were the creation of both the Department of Homeland Security (DHS) and strategic directives designating the DHS as the lead federal agency (LFA) in matters of homeland security. The creation of the DHS did not occur without disruptions in the federal, state, local, and tribal governmental agencies, and its ability to function collectively remains debatable. This paper seeks to contribute to this debate by identifying those conditions in which the role of LFA in homeland security ought to be “*temporarily*” assigned to the Department of Defense.

As with any agency, federal legislation identifies the roles and responsibilities of DOD and DHS. With regards to the DHS and DOD, legislation has directed that they be the LFA in Homeland Security (HS) and Homeland Defense (HD), respectively. Homeland Security and Homeland Defense actions are in concert with one another and both contribute to national security. While both the DHS and DOD have heavy responsibilities in the security of the homeland, the DOD specifically seeks to accomplish their role in homeland security abroad. The DHS is mostly inward focused. Safeguarding national security underpins the efforts of both the DHS and DOD; essentially, both seek to protect the homeland against threats to national interests. Therefore, interdepartmental cooperation is necessary to U.S. national security.

However, to what extent do existing federal legislation and executive directives effectively achieve national security and provide critical resources in critical times? Are there times when the DOD should be assigned LFA in matters of homeland security?

This paper will argue that under specific conditions identified below, DOD is better suited to be the *temporary* LFA in homeland security matters until specific conditions are met for the DHS to assume its role as the LFA. While the DHS continues to grow and develop its appropriate processes needed to be the LFA, the DOD is more than capable to fill gaps associated with a newly created agency. With 9/11 fresh in America's minds, the government cannot afford to allow a lapse in national security and must be prepared to use the DOD in a larger role in critical times. The DOD does not seek to remain outside of its homeland defense role for long periods of time, but remains committed to protecting the United States against the threat of terrorism. The events of 9/11, and subsequent events — such as the 2009 Presidential Inauguration and Hurricane Katrina, as well as other events to be discussed later in this paper — indicate that the DHS and National Response Framework (NRF) are still being developed and until the state, local, and tribal governments adopt the new framework, the DOD remains the suitable choice for temporary LFA in catastrophic events of national significance.

This paper intends to prove that the DOD is better suited to be the temporary LFA in homeland security matters until specific conditions are met for the DHS to assume its role as the LFA. This paper will demonstrate that the DOD may be the better choice to assume the LFA than the DHS under the following conditions: a state is overwhelmed with events that its state resources are exhausted, but has not requested federal assistance; a state leadership has been incapacitated; or when multiple catastrophic events occur within a short timeframe. Each condition is of strategic significance and would require a unilateral federal response in

accordance with the NRF. The paper will also argue that the Executive Branch should consider the DOD in efforts to provide a quicker response in matters of national security and not focus all of its attention on the DHS.

GAPS ASSOCIATED WITH CURRENT FRAMEWORK

The current framework of safeguarding national security has several gaps between DHS and DOD. Those gaps are shortfalls that preclude the DHS from being able to respond quickly to critical events. In the context of this paper, critical events are defined as those times when the DHS lacks the capacity to effectively lead organizations from the federal to the local level and efficiently coordinate resources to defeat threats or consequences of strategic impacts. This section will look at events of homeland security through the lens of the NRF, and seek to better understand how to deal with the gaps associated with the current framework. The DHS uses a unified command approach through its connectivity with interdepartmental, federal, state, local and tribal governments, non-governmental organizations (NGO), private sector, and others to safeguard security. While this process accomplishes the mission, it leads to ineffectiveness and slow response at critical times. Quick and decisive leadership is critical. The DOD provides that leadership. The DOD, although integrated with its interagency partners, uses a command and control (C2) approach that is directive and authoritative in nature, allowing for effectiveness and rapid response in critical times.

The DHS is trying to close this gap through recently published documents, such as the *United States Department of Homeland Security Strategic Plan (2008-2013)*, *National Response Framework (January 2008)*, and the *Integrated Planning System (January 2009)*. While these

documents have certainly begun closing the gap with national security, they still have seams that may force the DOD to be the LFA. The DOD's long standing roles in HS and HD have led to clear policies and refined planning processes.

