

Homeland Security: The New Role for Defense

by Steven J. Tomisek

Our first priority must always be the security of our nation. . . . America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad, and increased vigilance at home.

—President George W. Bush, State of the Union Address, January 29, 2002

Key Points

Before the terrorist attacks of September 11, the Armed Forces focused on deterrence, stability, and warfighting missions arising in overseas theaters. The U.S. homeland was regarded as a rear area, not a front line, and the job of securing it was primarily a task for civilian law enforcement agencies at the Federal, state, and local levels. The attacks on the World Trade Center and the Pentagon, and the bioterrorist acts that followed, have prompted a review that reaffirms the Constitutional role of the Federal Government as protector of the states against foreign aggression and restores defense of the American homeland as the primary mission of the Department of Defense (DOD).

If the highest DOD priority is defense of American national territory, this mission must receive the level of attention it merits. A fundamental shift in the mindset of DOD decisionmakers will be required. Evolving national strategy for homeland security requires that DOD consider the employment of military forces in ways previously considered outside the scope of operations. As President George W. Bush has said, "To win this war, we have to think differently."

Homeland security should not be viewed as exclusively or even primarily a military task. Securing the "domestic battlespace"—a highly complex environment—requires

Federal departments and agencies, state and local governments, the private sector, and individual citizens to perform many strategic, operational, and tactical level tasks in an integrated fashion. These actions must be synchronized with others that are being taken on the international front to prosecute the war against global terrorism. The challenges and demands associated with this undertaking are immense. Success will depend largely upon the Nation's ability to achieve unity of effort at all levels of government.

Protecting the Homeland: Status Quo Ante

Americans have become accustomed to the idea of a forward defense of U.S. interests. Accordingly, the Nation has organized, trained, equipped, maintained, and deployed its military forces to deal with threats beyond its shores—an engagement strategy that generally has been met by stationing or deploying over 250,000 U.S. forces at key points around the Eurasian periphery. The strategic construct is evolving to include an element of internal engagement.

Within the United States, homeland protection has long been considered the domain of civilian law enforcement and other agencies at the Federal, state, and local levels. With few exceptions, most defense resources tasked for

such civil support missions have been authorized on a basis of noninterference with primary mission requirements (for example, warfighting outside the continental United States). Department of Defense (DOD) employment within the United States and its territories and possessions typically has fallen under the broad category of military assistance to civil authorities (MACA) and is heavily weighted toward managing the consequences of terrorist use or threat of a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) weapon of mass destruction (WMD) (see figure 1).

The MACA Approval Process. The range of possible requests to DOD for civil support assistance is enormous. Utilizing procedures in place before September 11, the Secretary of Defense retains approval authority in dealing with the most sensitive requests, such as those requiring the use of forces (personnel, units, and equipment) already assigned to combatant commanders; military support of responses to civil disturbances or acts of terrorism; and any support for planned events that raise the potential for confrontation with specifically identified individuals or groups, including actions that may involve the use of lethal force. Below this threshold, the Secretary has delegated approval authority for all other emergency support in response to natural or manmade disasters to the Secretary of the Army. At any level, however, all requests

Figure 1. Military Assistance to Civil Authorities

- **Immediate Response** (any form of immediate action taken to save lives, prevent human suffering, or mitigate property damage under imminently serious conditions)
- **Military Support to Civilian Law Enforcement Agencies** (loans of equipment, facilities, or personnel to law enforcement)
- **Military Assistance for Civil Disturbances**
- **Support for Domestic Counterterrorism Operations**
- **Sensitive Support Operations**
- **Counterdrug Operational Support**
- **Terrorism Consequence Management** (to include chemical, biological, radiological, nuclear, and high-yield explosive consequence management)
- **Military Support to Civil Authorities**
 - **Support for Civil Disasters**—Natural or Manmade (other than terrorism)
 - **Military Cooperation with Civil Agencies**
 - **Response under Other Authorities**
 - Oil or Hazardous Material Spills
 - Radiological Emergencies/Incidents
 - Emergency Water Requirements
 - Response to Flooding
 - Forest Fire Emergencies
 - Mass Immigration
 - Transportation Support

Source: Department of Defense Directives 3025.1, 3025.12, and 3025.15.

for DOD military assistance are evaluated against several criteria:

- **Legality:** Is the requested support in compliance with applicable law?
- **Lethality:** Is there a potential use of lethal force by or against DOD forces?
- **Risk:** How will the safety of forces be jeopardized?
- **Cost:** Who pays and what is the impact on the defense budget?
- **Appropriateness:** Is the requested mission in the DOD interest to conduct?
- **Readiness:** What is the impact on the ability of the DOD to perform its primary mission?

