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THE DEPARTMENT OF DEFENSE'S PREPARATION TO SUPPORT DOMESTIC EMERGENCIES AS A U.S. VITAL INTEREST

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ABSTRACT

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Emerging threats of terrorism and WMD pose the greatest danger to U.S. vital interests at home over the next 20 years. DOD is actively engaged in military assistance to civil authorities (MACA) and its role is growing. The frequent use of military forces in supporting domestic operations and the growing probability of asymmetrical threats directed against the territory and citizens of the United States requires a significantly increased emphasis on the military's role to support MACA. Despite recent changes to improve DOD structure and control of MACA, DOD remains unprepared to respond to domestic disasters and the emerging threats to our homeland. This paper examines emerging threats to U.S. vital interests at home, reviews current policies, describes the complex and fragmented procedures for providing MACA, and makes recommendations to improve DOD's ability to provide MACA in order to enhance security at home. This paper recommends transferring executive agency responsibility to CINCUSJFCOM as the single agency to coordinate MACA policy, planning and response; that DOD adopt MACA as a core mission in order to program and resource requirements, that the National Strategy address both conventional and asymmetric threats to our nation, and that the National Guard adopt this larger role for MACA.

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INTRODUCTION

United States' (U.S.) vital interests include the physical security of our territory, safety of our citizens, our economic well being, and the protection of critical infrastructures. Our strategy to achieve our national interests is based on three objectives: enhancing security at home and abroad, promoting America's prosperity, and promoting democracy and human rights. Although the United States Armed Forces principal mission is to deter and defeat threats to our country and interests, we also advance national security by applying military power to help shape the international environment and respond to a full spectrum of crises.

Our national strategic approach is clearly focused on shaping the international environment (as opposed to the domestic environment) by the "Imperative of Engagement" as outlined in the 1998 National Security Strategy.[1] This external focus is a common thread that runs throughout our national and defense policies, strategies and procedures. The National Security Strategy does not directly address the threat of natural disasters and response to these crises at home. At best they are implied in stating that..."the United States must be able to respond at home and abroad to the full spectrum of threats and crises that may arise."[2] Consequently, military operations have focused on objectives external to the homeland, and the Armed Forces have taken a supporting role to other federal agencies in domestic operations.

To enhance security at home, the Department of Defense (DOD) actively supports other federal agencies in providing assistance to manage domestic crises and emergencies. Additionally, new and emerging threats challenge U.S. vital interests and security at home. The proliferation of weapons of mass destruction (WMD) and the increased use of indiscriminate force to achieve political ends (terrorism) will become serious threats to the safety of our citizens and infrastructures of the U.S.[3] The frequent use of military forces in domestic support operations and the growing probability of asymmetrical threats used against the U.S. at home increase the likelihood of employing U.S. Armed Forces in a greater variety of domestic support missions. Despite this trend and the potential for even greater amounts of military assistance to civil authorities (MACA), DOD is not prepared to respond to domestic disasters and growing threats of terrorism and WMD.

THESIS

Emerging threats of terrorism and WMD pose the greatest danger to U.S. vital interests at home over the next 20 years. DOD is actively engaged in MACA and its role is growing. Despite recent changes to improve DOD structure and control of MACA, DOD remains unprepared to respond to domestic disasters and the emerging threats to our homeland. This paper will examine emerging threats to U.S. vital interests at home, review current policies and procedures for providing MACA, and make recommendations to improve DOD's ability to provide MACA in order to support the National Security

Strategy's first objective of enhancing security at home. This paper will begin with an examination of emerging threats and focus on those that are most likely to threaten U.S. domestic vital interests.

EMERGING THREATS

The United States is the undisputed political, economic, and military power and is expected to remain so for at least the next 20 years. Our current force structure is based on the requirement to win two, nearly simultaneous, major wars. Because of the overwhelming superiority of our forces and our ability to effectively form and fight as part of larger coalitions, our adversaries are unlikely to confront us head-on. Instead, they will find new ways of using asymmetrical methods that will challenge our interests and place our forces and our citizens at greater risk, and avoid the effectiveness of traditional military operations. Asymmetric methods include irregular or unconventional approaches that use surprise in all its operational dimensions and use of weapons in ways for which the U.S. has not planned and that avoid U.S. strengths.[4] Numerous emerging new and diverse threats challenge U.S. vital interests and security at home.

These threats to U.S. vital interests are placed into five general categories. First are regional or state-centered threats through coercion or aggression to the sovereignty of their neighbors and international access to resources. These include the potential threat of both Iran and Iraq to their neighbors, interference with the free flow of oil from Southwest Asia, and North Korea's forward positioning of its offensive military capabilities on the border with South Korea. Second are transnational threats that include terrorism, international crime, drug and illicit arms trafficking, uncontrolled refugee migrations and environmental damage that threaten U.S. interests, citizens and the homeland itself. Third is the spread of dangerous technologies that includes weapons of mass destruction, the greatest potential threat to global stability and security. Fourth is foreign intelligence collection that target American military, diplomatic, technological and commercial secrets. Finally, are failed states resulting in internal conflict, humanitarian crises or regional instability.[5]

Two asymmetrical threats that could have near-term consequences for the safety of our citizens and infrastructure of the U.S. include weapons of mass destruction (WMD) and terrorist acts. Traditional high-technology weapons and conventional methods designed for the linear battlefield will not sufficiently address asymmetrical threats to our homeland. These two asymmetrical threats are particularly worrisome.