The DHS's unified command capability, integrated planning system, and specific legislation leads to problems in responsiveness and consequence management. Hurricane Katrina revealed multiple levels of breakdown with state, local and tribal government's lack of understanding with regards to the previous system, the 2004 *National Response Plan* (NRP). The NRP, which replaced the Federal Response Plan (FRP), was developed through a common understanding with state, local, tribal, and private sector organizations. The NRP and the first addition of the *National Incident Management System* (NIMS) were unable to be fully integrated and understood in all governmental agencies, Non-Governmental Organizations, and private sector organizations when Hurricane Katrina occurred. Since 2005, the DHS has attempted to close this gap through its latest version of the NIMS document and the NRF.

The NIMS and NRF were either updated or published in 2008. The NRF, published in January, is a "guide to how the Nation conducts all-hazards response."² The NRF is a doctrinal template designed to provide "scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the Nation, linking all government, nongovernmental organizations, and the private sector."³ The NIMS, revised and published in December, was revised as a way to "incorporate best practices and lessons learned from recent incidents."⁴ The NIMS was developed to provide a "systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and

property and harm to the environment.”⁵ Both documents are meant to be used in conjunction with one another and seek to establish doctrinal guidelines for all agencies.

The DOD is a civilian led organization with a top down driven approach to responsiveness, found in its authoritative and directive concept. On orders from the President of the United States, the Secretary of Defense has the ability to immediately move manpower, equipment, logistics, and other resources to an area of crisis with little or no notification. The DHS does not have this capability. In 2005, in the aftermath of Hurricane Katrina, President Bush called on Congress to “consider a larger federal response role for the U.S. Armed Forces, perhaps even putting the military in charge of all recovery efforts during a catastrophic natural disaster or terrorist attack.”⁶ His intent was to have the authority to use military quickly to help those in need. At no point did he, or DOD, ever consider being the LFA without support from DHS or the Federal Emergency Management Agency (FEMA). In any event of national significance, both the DHS and DOD will serve integral roles in response and recovery. It boils down to who can arrive first, bring the most manpower, equipment, and resources, and provide critical leadership to provide immediate assistance to those in need. In this section, the paper will identify three capabilities which the DOD would better suit the conditions of national security in response to the current framework. The DOD is better suited to be the LFA at critical times in national security because it uses a directive approach to problem solving, has a planning model that leads to effectiveness, and provides a level of responsiveness that the DHS cannot provide. This section will show that the DOD is better suited to serve as the LFA when the state is overwhelmed and has not requested federal support, the state governorship is incapacitated, or multiple events of national significance occur within a short timeframe.

Command and Control or Unified Command

The mere phrase of “command and control” exudes leadership and direction, whereas the phrase “unified command” is filled with partnership and cohesion. Both are respectable concepts, but in matters of national security, the nation seeks swift and decisive actions to thwart the threat of terrorism or response to catastrophic events. The military uses command and control (C2) to provide purpose, motivation, and supervision in planning, preparation, and execution of national security. Unified command brings multiple agencies together to provide input, analysis, and resolution to those same national security matters. The DHS and DOD are intertwined and seek to resolve problems in a concerted effort when a crisis occurs, which normally satisfies the President’s intent. Hurricane Katrina, like 9/11, taught the United States Government and its agencies that Mother Nature has the ability to provide death and destruction to areas across the United States. Hurricane Katrina provided valuable lessons learned to all agencies at the federal, state, local and tribal levels, but one cannot overlook the fact that the command and control system ultimately prevailed through leadership and direction. When a national security matter occurs, it is of utmost importance to put the right agency in the right place in a matter of hours. The DOD possesses the capability to move quicker than any other federal agency, provide a command or unified structure, and provide appropriate equipment in a time of need.