Always in Support. DOD responsibilities in support of the lead Federal agency during both crisis management and consequence

management are delineated in the U.S. Government Interagency Domestic Terrorism Concept of Operations Plan (Concept Plan) and the Federal Response Plan, respectively. The Concept Plan provides overall guidance for the Federal response to a potential or actual terrorist threat or incident (in particular, one involving WMD) within the United States. The Federal Response Plan provides the framework under which 26 Federal departments and agencies and the American Red Cross carry out assigned functional responsibilities in response to state requests for Federal assistance when the consequences of major disasters and emergencies overwhelm state and local capabilities. When terrorist attacks occur without adequate warning, crisis and consequence management measures are performed concurrently and in close coordination. In the event of a domestic

terrorist incident, state and local governments exercise primary authority in responding to the consequences. The Federal Government provides assistance, as required, with the Federal Bureau of Investigation acting as the lead Federal agency for crisis management and the Federal Emergency Management Agency having the lead for consequence management.

Resourcing Reflects (Perceived) Reality. Despite these elaborate arrangements, the pre-September 11 threat environment simply did not galvanize a national consensus around the proposition that DOD should commit substantial dedicated resources to civil support or homeland security (HLS) more generally. Indeed, the relative DOD prioritization between internal and external HLS mission areas is apparent when viewed from the perspective of resource allocation. The Defense Science Board, as part of its 2000 Summer Study, was asked to assist DOD and the intelligence community in defining their roles in protecting the Nation from unconventional attacks against the homeland. Their report concluded that less than 2 percent of the defense and intelligence community fiscal year 2001 budgets was devoted to protecting the homeland against biological, chemical, information, and unconventional nuclear attacks and to providing civil and counterdrug support.¹

DOD Domestic Response to September 11

Approximately 6 minutes after receiving Federal Aviation Administration notification of a problem with American Airlines Flight 11, the North American Aerospace Defense Command (NORAD) North East Air Defense Sector issued a fighter scramble order to two F-15s at Otis Air National Guard Base in Falmouth, Massachusetts. The scramble order was issued at the estimated time of Flight 11's crash into the World Trade Center North Tower. The horrific events of that day have transformed, perhaps forever, DOD roles and missions in the HLS arena.

As an immediate first step, Operation *Noble Eagle* was announced on September 14, 2001. *Noble Eagle* pulls together the full range of task-organized military activities supporting the homeland defense and civil support missions throughout the United States. Key activities include:

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Aerospace Defense. Activities include establishing streamlined rules of engagement for hostile acts over domestic airspace; increasing alert posture involving more than 200 military aircraft at 26 airbases; maintaining continuous combat air patrols over New York City and Washington, DC, as well as random patrols over other metropolitan areas and key infrastructure; increased liaison with the Federal Aviation Administration; and reorienting radar coverage, to include the employment of North Atlantic Treaty Organization Airborne Warning and Control System aircraft. (Prior to September 11, the NORAD air defense posture was aligned to counter the perceived external threats to North American air sovereignty—hostile aircraft carrying bombs or cruise missiles; it has now expanded to protect against a domestic airborne threat.)

Land Defense. Activities include providing physical security at airports, ports, and other critical infrastructure sites; deterring future attacks; designating rapid reaction forces and placing them on increased readiness; and repositioning airlift support aircraft to move those forces.

Maritime Defense. Activities include providing naval forces to support the U.S. Coast Guard as it patrols over 120 coastal security zones and increasing liaison between U.S. Joint Forces Command and the Coast Guard.