The proliferation of WMD is a serious threat to the American people. The availability, affordability, and easy use of nuclear, chemical and biological weapons permit weak states to attack vulnerable areas of the United States without directly confronting our military superiority.[6] The National Defense Panel points out that the frequency of infiltration across our national borders by illegal immigrants, drug smugglers, and contraband goods illustrates how easily terrorists armed with a nuclear, chemical or biological weapon could gain access and unleash the destructive potential of these weapons.[7] The use or threat of use of WMD against the United States homeland could also seriously impair our ability to

conduct power projection operations, degrading our ability to protect international vital interests and pursue national objectives abroad.[8]

Secondly, the indiscriminate use of force for political ends (terrorism) continues to increase throughout the world.[9] The use of sarin gas to attack a Tokyo subway in 1995 raised the level of awareness and caused serious concerns about the ease of manufacturing and use of chemical and biological weapons of mass destruction. Additionally, many believe that reports of the first use of biological agents will eliminate any existing restraint that terrorists have for their use and result in wide spread use of biological agents.[10] The wide spread use of terrorism throughout the world as a means to achieve political goals greatly increases the probability that extremist groups will attempt to use this tactic.[11]

Terrorists have already demonstrated their willingness and ability to attack U.S. citizens at home or abroad. In 1996, a truck bomb that destroyed a United States Air Force housing complex in Dhahran, Saudi Arabia, claimed the lives of 23 U.S. service men and injured more than 300. More recently, the bombing the two U.S. embassies in Kenya and Tanzania, in East Africa in August 1998, claimed the lives of over 80 persons (eight Americans). These acts demonstrated the terrorist's ability to target and attack U.S. citizens abroad. However, terrorist's ability to attack U.S. citizens do not stop at our international borders.

Notably, two domestic terrorist incidents have already demonstrated the vulnerability of the security and safety of our citizens at home. In 1993, terrorists attacked New York's largest building complex (the World Trade Center) by using two car bombs in the underground garage. The destructive effects of this bombing could have been much worse if the car bombs had been parked in more strategic locations in the underground garage or if they had been combined with a chemical or biological weapon. Another example of the domestic terrorist threat and ability to strike at will was the April 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. The destruction of the building, by a U.S. citizen, killed 168 persons and remains the most devastating act of domestic terrorism to date. The existing threat of domestic terrorism recently received national attention with the arrest of suspected terrorists who were attempting to smuggle explosive devices into the U.S. from Canada just prior to the year 2000, New Year Millennium Celebrations.

Although these examples illustrated the willingness and ability of terrorists to attack U.S. citizens, the magnitude of the terrorists' threat and destructive potential was demonstrated during the Army's experiments in the late 1950s and early 1960s. The Army conducted experiments in New York City subways in using a non-lethal substitute for dry anthrax, to gauge the effects of biological attacks in the U.S. Light bulbs packed with the dry powder were dropped in the subways of New York City where the winds created by the underground trains distributed the powder throughout the subway system. The Army estimates that thousands of people would have died if it had been a real attack. In other experiments on the West Coast, the Army placed briefcases containing pseudo-toxins in public transportation centers and distributed aerosol spray from boats on inland waterways in San Francisco,

California. The results of these experiments suggested that such attacks might generate tens of millions of casualties.[12]

The proliferation of WMD and terrorism throughout the world and the view they are acceptable methods to achieve political ends greatly increases the likely possibility of their use in the U.S. and, as a result, the increased involvement of DOD in MACA.

NATIONAL POLICY

Historically, DOD has played a significant role in MACA and Congress has provided the legal basis for this practice. National policy for MACA for domestic operations is outlined in a series of public laws, presidential directives, and executive orders. The Federal Civil Defense Act of 1950, as amended, established the National Civil Defense policy to develop capabilities common to all catastrophic emergencies that support all-hazards emergency management at state and local levels to protect the population and vital infrastructure.[13] Executive Order 12656, required that the federal government have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency.[14] Public Law 100-707 (Robert T. Stafford Disaster Relief and Emergency Assistance Act), required that the federal government provide an orderly and continuing means of supplemental assistance to state and local governments as they execute their responsibilities to alleviate suffering and damage resulting from catastrophic or major disasters or emergencies. It also delineated how the response would escalate from the local level, through the state government, to the national government. This led to the establishment of the Federal Emergency Management Agency (FEMA).[15]

In September 1996, Congress passed Public Law 104-201, The Defense Against Weapons of Mass Destruction Act, to assign responsibilities and focus federal efforts in combating terrorism at the agency, interagency and intergovernmental levels. This act required the federal government to enhance its capability to prevent and respond to terrorist acts involving WMD as well as improve state and local government's ability to respond to such an incident.[16]

These laws constitute the basis for national policies requiring the federal agencies to participate in domestic support operations. Specific federal agencies are responsible for managing and coordinating the overall federal response.