The DOD has three dedicated Brigade Combat Teams serving as Global Response Forces (GRF) specifically designated for the purpose of providing critical capabilities in only a few hours. The concept was tested in January 2010 when it deployed in support of operations in Haiti to deal with the aftermath of a devastating earthquake. Even though the United States

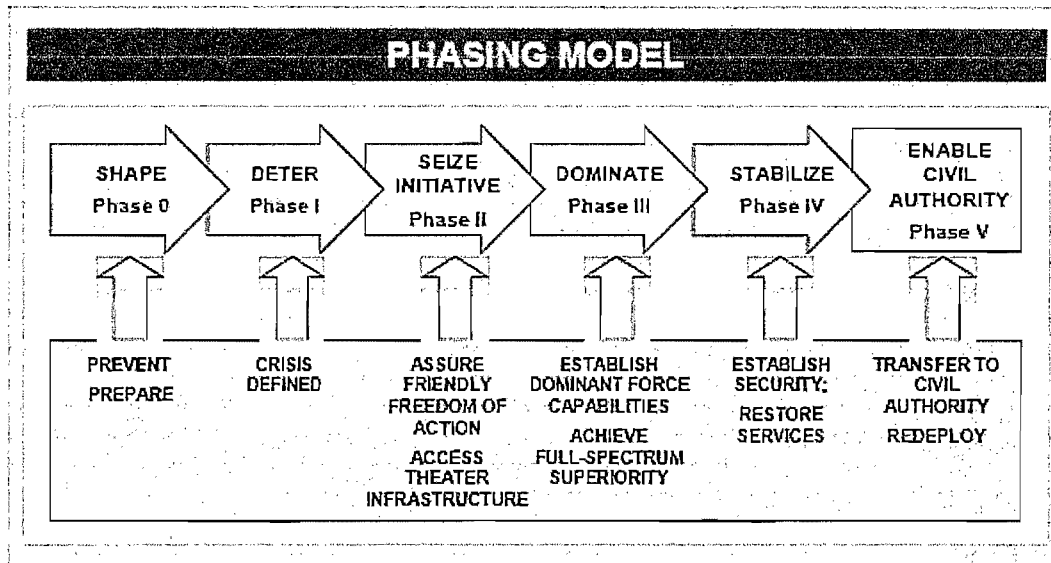
Agency for International Development (USAID) was the LFA, the DOD provided bulk resources, critical capabilities, and more money than the USAID or that of any other agency.⁷ In the words of a senior FEMA executive, the DOD was really “leading from the back.”⁸ It was only four years earlier during Hurricane Katrina that President Bush considered using the DOD as the LFA in order to speed up relief efforts to the people of New Orleans as he quickly recognized flaws in the capability of the federal government to respond quickly.

Detailed Planning that Leads to Effectiveness

Hurricane Katrina immediately showed gaps in the government’s planning system to prepare for catastrophic events. DHS was a new agency, FEMA had been moved under the umbrella of DHS, and much of FEMA’s staff had moved into positions within the DHS headquarters. There were many issues during the merger of agencies into DHS, and Hurricane Katrina came at an awful time in the organization’s development. In light of Katrina’s disastrous effects, the President directed the DHS to develop the *Integrated Planning System (IPS)* through *Annex I of the Homeland Security Presidential Directive 8, National Preparedness*. The intent of IPS is to provide a “risk-informed approach oriented toward managing the potential for major adverse outcomes from current and future homeland security risks.”⁹ The IPS closely mirrors the military’s planning process and focuses its efforts at the strategic, operational, and tactical levels. The DOD utilizes the Joint Operations Planning Process (JOPP) and the Joint Planning and Execution System (JOPES). Both JOPP and JOPES are intertwined with one serving as the process and the other serving as the executor. Both the IPS and JOPP incorporates a phasing model approach to fully prepare for nationally significant events. While neither the DHS nor

DOD planning process is better than the other, the DOD approach may create fewer seams as it is fused and adopted throughout all branches of service. At this point, there is no requirement for state, local and tribal governments to adopt the DHS *Integrated Planning System*. The mere fact that there is not 100% utilization of IPS may potentially lead to disastrous results in continuity within all levels of government. The DOD uses a “nested” concept which means each operations or response plan is in concert with its higher headquarter’s plan. Under DHS’s IPS system, a significant gap in capabilities, incident response, and resources could occur if governmental agencies at the state, local, or tribal levels are not nested with the DHS Federal disaster plans.