Civil Support. Activities include providing temporary increased security capabilities to other lead Federal agencies; dispatching an assessment team from Joint Task Force-Civil Support to New York City; using WMD-civil support teams to support state/local first responders; and providing security to more than 400 airports and other designated key infrastructure.²

All these activities are being conducted under an interim command relationship schema. U.S. Joint Forces Command has the lead responsibility (that is, its commander in chief [CINC] is “supported”) for land defense, maritime defense, and civil support in the continental United States and its maritime approaches. This command established a Homeland Security Directorate within its headquarters to focus on the HLS mission. CINC NORAD, meanwhile, has the lead on continental aerospace defense. In areas abutting the continental United States, U.S. Southern and Pacific Commands are the supported CINCs for land, maritime, and aerospace defense and civil support activities in their respective areas of

responsibility. U.S. Space Command is the lead for computer network operations in support of homeland security.³

The full impact of these operations on forces and resources remains to be seen. DOD figures on incremental costs for *Noble Eagle* from September 11 through January 8 were \$2.6 billion, including \$432 million for combat air patrols and the remainder for participating National Guard and Reserve personnel. The total number of Reserve component personnel on active duty in support of the partial mobilization was 71,386 as of January 23, 2002, with over 9,200 Army and Air National Guard personnel performing state duties under Title 32 (governor controlled, Federally funded). Another 1,941 Guard personnel were performing emergency support duties in a state active-duty status (governor controlled, state funded). As of January 23, roughly one-third into fiscal year 2002, total man-day usage in support of state emergencies was 295,993 (for comparison, the total man-day usage providing domestic mission support during fiscal year 1999 was 261,276). Typical state missions include providing security at nuclear power plants, other key state assets, and airports; rendering disaster support to local and state authorities; assisting local law enforcement authorities at border crossings; and providing force protection at National Guard facilities.

The 2002 Winter Olympic Games in Salt Lake City were designated a National Special Security Event under existing Presidential directives and as such required special safety and security measures. The Attorney General certified and approved five categories of DOD support to the Utah Olympic Public Safety Command: aviation, communications, explosive ordnance disposal, physical security, and temporary facilities. This routine support has been provided through Joint Task Force Olympics, a subordinate joint task force established by U.S. Joint Forces Command on January 16, 2001. The command also had plans to provide CBRNE consequence management or military assistance for civil disturbances support, if required.

Near-Term Challenges

The tragic events of September 11 reinforced the adage, “All emergencies are local.” On that premise—given a U.S. population of over 285 million, some 56 states, territories, and possessions, 3,066 counties, and thousands of

municipalities—the greatest challenge of the Bush administration in formulating a comprehensive HLS strategy will be ensuring that it is truly national in scope. This National Homeland Security Strategy is the keystone to achieving the unity of effort necessary to succeed on this battlefield. It must coherently integrate the ends, ways, and means of the Federal, state, and local levels to enable the effective use of all available resources, at all levels of government, toward a common purpose: the security of America and its citizenry.

Similarly, an effective national military strategy in mounting a global war on terrorism must account for the aims and objectives of the various stakeholders. Because of their involvement within the homeland theater of war, Federal agencies, state and local governments, and certain nongovernmental organizations must be given the same consideration as would be afforded allies or coalition partners in a foreign theater. An integrated national military strategy that derives from the strategic direction provided in both the National Security and the Homeland Security Strategy documents must in turn provide strategic guidance for effective employment of military forces across all fronts.

As overall strategy is formulated, DOD will confront many challenges in translating its emerging HLS priorities into capabilities. In the near term, three of the hardest challenges revolve around key legal, definitional, and organizational issues that together establish the foundation for an array of subsequent, and no less difficult, choices concerning the allocation of resources.

The Legal Framework

The subordination of military forces to civilian authority at Federal and state levels has served the Nation well for more than 2 centuries and must continue to guide our actions as we confront new challenges. Numerous statutes, regulations, and policies allow for military employment domestically in support of civil authorities while guarding against abuse. These strictures reinforce the division of labor between the military and Federal, state, and local law enforcement agencies.

For example, the Posse Comitatus Act prohibits the use of the Army and Air Force for law enforcement, except in cases and under circumstances expressly authorized by the

Constitution or an act of Congress. Congress has created exceptions in four major areas: insurrections/civil disturbances, counterdrug operations, disaster relief, and counterterrorism/weapons of mass destruction. There are also a number of minor statutory exceptions, covering a wide range of activities.⁴

Prohibitions that are applicable to forces in the active military service of the United States under Title 10 (Armed Forces) authority (for example, *posse comitatus*) do not apply to those employed under the authorities of either Title 14 (Coast Guard) or Title 32 (National Guard). The flexibility afforded by these statutory authorities must be considered in DOD force design and force allocation processes for the HLS mission. In addition, the ability of states to establish State Defense Forces, as authorized by U.S. Code, Title 32, Section 109, and employ them under the exclusive jurisdiction of the governor must also be addressed. Each of the above has associated policy and funding implications that must be considered.