ORGANIZING THE FEDERAL RESPONSE

The Federal Emergency Management Agency is the lead federal agency (LFA) for disaster and emergency assistance and is the proponent for the Federal Response Plan (FRP). The FRP establishes the process and structure for the delivery of federal assistance for consequence management of a major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Under the FRP, DOD is the lead agency for one--Public Works and Engineering (ESF-3) of the 12 Emergency Support Functions (ESF). Lead responsibility for the remaining 11 ESFs are divided among other federal agencies. Each lead agency is supported by 27 other federal agencies as signatories to the Federal Response Plan.[17] Even though DOD is the lead agency for only one ESF, DOD's depth of

personnel and equipment resources ultimately provide substantial support for the others. The FEMA is also the LFA for actions taken to provide immediate response to an incident to contain and mitigate its effects (consequence management). The Federal Bureau of Investigation (FBI) is the lead federal agency for measures to resolve a hostile situation, investigate, and prepare a criminal case for prosecution under federal law (crisis response).[18] DOD assumes a supporting role to other lead federal agencies for domestic operations.

THE MACA MISSION

DOD's policy is to cooperate with and provide military assistance to civil authorities consistent with applicable laws, Presidential Directives and Orders, and DOD Directives. The Defense Department has a wide variety of standing and directed missions covering a diverse list of domestic support requirement tasks and associated skills as depicted Figure I. Among others, these include: domestic disaster relief operations, wild land fire fighting support, civil disturbance operations (GARDEN PLOT), support to immigration emergencies, support to the U.S. Postal Service during postal disruptions, emergency-animal disease eradication, military assistance to safety and traffic, and DOD support to special events.[19] Additionally, as a result of Public Law 104-201, The Defense Against Weapons of Mass Destruction Act of 1996 (also known as the Nunn-Lugar-Domenici Act), the Secretary of the Army, as the Executive Agent, was also tasked to develop and implement guidance, plans, and procedures to establish a coordinated national program to enhance federal, state and local agency capability to respond to WMD incidents.[20] The Defense Department also plays a supporting role in anti-terrorism, combating drug trafficking, and controlling refugee migrations. Many of these standing missions directly correlate with domestic threats to our vital national interests because they directly impact on the physical security of our territory, safety of our citizens, our economic well being and the protection of critical infrastructures.

Historically, DOD has supported MACA when needed. Although DOD participation in MACA is not recognized with the same amount of publicity that high-profile operations such as Desert Storm, Bosnia-Herzegovina and Kosovo receive, DOD has actively engaged in MACA while conducting over 200 domestic support operations since 1975.[21] During this period, DOD exercised every standing mission while providing support to manage the destructive consequences of numerous hurricanes, earthquakes, wildland fires, floods, and Cuban and Haitian refugee immigration emergencies, to name a few. DOD also provided military resources during civil disturbances.

Federal planning is based on four fundamental assumptions. First, a significant disaster or emergency may occur without warning at a time of day that produces maximum casualties and that the response capability of the state will be quickly overwhelmed. Second, the large number of casualties and likely heavy damage to buildings, structures and the basic infrastructure will require direct federal government assistance to support state and local authorities in conducting lifesaving and life-supporting efforts. Third, as a result of persons being injured and others being trapped in damaged structures, there is a high probability of a significant number of deaths within the first 72 hours. Fourth, federal departments and agencies may need to respond on short notice to provide effective and timely assistance to the state. To

save lives and reduce suffering, the federal response must be rapid and significant. Because of DOD's unique ability to rapidly provide large number of personnel, support equipment, command, control and communications, it is frequently asked to assist civil authorities.

TABLE 1. SECRETARY OF THE ARMY MACA

Standing Missions	**Directed Missions**
Support to U.S. Postal Service	Presidential Inaugurals
Military Assistance to Safety and Traffic	Olympic Games
Domestic Disaster Relief Operations	D-Day Anniversary
Support to Immigration Emergencies	Desert Storm Victory Parade
Wildland Fires Fighting Support	Denver Summit of the Eight
Emergency Animal Disease Eradication	National Boyscout Jamboree
DOD Support to Special Events	Nunn-Lugar-Domenici

Other Missions

Service Missions	**Support to Law Enforcement**
Explosive Ordinance Disposal	Counter Drug
Technical Escort Unit	Training
U.S. Army Corps of Engineers	Equipment and/ or Facilities

Source: Director of Military Support, "Director of Military Support", (information briefing on line), (accessed 7 January 1999); available from http://www.ditc.mil.doms/infobrief/sld001.htm; Internet

Although these assumptions assist agencies in planning and preparing to execute short-notice response to domestic emergency, military units are rarely involved in planning, coordination or rehearsal. As a result, they are often ill prepared to execute a new mission to an ongoing crisis.