The military’s joint phasing model consists of six phases, which may be altered or expanded, or even developed further within each phase. The IPS is a linear approach to planning and looks at potential events through contingency planning and crisis action planning. The IPS also uses a phasing model, but the model is operational when the incident occurs. The IPS model is through its spectrum of operations and focuses on “prevention, protection, response, and recovery.”¹⁰ As laid out in the illustration below, the joint phasing model begins with Phase 0, *Shape*, and ends with Phase V, *Enable Civil Authority*. This by no means implies that there is not civilian interaction throughout the entire planning or execution process; it merely means that military planning seeks to restore the primacy of civil authority in conflict stricken areas. The phasing model is meant to provide guidance and a simple flow of measures for participating forces from the before the event to the end of any situation of national significance. The interagency community is involved in each phase of this model and remains important in both the DHS and DOD planning processes.



Example of Joint Phasing Model

Whenever possible, developed plans should always be validated through a series of exercises and planning conferences. This process of validating existing plans is a particular strength of DOD. Exercises and planning conferences lead to effective planning. In events such as the recent 2009 Presidential Inauguration, the Joint Force Headquarters-National Capital Region (JFHQ-NCR) began developing its plan in April 2007, while the DHS began its planning in October 2008. In anticipation of the event being dedicated a National Special Security Event (NSSE); JFHQ-NCR sought ways to validate its plans throughout the months leading up to the Inauguration. It was able to do this through the Presidential State of the Union Address in January 2008, Papal Visit in April 2008, National Capital Region Commanders' Conferences, and monthly table-top exercises with interagency partners. By legislation, the United States Secret Service, under the auspice of DHS, is designated as the LFA during any NSSE, but did not begin its *Phase I* planning for the Inauguration until October 2008 because it was focused on the Democratic and Republican Presidential Nominating Conventions that occurred in the

summer of 2008. Sub-committees were developed and stood up in August 2008, and the USSS did provide representation. Sub-committees served as a *Phase 0* planning sequence. The late planning of the DHS and other agencies led military leadership to question “who’s in charge?” Through codified law, all partners in the execution of Inaugural activities clearly understood what agency was in charge, up until the point that a catastrophic event occurred. Fortunately, no breach in national security occurred.

Responsiveness and Consequence Management

Response is critical. Timeliness is even more critical. In a catastrophic event, the American public begins looking for help in the most dire of situations. It is the responsibility of the Executive Branch to reassure the American people that the government, at all levels, is ready to respond in times of need. In a 2009 article, Charles B. King III interviewed many former and current DHS employees who stated that “spreading a reassurance message has to start before an incident, and should be repeated until the public internalizes the concept that, provided the government has made reasonable attempts to prevent them, acts of terrorism are in the same category as plane crashes and traffic accidents.”¹¹ While his reference regards terrorism specifically, it can be argued that the same can be said of natural disasters and other catastrophic events. Using the DOD planning model, reassurance is a Phase I event, known as *Deter*. What happens when a catastrophic event happens? It “triggers” a transition from Phase I to Phase II and III of the military’s planning phases, which should immediately trip an emergency response force. Once the event transitions from Phase I to Phases II and III, there is little time to respond. State, local, and tribal government do a fantastic job of providing immediate response, but can be quickly overwhelmed in such cases as the 9/11 attacks, Hurricane Katrina, or situations abroad

such as Haiti—which left the government incapacitated. These situations are when the federal government must be able to respond immediately, within hours.