As DOD conducts its HLS mission requirement validation process, it should concurrently review applicable statutes, regulations, and policies with a view toward asking Congress for additional legislation that would grant the freedom of action necessary to achieve mission success.

Focus through Definition

Establishing a common definition of *homeland security* is essential to a unified approach. Lacking either statutory or regulatory definition, the meaning of homeland security must be derived from a variety of sources. Foremost among them is Presidential Executive Order 13228, which establishes the Office of Homeland Security within the Executive Office of the President. The order specifies and assigns key HLS functions—“to detect, prepare for, prevent, protect against, respond to, and recover from terrorist [threats or] attacks within the United States”—that provide a baseline for the overall effort.⁵

The DOD working definition takes a different tack, describing homeland security as “the preparation for, prevention of, defense against, and response to threats and aggressions directed towards U.S. territory, sovereignty, domestic population, and infrastructure; as well as crisis management, consequence management, and other domestic civil support. Also called HLS.” Under this formulation, approved

by the Joint Chiefs of Staff, the functions of defense (as opposed to protection) and other domestic civil support are added to the scope of HLS-related activity, but detection and recovery are not addressed. Additionally, homeland security as defined by the Joint Chiefs contains two key subordinate elements:

Homeland Defense: The protection of U.S. territory, sovereignty, domestic population, and critical infrastructure against external threats and aggression. (Also called HLD.)

final agreement on a definition clearly will carry significant resource implications for DOD and many other agencies

Civil Support: DOD support to U.S. civil authorities for domestic emergencies, and for designated law enforcement and other activities. (Also called CS.)

In these DOD formulations, the threats at issue in homeland defense are specified as emanating from foreign sources, and the precise scope of the term *critical infrastructure* (beyond the reference to computer networks) remains vague. The potential for DOD involvement in detection, preemption, and recovery also is unclear.

That such differences should exist at this early stage is not surprising, given the newness of the whole endeavor. Final agreement on a definition clearly will carry significant resource implications for DOD and many other agencies. To cite just one example: What capabilities must the Department of Defense develop to protect the Nation’s critical information infrastructure against attack? Insofar as most of that infrastructure is privately owned and operated, what legal authorities are required? What coordination mechanisms must be put in place? To what extent will DOD forces be required to provide security for the physical infrastructure associated with that critical infrastructure? What will other Federal agencies be expected to do to support DOD in areas where it has the lead, and how will those efforts be coordinated? Absent a clear consensus within the government on how to define homeland security, DOD will have a difficult time determining what level of resource commitment is required to do its fair share.

Organizing for Operations on the Home Front

Unity of command—that is, having all forces operate under a single commander with the requisite authority to direct their employment—assures unity of effort toward a common end. To be sure, intergovernmental and interagency operations in our highly complex national security architecture involve many stakeholders across multiple entities, but the requirement for unity of effort in the HLS architecture is essential because vital national interests are at stake.

The President took a step toward ensuring unity of effort when he established both the Office of Homeland Security and the Homeland Security Council (see figure 2), but much work remains across all levels of Federal government. Almost every department has offices or subordinate agencies with a role in homeland security, as do many independent agencies. All department and agency heads must press forward with ongoing, deliberate reviews of their organizational structures to ensure that they are organized in the best way to meet the demands of the current operating environment.

Defense officials are reviewing both the Unified Command Plan and DOD organization for the coordination of policy, planning, and resource allocation with a view toward consolidating HLS-related responsibilities, developing operational solutions for the future, and improving interagency coordination. The likely outcome will be recommendations to consolidate HLS oversight responsibilities (policy, planning, and resource allocation) within the Office of the Secretary of Defense, perhaps under a new Under Secretary-level position, and to assign all HLS mission responsibilities to a single combatant commander.⁶ Organizational changes should, among other things, simplify interagency, intradepartment, and external coordination matters and should enhance the Secretary’s ability to create, support, and employ military HLS capabilities. They also should address the regional command and control architectures that are required to interface most effectively with other Federal, state, and local partners. Decisions on overall command relationships must be taken quickly to enable the appropriate focus during the planning, programming, and budgeting process for the Future Years Defense Program 2004–2009.