GARDEN PLOT is the DOD plan to support civil authorities in quelling civil unrest. Since a plan exists, it seems reasonable to expect that coordination and planning between state and DOD elements would occur prior to the need for implementing it. The Los Angeles Riots, however, clearly show that this was not the case.

On April 29, 1992, following the verdict in the Rodney King trial, rioting erupted in Los Angeles that quickly exceeded the state and local capability to restore order. On May 1, 1992, the President issued an initial order to disperse and an Executive Order to employ members of the Armed Forces to restore law and order. The California National Guard was federalized and a 3,500 man joint task force was formed from soldiers of the 7th Infantry Division and Marines from Camp Pendleton. Important lessons were learned. First, the role of the military for this mission was widely misunderstood. Second, the coordination and planning essential to conducting these operations had not occurred. Finally, training for civil disturbances was hastily conceived and executed just two days between receipt of a warning order

on May 1st and deployment on May 3rd. The failure to plan, coordinate and exercise the mobilization of forces seriously degraded the effectiveness of military support to law enforcement.[22]

The Joint Task Force Commander did not allow his forces to participate in law enforcement activities because he mistakenly believed they were constrained by the Posse Comitatus Act. As a result, many requests for military support for this purpose were denied.[23] Second, because the joint task force had not adequately planned for the operational control of the National Guard, active duty forces initially operated under more restrictive rules of engagement than federalized National Guard soldiers. Finally, significant logistical issues arose regarding the movement and distribution of National Guard ammunition. The emergency movement of the ammunition by helicopter from a remote location required considerable effort and time once the governor activated the National Guard, delaying its ability to respond for several hours.[24]

DOD ORGANIZATION AND COMMAND AND CONTROL FOR MACA

Overall, the DOD organization for MACA is complex and fragmented among its numerous agencies. The fact that the type and amount of MACA provided depends largely on the circumstances which follow the disaster or crisis, relegates it as a secondary mission for planning and resources.

At the top of the DOD hierarchy, the Secretary of Defense appointed the Secretary of the Army as his Executive Agent (EA) for managing DOD resources committed for MACA. In theory at least, this gives him operational control over all DOD components and agencies for MACA.[25] The Assistant Secretary of the Army for Installations and Environment has Secretariat oversight for MACA for the EA. Reporting to the EA (Secretary of the Army) through the Secretariat is the Director of Military Support (DOMS).

The DOMS (a Major General within the Army's Office of the Deputy Chief of Staff for Operations) is the action agent and point of contact for all federal departments and agencies requesting MACA during periods of domestic civil emergencies or disaster response.[26] The DOMS and his small staff, are the first uniformed personnel in the DOD hierarchy for MACA. Although command and control of MACA seems relatively simple up to this point, there are several other key DOD agencies that are involved that further complicate the process. These include the Chairman of the Joint Chiefs of Staff (CJCS), the Under Secretary of Defense for Policy (USD (P)), the Assistant Secretary of Defense for Special Operations and Light Intensity Conflict (ASD SO/LIC), and the Unified Commanders.

The CJCS advises the SECDEF on operational policies, responsibilities, and programs for providing MACA. He reviews all requests that involve the use of personnel or equipment assigned to a combatant command, and if appropriate, forwards these actions to the SECDEF for his approval. He ensures DOD complies with governing laws, Presidential Directives and orders, and DOD policy; and assists the SECARMY in developing planning guidance for MACA under all conditions of war or attacks on the United States or its territories. The CJCS also ensures that the plans and operations for MACA do not conflict with other military plans, and assists the CINCs in meeting their operational requirements for MACA that have been approved and directed by the SECDEF. Finally, through exercises or other

means, the CJCS assists in the coordinated evaluation of MACA plans and capabilities by Unified and Specified Command Commanders.[27]

The USD(P) also plays a key role by exercising policy oversight of MACA for the SECDEF and ensuring that MACA is compatible with National Security Emergency Preparedness. He oversees the development, coordination and implementation of related policy regarding DOD response to civil disturbances and civil emergencies, and exercises policy oversight of ASD(SO/LIC). Additionally, the USD(P) ensures that DOD assistance complies with the governing laws, and guidlines.[28]

If MACA requires the use of U.S. counterterrorism special mission units, the ASD(SO/LIC) serves as the primary DOD point of contact. His office coordinates all actions dealing with domestic counterterrorism crisis management—including terrorism incidents and weapons of mass destruction. It also serves as the DOD coordination and policy review office for all actions dealing with domestic civil authorities on matters that involve combating terrorism.[29]

Unified Combatant Commanders are the DOD principal planning and operating agents for MACA within their geographic areas of responsibility. Geographic responsibility for the U.S., its possessions and territories is divided between three geographic Commander-in-Chiefs (CINC). CINC, U.S. Joint Forces Command (CINCUSJFCOM) is responsible for MACA in the 48 contiguous United States. The CINCUSJFCOM also has additional MACA responsibilities for WMD response that are described later. The CINC, U.S. Pacific Command is responsible for MACA in Alaska, Hawaii, and U.S. territories and possessions in the Pacific region. CINC, U.S. Southern Command is responsible for MACA in U.S. possessions and territories in the Caribbean including Puerto Rico and the Virgin Islands.