The DHS and DOD have established regional coordination centers, facilities housing critical supplies, and teams capable of deployment to affected areas in hours; but, problems remain with the process of deployment. Legislation prevents DHS from responding without a request from state leadership, ultimately leaving the question, should the DOD be directed to fill the void while the President waits on a state to determine whether it needs federal assistance? The DOD has shown that it is capable of deploying much quicker than any other federal agency and providing swift and immediate response to any situation. The DOD's ability to respond quicker than DHS in catastrophic events is due to capabilities, resources, and legislation. Therefore, the DOD remains better suited to fill the LFA role until DHS can meet certain conditions that allow it to assume the lead role. Those conditions are met when the DHS can stand up an incident command center, provide adequate communications capability to fuse federal, state, local, and tribal governments ability to communicate, and provide bulk resources, equipment, and transportation assets to help those in need. This section of the paper will discuss the 9/11 attacks, Hurricane Katrina, and Haiti to illustrate its points.

The 9/11 attacks remain and hope to remain as the single largest terror attack conducted against the United States. The DHS and DOD, to include other agencies, have taken extraordinary measures to prevent the next terror attack, but it remains that the events of 9/11 caught the Federal Government off guard. The attacks leveled critical infrastructure, attempted to wipe out America's military leadership, and debates remain whether or not Flight 93 that crashed in a farm field in Pennsylvania was headed for the White House. Chaos ensued in New York City (NYC) and Washington D.C., springing local, state, and federal assets into action.

When one compares the response efforts in NYC and D.C., the reader must bear in mind that the two locations are vastly different in governance, leadership, and developed relationships.¹

Although DHS did not exist on 9/11, FEMA did, and it served as the LFA in the aftermath of attacks in NYC. FEMA had never responded to a catastrophe the magnitude of 9/11, nor did it have the budget to handle the response efforts. FEMA's response was not immediate and it took President Bush declaring an emergency to allow \$20 billion to be provided to FEMA's Public Assistance Fund. It was NYC's first responders that provided the manpower, equipment, and resources needed to conduct response and recovery operations, but became quickly overwhelmed. In the NCR, the DOD was among the first responders, as expected since the attack was at the Pentagon. The DOD remained in "support of" other responders, such as the Arlington Fire and Rescue and the Federal Bureau of Investigation (FBI). In both NYC and the NCR, the DOD could have assumed the LFA in both locations had the need arise, but the President and Secretary of Defense were comfortable with the efforts of all involved in both cities. Regardless of whether the DOD was the LFA, its response was "comprehensive and immediate."¹² The DOD activated 50,000 Reservists to fill billets in critical areas, and more than 2000 Coast Guard Reservists to work with the Department of Transportation (DOT) across the nation. The DOD provided assistance to federal, local, and state agencies in areas of national significance. Critical military capabilities such as "medical assistance, security support, civil engineering, power generation, airlift support, transportation, and provisions of equipment and essential medical supplies"¹³ were sent to NYC and the NCR. FEMA did not have those capabilities on 9/11, and DHS does not possess them today. FEMA relied on funds provided to help citizens and first responders in NYC immediately following the attacks. The NCR, because

¹ For the remainder of this paper, D.C. will be referred to as the National Capital Region (NCR)

of its location, worked much differently that day, and continues to be different from most places in America. The relationships between the DC government, surrounding state governments, the federal government, and the military have been close for over 60 years. The response efforts of all agencies in the NCR were swift and effortless. In NYC, the first responders did magnificent work, but weren't focused on leading the entire response effort. The initial incident command post was established in one of the two towers, ultimately cutting off the initial responders when the towers fell. Mayor Giuliani led the response and recovery effort, which may have slowed and complicated some response and recovery efforts from the federal level. Different leadership styles and political pressures may prevent state, local, tribal, and federal governments from working well with each other, as was the case in NYC.