Essential Defense Contributions

However the legal, definitional, and organizational issues are resolved, the HLS mission clearly is going to levy large requirements upon DOD. Although homeland security represents a new mission priority for the Armed Forces, no other missions are being removed or downgraded to accommodate this task. In any event, homeland and overseas defense activities across a spectrum of missions will be closely linked. Consequently, as it develops recommendations for the President, DOD will need to figure out how best to balance requirements generated by the new HLS mission against many other competing priorities. Consider, for example, the following issues the Department must address, arranged by the battlespace functions assigned the Office of Homeland Security:

Detecting the Threat. Intelligence is critical to the HLS mission. DOD must ensure it has the requisite collection and analysis capabilities to support the national effort to prevent future terrorist attacks at home and abroad. Unity of the intelligence effort for homeland security requires not only a flexible and tailored architecture of procedures, organizations, and equipment, but also the capability to join domestic law enforcement and foreign intelligence information seamlessly. For homeland security, ensured access to any needed mission-related intelligence capability and coordination of all intelligence efforts in a particular mission area are key. Achieving a unified coordinated effort will require innovative methods, consistent with law and regulation, to overcome current barriers (such as classification and compartmentalization) to the provision of actionable intelligence without compromising sources and methods.

Preparedness. Although jurisdictional lines may be clear, indiscriminate terrorist acts will not differentiate between large, urban municipalities and small rural communities—a reality driven home in the recent bioterrorism incidents. DOD must participate in a deliberate community outreach effort, in support of a larger national campaign, to ensure that the American people understand the military's role in the overall HLS effort. Installation commanders, for example, must coordinate preparations in areas such as public health, training and exercises, resource allocation, mutual aid agreements, and measures of

effectiveness development with those of their host and neighboring jurisdictions to ensure seamless execution. They also must understand the Incident Command System procedures in their local jurisdictions. National-level response forces must include Federal, state, and local partners in exercises and simulations to ensure the adequacy of their plans. Planning must account for the levels of support that the “host nation” may provide if DOD forces are employed domestically. Rules for the Use of Force for domestic operations require intense scrutiny to prevent placing forces at undue risk. Issues such as the conditions under which force is allowable to enforce quarantine during a public health emergency must be resolved in advance. Similarly, forces must be trained to ensure that their conduct, once deployed, fulfills relevant legal standards.

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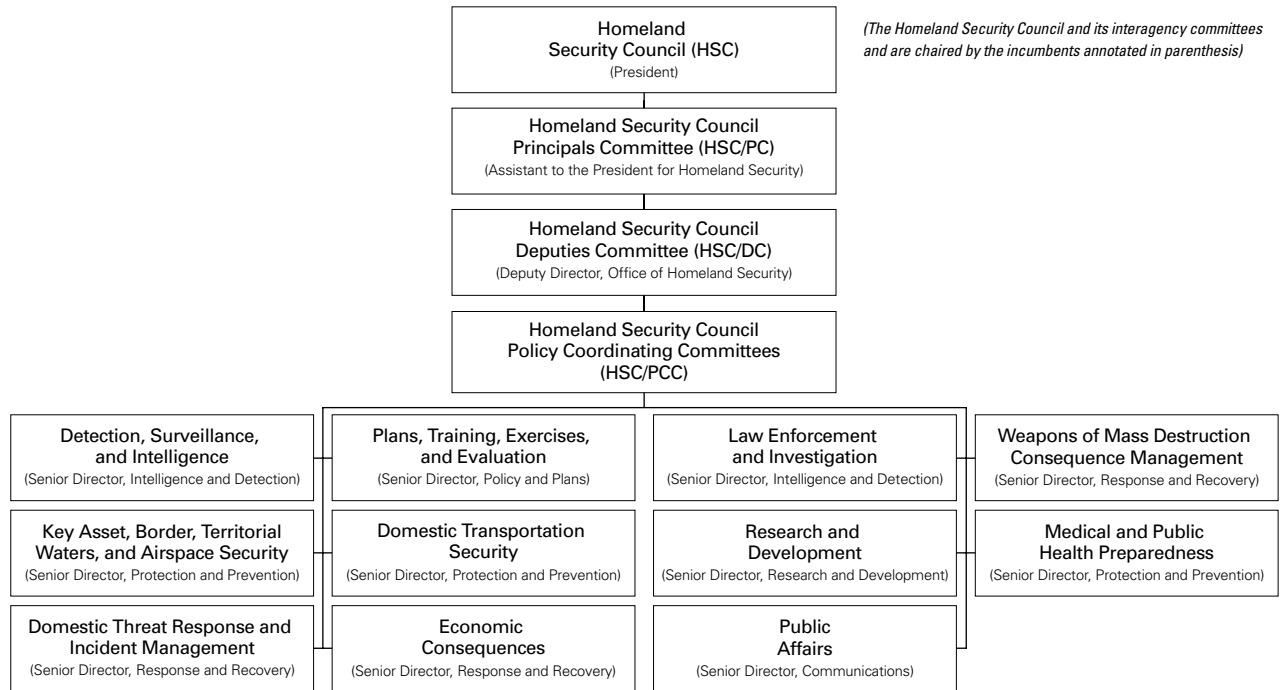
Prevention. National prevention efforts probably will hinge on measures to secure a historically porous border through both physical enhancements and the tightening of immigration policies and enhanced information exchange. While national attention is fixated on the security of civil aviation, our flanks—the maritime and land transportation systems—remain exposed. In 1999 alone, for example, more than 200,000 ships docked in U.S. ports and harbors, unloading 4.4 million containers and 4 billion tons of cargo. Of this, the U.S. Customs Service inspected less than 3 percent of goods arriving. More than 1,000 harbor channels and 25,000 miles of inland, intracoastal, and coastal waterways serve over 300 ports, with more than 3,700 terminals that handle passenger and cargo movement. Waterways and ports link to 152,000 miles of rail, 460,000 miles of pipelines, and 45,000 miles of interstate highways. The DOD role in efforts to improve the security of U.S. borders, territorial waters, and airspace remains unclear. Current DOD involvement in port, border, and airfield security, however, suggests that the planning effort must consider potential near-term and enduring mission requirements in support of the national