The request and approval process for MACA is equally complex and fragmented. The approval authority for MACA is complicated by the large number of agencies involved in the process, the type and nature of the support provided, and the status of the forces employed. As previously mentioned, the DOMS is supposed to have operational control over all DOD components and agencies for MACA. Under many circumstances, however, approval authority for the employment of forces for MACA is withheld at a higher level within the DOD hierarchy.

APPROVAL AUTHORITY AND ENTRY POINTS

The SECARMY is the approval authority for DOD emergency support. The SECDEF however, retains approval authority for several specific thresholds of support. These include: DOD support to civil authorities involving the use of CINC assigned forces and equipment, military assistance for civil disturbances, and response to terrorism. Approval from the SECDEF is also required if support has the potential for confrontation with specifically identified individuals or groups, or will result in the use of lethal force by a law enforcement agency.[30] Prior to obtaining the SECDEF's approval, however, any support that requires the deployment of forces must first be coordinated with the CJCS.

The Chairman evaluates each request for combatant command forces or equipment to determine if it requires SECDEF approval. The CJCS issues orders providing assistance to civil authorities after

approval by the SECDEF. Once approved by the SECDEF, the SECARMY, as the EA, implements and oversees DOD support accordingly.[31]

There are many entry points into DOD for MACA requests. The correct one depends on the nature of the support requested and the approval authority for the request. Requests for immediate response to assist civil authorities or the public when prompt action is required to save lives, prevent human suffering, or mitigate great property damage can be made to any Component or Command.[32] Under these circumstances, commanders may initiate planning and, if required, immediately respond, but are required to notify the SECDEF's Executive Secretary through their chain of command as soon as practical.

Requests for loans of equipment, facilities, or personnel made by law enforcement agencies, except under conditions of immediate response, are generally approved at a flag or general officer-level, or civilian equivalent except when it may involve potentially lethal consequences.

Although requests for DOD support to civil disasters are made to the DOMS, the CJCS closely monitors them and reviews their planning and execution. The DOMS and the Director of Operations, JCS, review support requests to develop a recommended course of action. If the support proposed in the course of action does not involve apportioned forces or potential lethal support, and if the support can be provided by the Military Services or Defense Agency assets, DOMS submits the request for assistance and the recommended execute order to the SECARMY. However, if the support requires SECDEF approval, DOMS develops and staffs the recommended execute order with appropriate DOD agencies and the SECARMY. The request for support, execute order and all subsequent orders, are forwarded through the CJCS for SECDEF approval. Orders issued by DOMS requiring SECDEF approval are first verified by the CJCS. Those orders that are approved by the SECARMY as the DOD EA are issued through DOMS to the appropriate DOD component for execution.[33]

The SECARMY is also the DOD EA for military support for domestic civil disturbances. Although state and local governments have the primary responsibility for protecting life and property, and maintaining law and order in the civilian community, the Constitution of the United States gives the President additional powers and responsibilities to ensure that law and order are maintained. These include the employment of the Armed Forces to suppress insurrections, rebellions, and domestic violence. At the federal level, the DOD supports the Department of Justice (the Federal Bureau of Investigation) who is the lead federal agency.[34] The President or the Attorney General may request the employment of federal forces in domestic civil disturbances, but only the President may authorize their employment. In all cases, the President must act personally by first issuing a proclamation to disperse within a limited time before sending in Federal troops. Once approved, the SECARMY directs the required DOD support with the advice and assistance of the CJCS and the DOMS.

Another high-visibility and highly sensitive mission is DOD support for domestic counterterrorism. The authority to request and approve the employment of U.S. military forces in support of domestic counterterrorism operations remains with the President. The SECDEF retains approval authority for all requests for DOD assistance and manages the response.[35] In the event a terrorist incident has the

potential for DOD involvement, the SECDEF may authorize the EA to send a military observer to the incident site to appraise the situation. Once the decision to employ federal forces is made, the CJSC issues the order for the SECDEF.

As outlined above, the command and control, and approval of MACA is complex, fragmented and compartmentalized. As previously demonstrated in DOD's participation in the Los Angeles Riots, military units are rarely involved in planning, coordinating or mission rehearsals. As a result, they are often ill prepared to execute short-notice missions in response to domestic emergencies. These issues in conjunction with the demonstrated high levels of DOD participation in MACA and emerging threats highlight the need for change to the MACA process. Congress has already recognized this need for revision and has directed DOD to change the process and its capabilities for MACA.