In Hurricane Katrina, critical times (Phase I) began before the hurricane made landfall. No one fully realized the path of destruction that the storm would leave, but the federal government knew it was going to be devastating in the terms of funds and resources. Once the storm made landfall, Phase II of the military's planning phase was triggered. At this point, DOD or FEMA should have been directed to move. Once the flooding began, Phase III was triggered and the state became overwhelmed. Phase II and III were critical hours of time, between landfall and the state being overwhelmed, when federal response efforts should have been moving into the affected area to begin consequence management. For the DHS and FEMA, legislation prevented them from responding in state territory until the Governor of Louisiana, Governor Blanco, requested federal assistance through President Bush. Phases II and III are those critical times when the DOD becomes a critical asset, particularly in those times when the DHS must sit idly by waiting on a request for assistance from the state. The President does possess the authority to direct that the DOD take charge in emergency situations and Hurricane Katrina

provided that opportunity, but no President wants to take power away from a state government. During the lapse in request times from the state, and due to personal frustrations, President Bush considered using DOD troops to lead the federal effort, but resisted due to Governor Blanco's stance against using federal troops to run the relief effort. Instead, Task Force (TF) Katrina, commanded Lieutenant General (LTG, US Army) Russ Honore', provided swift, immediate response and commanded critical capabilities, manpower, rations, resources, helicopter assets, and logistics needed to move many of those affected to shelter's or temporary housing away from New Orleans. While some would argue that the DOD was slow to respond, it still provided efforts at a time when response efforts appeared to be lacking. Assistant Secretary of Defense (ASD) for Homeland Defense Paul McHale testified to Congress that "the DOD response was the largest, fastest deployment of military forces for a civil support mission in our nation's history, processing Requests for Assistance (RFAs) as quickly as it received them from FEMA."¹⁴ ASD McHale pointed out that the DOD coordinated "the support of 72,000 service members, 293 medium and heavy-lift helicopters, sixty-eight airplanes, twenty-three US Navy ships, thirteen mortuary affairs teams, and two standing joint headquarters to support FEMA's planning efforts."¹⁵ Gereski points out in her article that "during times of extreme national vulnerability, frightened Americans look for leadership and direction."¹⁶ She goes on to say that TF Katrina, particularly LTG Honore', provided that, "take-charge" attitude and "ultimately restored calm and confidence among a frustrated and fearful public in the early days of disaster."¹⁷ The DHS simply cannot do this. The DHS relies on a cooperative relationship with state, local, and tribal governments to achieve its day-to-day objectives; as a result, it is less inclined or capable of imposing its views during a time of crisis. The DHS, particularly FEMA, have teams capable of providing support in times of need, but they lack effective leadership in

the most chaotic moments. Due to DOD's inherent nature, it possesses the capability to calm a situation, set conditions for federal support, provide critical resources, and then relinquish all efforts to the DHS and FEMA for ongoing consequence management and relief operations. The transition from DOD to DHS would occur at the end of Phase III and the beginning of Phase IV in the military's planning phase model.

A major consideration that should be taken into account is what role the military will have in consequence management. The Posse Comitatus Act (PCA) of 1878 specified that the US Army could not be used as a law enforcement agency, and was amended to add the Air Force during the 1947 National Security Act. The US Navy and Marine Corps were never written in to the PCA, but were directed through Department of Defense Directive 5525.5 not to serve in a law enforcement agency. The US Coast Guard and State National Guard Forces are exempt from the PCA due to their roles under DHS and State Governors respectively. Due to the PCA the military may often be overlooked and prevented from being LFA; however, the PCA should bear little weight in determining whether or not the military should be LFA. The PCA was not written in efforts to hinder the DOD from providing immediate response and consequence management; it merely was written to prevent a state government from using the military in a law enforcement capacity. The military can feasibly serve as the LFA without serving as a law enforcement agency. The military would simply provide a command structure to all agencies and organizations involved in the response of a catastrophic event. Essentially, the military would manage the chaos of the situation while all other agencies focused on their specific roles and functions.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act set forth procedures for a Governor to request a major disaster declaration from the President, and it also

provides a set of measures that does allow DHS and other federal agencies to provide immediate assistance in critical times. Those measures are in the form of “saving lives, prevent human suffering, or mitigate severe damage, even in the absence of a specific request.”¹⁸ The act directed DHS and FEMA to establish regional Defense Coordination Officers and conduct early pre-position of resources before a known event strikes. This has certainly closed the gap that argues for DOD to be the LFA, but command and control capability, manpower, equipment, and logistics from the DOD keep the LFA option available.