effort. DOD also must examine its role in support of domestic preemptive operations.

Protection. Significant and varied challenges await the Defense Department as it attempts to identify mission requirements for protecting designated physical infrastructure from terrorist attack. These requirements will likely involve more than the protection of military power projection platforms and other critical infrastructure assets. Measures for protecting energy production, transmission, and distribution services and critical facilities (including those facilities that produce, use, store, or dispose of nuclear material) must be strengthened. Critical public and private information systems must be shielded. Special events of national significance must be protected. Transportation and telecommunication systems within the United States require protection, as do the Nation's food and water supplies. In most instances, non-Federal assets will logically undertake the preponderance of protective measures and capabilities. Defense, however, may be required to protect certain critical physical infrastructure until such time as the responsible agency can meet the same standards of security, compounding the complexity of the task. The Federal Government must complete its analysis of the key assets requiring protection before DOD may conduct a thorough mission area analysis.

Response and Recovery. Both the Federal Response Plan and Concept Plan establish the general framework under which the Federal Government responds to and promotes recovery from terrorist threats or attacks within the United States. Under the Federal Response Plan, incident response is initiated at the local level and builds in a tiered fashion as requirements exceed available capabilities. The coordinated Federal response to requests for assistance will supplement, rather than supplant, local and state efforts. A domestic terrorist incident involving WMD can reasonably be expected to exceed state and local capabilities and require a DOD response. Accordingly, the unique capabilities required to mitigate the consequences of such an attack must be available for immediate employment. DOD must either ensure that its force design process accounts for all mission requirements or accept the operational risk associated with an insufficient resource allocation.

Figure 2. Homeland Security Council System



Homeland Security Council Members

- President
- Vice President
- Secretary of the Treasury
- Secretary of Defense
- Attorney General
- Secretary of Health and Human Services
- Secretary of Transportation
- Director, Federal Emergency Management Agency
- Director, Federal Bureau of Investigation
- Director of Central Intelligence
- Assistant to the President for Homeland Security
- Such officers of the Executive branch as the President may from time to time designate

Invited to Attend All Meetings

- Assistant to the President and Chief of Staff
- Assistant to the President and Chief of Staff to the Vice President
- Assistant to the President for National Security Affairs
- Counsel to the President
- Director, Office of Management and Budget

Invited to Attend on Issues of Responsibility

- Secretary of State
- Secretary of the Interior
- Secretary of Labor
- Secretary of Veterans Affairs
- Secretary of Agriculture
- Secretary of Energy
- Secretary of Commerce
- Administrator, Environmental Protection Agency
- Assistant to the President for Domestic Policy
- Assistant to the President for Economic Policy
- Heads of other Executive departments and agencies and other senior officials, when appropriate

Source: Executive Order 13228 and Homeland Security Presidential Directive 1.