INITIATING CHANGE

In order to strengthen our national defense against emerging threats to our national security, DOD recently improved command and control of MACA and operational capability. On October 6, 1999, the SECDEF created the position of Assistant to the Secretary of Defense for Civil Support (ATSD-CS). This new position will be the focal point for coordinating all DOD efforts related to WMD consequence management.

Only a few days earlier, the President approved implementation of the Unified Command Plan 99 (effective October 1, 1999) which re-designated the United States Atlantic Command as the United States Joint Forces Command (USJFCOM) with the mandate to advance jointness [*sic*] within the Armed Forces. The CINCUSJFCOM was assigned the new mission to provide military assistance to civil authorities for the consequence management of weapons of mass destruction incidents (including response to nuclear, radiological, chemical, or biological weapons of mass destruction incidents) within the continental United States, its territories and possessions. Additional responsibilities include military support to U.S. civil authorities, military assistance for civil disturbances (with SECDEF approval), planning for the land defense of CONUS, domestic support operations to assist other government agencies, and the bi-national land and maritime defense of the Canada-United States Region.[36]

The ATSD-CS provides civilian oversight for the development and implementation of planning guidance, policies and procedures for the recently established Joint Task Force for Civil Support (JTF-CS) as a subordinate element under the CINC Joint Forces Command.[37] The 1999 Unified Command Plan (UCP) annex, the UCP 21 Vision, outlines a flexible and evolutionary path to a functional Joint Forces Command and a path to a Homeland Defense CINC.[38]

The Commanding General of the U.S. Army Forces Command (FORSCOM) (an Army major command) is the CINCUSJFCOM's principal planning agent for MACA, and assists JTF-CS consequence management efforts. FORSCOM is USJFCOM's lead operational authority for MACA and also has training readiness oversight for the National Guard civil support teams (described below).[39]

To de-conflict the obvious overlap in responsibilities for consequence management of domestic incidents between USJFCOM and DOMS, a memorandum of understanding is currently being staffed

between these two organizations specifying that the CINCUSJFCOM has the lead for WMD incidents.[40] The need to improve operational capabilities for MACA was also recognized.

Congress has already taken steps to improve the Nation's ability to respond to emerging asymmetrical threats. Senators Nunn, Lugar, and Domenici addressed the need for a comprehensive response plan to deal with an attack involving weapons of mass destruction in The Defense Against Weapons of Mass Destruction Act of 1996. In addition to designating the SECDEF as "lead official" and directing him to head an interagency effort for WMD threat or incident response, the legislation also tasked DOD to provide:

1. Emergency response training, advice and assistance to civil authorities.
2. Assistance in developing a Chem-Bio Rapid Response Team (C/B RRT)
3. Testing and evaluation of federal, state, and local civil preparedness.
4. Assistance to FEMA in developing and maintaining an inventory of equipment/assets available in the federal government that could be used to respond to a WMD event.
5. Assistance in the procurement of equipment for U.S. Customs to interdict WMD movement.

In response, DOD is taking steps to improve their ability to support homeland defense through the establishment of WMD Domestic Preparedness Program. This program's four pillars of training, exercises, expert advice, and chem-bio response are based on the requirements of the legislation. To support training, DOD established ten National Guard Rapid Assessment and Initial Detection (RAID) Teams (now called Civil Support Teams). Their mission is to train first responders and local authorities in 120 of the nation's largest cities in chemical and biological weapons detection, defense and decontamination.[41] DOD also loans equipment to each city to assist them with their training.

DOD has developed a functional, tabletop exercise that annually tests the preparedness of agencies at the federal, state and local levels to coordinate a response to a chemical or biological emergency. The Department of Energy uses these exercises to test nuclear and radiological preparedness.

DOD-sponsored emergency "Hotline", "Helpline", and web pages provide first responders expert advice. Additionally, the Chemical-Biological Defense Command tests related equipment to determine its effectiveness.

DOD established the Chem-Bio Rapid Response Teams (C/B RRT) to assist civil authorities in managing the consequences of a WMD incident. Ten National Guard Civil Support Teams will be among the first responders to a WMD scene in support of FEMA to assist in casualty treatment and evacuation, quarantine affected areas and people (if necessary), and assist in restoration of infrastructure and services. The initial ten teams became operational in January 2000 and are located in Washington, California, Colorado, Illinois, Texas, Missouri, Georgia, Pennsylvania, New York, and Massachusetts.[42] DOD plans to eventually activate 54 teams—one for each state, territory, and the District of Columbia. The Army National Guard has established Light Teams (teams with fewer capabilities) in the other 44 locations to provide a limited chem-bio response capabilities.[43]

Although these are improvements in the right direction, alone they are grossly insufficient to deal with current MACA shortfalls and DOD limited ability to respond to the emerging threats. Additional changes to the MACA organization, process and structure are still required.