As stated earlier in the paper, USAID was the LFA in response efforts to Haiti, but the DOD provided critical capabilities and other resources that USAID, FEMA, and all other responding organization could not. Within hours, US Southern Command responded by establishing critical command and control nodes, sailed the *USS Comfort* (US Navy hospital ship) to help the direst of patients, and coordinated all military relief efforts. The Air Force and Coast Guard provided airfield security and air traffic control management, US Navy divers began surveying and fixing the devastated port in Port-au-Prince to allow critical resources in by ship, and the US Army and Marine Corps began providing immediate relief aid and recovery on land. These are just a few things that the DOD was able to do on short notice. It is not the intent of the author to say that USAID or FEMA did not react quickly enough; it is merely the author’s intent to show that the DOD possesses a larger capacity to respond, quicker, and with more assets than that of its federal partners.

WAY AHEAD

The DHS has evolved since its inception in 2003, and has made major changes to both its organization and policies surrounding its efforts to safeguard the homeland in events of national significance. After Action Reports from 9/11, Hurricane Katrina, wildfires, drug interdiction, port security, immigration, and many other facets of national security have created conditions for DHS to enhance their capabilities to deal with catastrophic events and matters of national security. The reality remains that it will have to rely on federal partners to provide critical capabilities and resources to deal with consequence management, with the DOD being the largest provider of these capabilities.

The DOD remains postured to serve in any capacity needed and is prepared to provide the appropriate level of support when needed. There is a cost though. Unless the President directs, the Secretary of Defense has the authority to decline federal assistance to a state if he/she feels that the state isn't exhausting all available resources, particularly the use of National Guard assets. The DOD has expanded its force structure since 9/11 and has created key positions within governmental agencies to help foster the interagency partnership. Combatant commands have created interagency positions filled by members of DHS, Department of State (DOS), FBI, United States Secret Service (USSS), and others. For smaller commands, such as the Joint Force Headquarters-National Capital Region, Interagency Coordinators have been added to serve as the link between federal, state, and local agencies in efforts to expand partnership.

The NCR serves as a prime example of how the "whole of governance" approach works, and how it was able to succeed during the 2009 Presidential Inauguration. As with any event, there are always critical lessons captured that provide valuable input for the next event. By all

accounts, the 2009 Presidential Inauguration was a success, there were no arrests, only a few injuries, and millions of people entered and departed the city peacefully. However, one cannot be so naïve to think that there won't be a problem at a future inauguration. But what if the District of Columbia had been the target of a terrorist attack, a civil disturbance, a shooting, or even a stampede? Things may have been different. Would the USSS, as the LFA, been able to handle the responsibility as the LFA, would they have even tried to manage the chaos, and would the DHS have stepped in and assumed the LFA responsibility? Remember, the number one priority of the USSS is to the protected official, beyond that it is the responsibility of the DHS. There were many times in the lead up to the inauguration that DOD representatives wondered who was in charge. The author sat in many meetings where this question was asked. On Inauguration Day, the USSS was overwhelmed and had trouble maintaining its personnel screening and credential check-points, which prompted the agency to abandon its procedures and shut down early until being directed to resume operations. Simply put, the USSS did not possess the capability to handle the crowds and had to rely on multiple local, state, and federal law enforcement agencies, including National Guard and other DOD personnel to provide critical security around the National Mall. Was the DHS prepared to assume operations in the event that a catastrophic event occurred? It can be argued that it wasn't. The DOD may have been required to step in and assume the LFA, and should not be overlooked as an option to assume the LFA if the Executive Branch needs.

The long standing history of the military has been to defend the homeland through overseas operations and provide homeland assistance when needed. It may be time to consider whether or not DOD should take measures in homeland security that propels it to be the LFA in catastrophic event of national security. The DOD, through its command and control philosophy,

interagency partnerships, ability to provide manpower, resources, critical skill sets, logistics, air and ground transportation assets, and other capabilities may be the logical choice to assume the LFA in matters of national security. Legislation, and state leadership considerations, would have to change for the DOD to assume the LFA on a full-time basis. For that reason, the author believes that it should only be in critical times when the state is overwhelmed and DHS is not capable of responding to its fullest and lead the response efforts.