HLS Missions: Bridging or Enduring?

Although the job of combating terrorism is hardly new, the terrorist attacks of September 11 revealed a significant gap in U.S. national military strategy and have caused DOD to reexamine its proper role in defense of the Nation. The *Report of the Quadrennial Defense Review 2001 (QDR 2001)* establishes the framework for a new national military strategy that, inter alia, “restores the emphasis once placed on defending the United States and its

land, sea, air, and space approaches.” According to the *QDR 2001* report, the United States will maintain sufficient military forces “to protect the U.S. domestic population, its territory, and its critical defense-related infrastructure against attacks emanating from outside U.S. borders, as appropriate under U.S. law.”

This new strategic construct will likely have profound effects in many areas, such as force planning, resource allocation, human resource management, command arrangements, and defense transformation. A critical overarching question for DOD in this regard is: Which of the evolving HLS missions (listed in figure 3) will be

enduring ones for the Defense Department, and which will be “bridging” missions performed by DOD until the appropriate Federal, state, or local authorities have generated replacement capabilities? A related question is: Among all those missions in which the DOD role is to backstop another agency—in effect, providing a surge capacity for response—what level of preparedness should DOD (and the lead agency) seek to attain, and in the DOD case, at what cost to other missions?

Questions such as these raise hard choices of balancing competing risks and priorities. As senior DOD leadership begins to allocate limited resources with the aim of acquiring or sustaining capabilities to meet validated, strategy-driven mission requirements, they will face a series of tough balancing tests. Taking the categories of risk management developed in *QDR 2001* and applying them to homeland security, the following problems emerge:

Force Management. From what pools will the department draw to meet new requirements for trained personnel? What are the unintended consequences of force management decisions taken with respect to, for example, heavy reliance on the National Guard and Reserve? Will increased reliance on the Guard for recurring HLS tasks adversely impact recruitment and retention? Will use of the Reserve components draw down local capacities for emergency response? How will HLS requirements impact the development of rotational presence requirements and unit stationing? What are the readiness implications of emerging HLS missions? What are the implementation strategies to bridge from existing to required force structures?

Operational Risks. How do we mitigate the operational risks associated with insufficient low-density/high-demand units and capabilities? How are DOD efforts to develop required HLS capabilities coordinated with those of Federal, state, and local partners? How do we maintain the strategy-driven balance to mitigate risk across the entire spectrum and simultaneously engage in a multidimensional war against global terrorism? What new capabilities, operational concepts, or organizational designs may be applied to enhance security without increasing force structure? What consideration must be given to valid state mission requirements in planning for National Guard employment under Title 10 authority? What command and control architectures are required to ensure interoperability with domestic first responders and coordinate unity of effort?

Future Challenges. These challenges concern our ability to invest in new capabilities and develop new operational concepts needed to dissuade or defeat mid- to long-term threats. How do we ensure that military department and defense agency transformation roadmaps provide the service-unique capabilities to meet

Figure 3. Evolving Homeland Security Missions

Mission Area	Enduring	Bridging	DOD Lead	DOD Support
Air Defense	✓		✓	
Sea Defense	✓		✓	✓
Land Defense	?	✓	?	✓
Critical Physical Infrastructure Protection	?	✓	?	✓
Airport Security	?	✓		✓
Seaport Security	?	✓		✓
Border Security	?	✓		✓
Space Defense	✓		✓	
Cyber Defense	✓			✓
Military Support to Civil Authorities (MSCA)	✓			✓
Military Assistance for Civil Disturbances (MACDIS)	✓			✓
Support for Domestic Counterterrorism Operations	✓			✓
Sensitive Support Operations	✓			✓
Counterdrug Operational Support	✓			✓
Terrorism Consequence Management	✓			✓
Emerging/Undefined	?	?	?	?

? = undetermined

Source: Author's assessment.

critical operational goals within the required time frames? How are Federal, state, and local partners and their respective capabilities integrated into our experimentation, research and development, and selective procurement processes? Can emerging technologies be applied to enhance personnel and infrastructure security while reducing force protection personnel requirements (for example, biometrics, nonlethal weapons, and all-hazards screening devices)?