ANALYSIS

The affect that expanding the MACA mission will have on operations tempo is the first issue to be addressed. The most obvious difficulty in expanding DOD's role in MACA is that the Armed Forces are over-tasked. Expanding the MACA mission could stretch the DOD beyond its ability to conduct all its missions satisfactorily and leave little time to conduct training for its wartime mission. The DOD is already deeply involved in and provides a significant support role in MACA. Emerging threats will require DOD's greater involvement due to its unique capabilities to respond.

Furthermore, the current policies, force structure and operational procedures required to meet a two-major theater war scenario may be inappropriate to meet the growing asymmetrical threat anticipated in the year 2020. If a two major theater war scenario becomes irrelevant, force structure and other resources, may be made available for this larger MACA role. What if, however, these predictions of the emerging threat are correct? What if, in order to avoid the overwhelming superiority of our forces in a head-on confrontation, our adversaries change the nature of warfare by employing asymmetric methods of terrorism and WMD against our citizens at home? Will the Armed Forces ignore this change in enemy strategy and tactics and continue to train its forces solely for conventional warfare while terrorists kill our citizens and destroy our homeland using WMD? The Armed Forces, just as they have done over the last 200 years, will adapt their doctrine to meet the enemy's changes in strategy and tactics. The thought of employing the Armed Forces on our domestic soil is unthinkable because we have not had to fight a foreign enemy in our country since the War of 1812--nearly 200 years ago. If, however, future battle lines are drawn by terrorists in our cities and town and employ WMD against our citizens, it is inconceivable that the Armed Forces would not respond to this threat.

The second, but related, disadvantage of these recommendations is that the MACA mission would compete for already limited resources. Because MACA is not included in the Defense Planning, Programming, and Budgeting System, it is therefore not adequately resourced. Consequently, it remains a relatively low priority for DOD except when a domestic crisis or emergency occurs requiring the immediate employment of military forces. As a result, DOD is unprepared to adequately conduct MACA, and when required, it is provided on an ad hoc basis. Lack of training and organization compounds the problems of this complex, fragmented, compartmentalized, and uncoordinated process.

Despite DOD's active participation in domestic support operations, MACA is also not fully resourced because it is not recognized as a core mission for DOD. Army participation in MACA is typically funded from the Operations and Maintenance--Army portion of the budget. On rare occasion, Congress has provided partial reimbursement through supplemental funding following a MACA event. When provided, however, supplemental funding does not cover the full costs of these operations and it address only the financial aspect of required resources. Furthermore, supplemental funding is by its very nature, after the

fact and leaves the Army leadership with no ability to program, plan or prioritize resources for future operations.

If MACA is adopted as a core mission and integrated into the Planning, Programming, and Budgeting System, it can compete for resources relative to other high priority missions. If this has no other positive affect, it will require DOD to prioritize MACA relative to other existing missions. It will force a conscious decision on the importance of MACA. MACA is no less important than other missions such as peacekeeping or peace enforcement that also consume DOD resources and drive-up the operations tempo, but contribute little to our vital interest of domestic security.

The final issue for analysis is the potential public fear regarding large-scale military participation in domestic operations that may threaten civil liberties. This paper does not recommend that DOD assume the lead for domestic operations. It suggests only that DOD play a larger role in supporting the existing federal response structure and appropriate federal civilian authority. In his remarks to the Council on Foreign Relations in September 1999, the Deputy Secretary of Defense, John Hamre, said that the U.S. does not have a national police force and DOD does not want a role in domestic law-enforcement. He continued to say that we would, however, have to have a national response if we ever have a chemical, biological or nuclear WMD event in this country, and that DOD needs to be better organized.[44] He also said "The American people need not fear our preparations. The greater threat to our civil liberties stems from the aftermath of an attack for which we had failed to prepare."[45]

CONCLUSIONS

Emerging threats of terrorism and WMD pose the greatest danger to U.S. vital interests at home over the next 20 years. DOD is actively engaged in MACA and its role is growing. The frequent use of military forces in supporting domestic operations and the growing probability of asymmetrical threats directed against the territory and citizens of the United States requires a significantly increased emphasis on the military's role to support MACA and homeland defense. Despite recent changes to improve DOD structure and control of MACA, DOD remains unprepared to respond to domestic disasters and the emerging threats to our homeland. Protecting the United States from threats to its survival as a Nation, remains the primary role of the military forces.

RECOMMENDATIONS

To support our National objective of enhancing security at home, the following changes are recommended:

1. The DOD should assign CINCUSJFCOM as the single agency to coordinate MACA policy, planning and response. As described above, DOD's current efforts of providing MACA are complex, fragmented and compartmentalized among numerous DOD agencies. The greatest positive impact that DOD could effect on the MACA process would be to improve the command and control in order to streamline the MACA process. Executive agency for the MACA mission should be transferred from the Secretary of the Army to the CINCUSJFCOM.