CONCLUSION

The Department of Homeland Security has only existed for seven years, and has made dramatic changes in its national response plans, capabilities, and internal directives. While the DHS continues to develop and get better at the roles and responsibilities laid out by the both the Executive Branch and Congress, it still relies heavily on outside agencies to fill critical gaps in Homeland Security and emergency management. Until the DHS permanently closes its identified gaps, the DOD remains the critical link to providing capabilities and resources to close identified gaps.

Since 9/11 and Hurricane Katrina, the DOD has increased its capabilities, established critical positions throughout the U.S. to provide immediate response to federal, local, state, and tribal governments, to include Non-Governmental and Private Sector organizations too. The DOD created the US Northern Command to help DHS fulfill its HS and emergency management role by providing the interlocketer between the DOD and DHS when a catastrophic event occurs. In instances such as Hurricane Katrina, a time when President Bush suggested to Congress that “there may be certain types of natural disasters or terrorist attacks “so vast and so destructive”

that the military may be the only institution equipped and trained to respond.”¹⁹ The option may have to be considered. In matters of national security, the option may become a reality to consider the DOD as the LFA until the DHS can fully handle a crisis the size of 9/11 or Hurricane Katrina. “Because of its unique culture and training to demonstrate authority, the U.S. military is often looked to as a solution in bringing order out of chaos during times of national crisis.”²⁰ “The U.S. military indeed has the resources, the training, the command and control, and the discipline to take on an expanded lead role in any future catastrophic federal response effort.”²¹ For this, the military is better suited to be the LFA during Phases II and III of the military’s phasing model until such a time when the DHS can fully lead.

ENDNOTES

¹ Joseph S. Nye, Jr., "The Case for Deep Engagement," *Foreign Affairs* 74, no. 4 (July-August 1995): 91.

² Department of Homeland Security, *National Response Framework*. Page i.

³ Ibid.

⁴ Department of Homeland Security. *National Incident Management System*. Page i.

⁵ Ibid.

⁶ Kathleen J. Gereski, "The Department of Defense as Lead Federal Agency," *Homeland Security Affairs*, Vol. II, No. 3 (October 2006): 12.

⁷ Total dollar amount from the DOD, as of April 2, 2010, was \$455,000,000; USAID "combined" with other agencies is approximately \$548,383,123. DOD and USAID combined is \$1,003,383,123. USAID Fact Sheet, <http://www.usaid.gov/helphaiti/documents/04.02.10-USAID-DCHAHaitiEarthquakeFactSheet48.pdf>

⁸ Damon Penn, meeting with author at FEMA Headquarters, 500 C Street, Washington DC 20472, April 02, 2010.

⁹ Department of Homeland Security, *The Integrated Planning System*. Page E-1

¹⁰ Ibid. Page 2-6.

¹¹ Charles B. King III, "The Department of Homeland Security, An Organization in Transition," *Joint Force Quarterly*, issue 55, 4th quarter 2009: 152-159.

¹² "The DoD Role in Homeland Security," *Defense Study and Report to Congress*. July 2003: 1.

¹³ Ibid.

¹⁴ Kathleen J. Gereski, "The Department of Defense as Lead Federal Agency," *Homeland Security Affairs*, Vol. II, No. 3 (October 2006): 10

¹⁵ Ibid.

¹⁶ Ibid. Page 2.

¹⁷ Ibid.

¹⁸ Department of Homeland Security, *National Response Framework, List of Authorities and References*, January 2008.

¹⁹ Craig Gordon, "Hurricane Rita; Bush urges larger role for military," *Newsday*, September 26, 2005, 4.

²⁰ Kathleen J. Gereski, "The Department of Defense as Lead Federal Agency," *Homeland Security Affairs*, Vol. II, No. 3 (October 2006): 2.

²¹ Ibid.

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