Institutional Risks. These risks include the ability to develop management practices and controls that use resources efficiently and promote the effective operation of the defense establishment. How will institutional changes of other Federal departments or agencies with HLS responsibilities affect DOD processes? For example, will the DOD contribution to the National Disaster Medical System be impacted by this new mission focus? What infrastructure adjustments are necessary to support the HLS

mission area? What business process reengineering measures, legislative or policy changes, and infrastructure streamlining must be undertaken to make best use of DOD resources in day-to-day operations?

The Goal: One Team, One Fight

Clearly, DOD faces many tough challenges in operating effectively within the increasingly complex HLS environment. The questions sketched out above provide only a rough menu of the public policy choices that lie ahead in making the country a much tougher target for terrorists. Many of these choices will invite or require agreements within the Executive branch (supported by Congressional overseers) regarding the appropriate division of labor between DOD and its civilian counterparts.

Given the resources at stake, burden sharing usually makes for rancor and contentiousness in official Washington. But the country can ill afford the costs of delay, and the public expects results; homeland security is a national problem requiring a national solution. This monumental undertaking to secure the American homeland must be accomplished with the sense of immediacy appropriate for a nation at war. The terrorists who orchestrated the attacks of September 11 achieved a level of strategic surprise equaling or exceeding any in this Nation's history. The total weight of U.S. national power must now be brought to bear in developing and implementing the requisite strategy and capabilities to prevent future attacks. To do so will require commitment, resolve, and new modes of thinking about our roles, missions, and functions. It will also require recognition that we are one team with a common purpose: securing the inalienable rights of Americans by defeating the enemies of freedom at home and abroad.

Notes

¹ Defense Science Board, *Protecting the Homeland: Report of the Defense Science Board, 2000 Summer Study Executive Summary, Volume I* (Washington, DC: Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics, February 2001), 7.

² Joint Task Force-Civil Support, a subordinate JTF of Joint Forces Command, was established to support military and civil authorities in managing the consequences of a WMD incident. The Weapons of Mass Destruction-Civil Support Team (WMD-CST) is a high-priority response unit supporting civil authorities in responding to a WMD situation. Jointly staffed by Army and Air National Guard personnel, the WMD-CST mission is to assess a suspected WMD event in support of the local incident commander; advise civilian responders regarding appropriate actions; and work to both facilitate and expedite the arrival of additional military forces if needed. Congress has authorized 32 WMD-CSTs. As of January 28, 2002, 24 of the 32 teams have been certified as possessing the requisite skills, training, and equipment to be proficient in all mission requirements.

³ Testimony of the Honorable Thomas E. White, Interim DOD Executive Agent for Homeland Security; General Peter Pace, USMC, Vice Chairman of the Joint Chiefs of Staff; General Ralph E. Eberhart, USAF, Commander in Chief, North American Aerospace Defense Command; and General William F. Kernan, USA, Commander in Chief, U.S. Joint Forces Command, at a hearing of the Senate Armed Services Committee on October 25, 2001.

⁴ Appendix R to the Second Annual Report of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (Gilmore Commission), *Toward a National Strategy for Combating Terrorism*, December 15, 2000. *Posse comitatus* translated from Latin means "the power or force of the country." The specific provisions of the *Posse Comitatus Act* (U.S. Code, Title 18, Section 1385) are applied to the Navy and Marine Corps as a matter of DOD policy.

⁵ Executive Order (EO) 13228 was issued on October 8, 2001. Through its amendment of EO 12656, this issuance stipulates that actions taken in relation to terrorist acts outside of the United States remain under the purview of the National Security Council.

⁶ In conjunction with conference consideration of the Fiscal Year 2002 Defense Authorization Bill (Public Law 107-107), the Secretary of Defense requested authority to establish two Under Secretaries (Homeland Security and

Intelligence). Public Law 107-107, Section 1511 instead directs that DOD "shall conduct a study on the appropriate role of the Department of Defense with respect to homeland security. The study shall identify and describe the policies, plans, and procedures of the Department of Defense for combating terrorism, including for the provision of support for the consequence management activities of other Federal, State, and local agencies." A report of the study's findings is due to Congress not later than 180 days from date of enactment (December 28, 2001).

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