The UCP 99 already gives the CINCUSJFCOM the responsibility for consequence management for domestic WMD incidents. Unity of command and unity of effort would be significantly improved by placing responsibility for command and control, planning, training, and execution of the DOD response for all MACA operations under one commander. Although tasking the CINCUSJFCOM to provide MACA only in instances of WMD seems like a step in the right direction, it further fragments the MACA process within DOD by failing to solve the larger systemic command and control problems.

Consolidating all MACA under CINCUSJFCOM provides distinct advantages. First, it would eliminate several layers of bureaucracy between the CINC responsible for executing this mission and the CJCS who approves the employment of CINC apportioned forces and equipment. Secondly, it provides a single point of contact for requests for DOD support, coordination, planning, training and mission execution.

2. MACA must be identified as a core mission for DOD in order to plan, program and resource requirements. This action would focus DOD resources, facilitate training and coordination, and achieve the appropriate level of emphasis on our vital national interests at home.

3. The National Security and Military Strategies should address both conventional and asymmetric threats to the sovereign territory of our nation. Our National Military Strategy must deal with the full spectrum of military operations that may arise from emerging threats of terrorism and WMD. It must continue to focus on winning large-scale conflicts and deterring conventional-strategic nuclear attack that, although unlikely, would devastate our nation. Additionally, it must also address higher probability, asymmetric threats that may produce less destruction, but have significant-negative consequences for our country. We must also defend against terrorism, weapons of mass destruction, and other transnational threats to our citizens at home.

4. The Defense Department should be clearly tasked with a much larger role for homeland defense than exists today. As a consequence of the Defense Against Weapons of Mass Destruction Act of 1996, the National Guard has begun to assume this mission. It is well suited for a larger MACA role. The National Guard is present in the community, readily available and serves as the first responder for MACA in every state. This role would be a logical extension of its existing Civil Support Team mission. Additionally, the National Guard maintains close relationships with state and local governments and organizations, and is not restricted by Posse Comitatus while in a state status. The National Guard would continue to have the primary mission for MACA while Active Component units would provide support when requirements exceed the National Guard's capability.

5. Finally, DOD should develop specific contingency plans that focus on emerging asymmetric threats to the U.S. and potential MACA scenarios. DOD should identify units, assign missions, and periodically rehearse contingency plans by conducting interagency field exercises.

These recommendations do not require a significant departure from the roles and missions that DOD currently executes. Instead, they only expand DOD's responsibilities. The long-standing fear of military involvement in domestic operations must be balanced against the necessity to address emerging threats

to our domestic security. Our ability to protect our vital national interest by shaping just the international environment may no longer be adequate.

Word Count = 6,967

ENDNOTES

[1] William J. Clinton, A National Security Strategy for a New Century (Washington D.C.: The White House, October 1998), Hereafter cited as National Security Strategy 1998. 1.

[2] Ibid., 14.

[3] Institute for National Strategic Studies, 1998 Strategic Assessment: Engaging Power for Peace (Washington D.C.: National Defense University, 1998), 15.

[4] Ibid., 169.

[5] National Security Strategy 1998, 6-7.

[6] The National Defense Panel, Transforming Defense: National Strategy in the 21st Century (Arlington, VA: National Defense Panel, December 1997), 15.

[7] Ibid., 26.

[8] Ibid.

[9] Thomas R. Lujan, "Legal Aspects of Domestic Employment of the Army," Parameters 27 (Autumn 1997): 82-97.

[10] Ibid., 90.

[11] The National Defense Panel, 17.

[12] Robert Kupperman and Jeff Kamen, Final Warning: Averting Disaster in the New Age of Terrorism (New York: Doubleday, 1989), 106-107.

[13] Department of Defense, Manual for Civil Emergencies, DOD Manual 3025.1M (Washington, D.C.: DOD, June 1994), 3.

[14] Ibid.

[15] Saundra K. Schneider, Flirting with Disaster: Public Management in Crisis Situations (New York: M.E. Sharpe, 1995), 22.

[16] General Accounting Office, Combating Terrorism: Issues to be Resolved to Improve Counterterrorism Operations (Washington, D.C.: U.S. General Accounting Office, May 1999), 5.

[17] Federal Emergency Management Agency, The Federal Response Plan (for Public Law 93-288 as amended) (Washington, D.C.: FEMA, April 1992), 12A.

[18] David L. Grange and Rodney L. Johnson, "Forgotten Mission: Military Support to the Nation," Joint Forces Quarterly 15 (Spring 1997): 109.

[19] "Director of Military Support Brief," linked from Director of Military Support at "Information Briefings," available from <http://www.ditc.mil.doms/infobrief/sld001.htm>; Internet; accessed 7 January 1999.

[20] Grange, 111.

[21] Ibid., 110.

[22] Lujan, 89-90.

[23] Ibid., 90.

[24] Christopher M. Schnaunbelt, "Lessons in Command and Control from the Los Angeles Riots," Parameters 27 (Summer 1997): 95.

[25] DOD 3025.1M, 3.

[26] Grange, 109.

[27] Department of Defense, Military Assistance to Civil Authorities, DOD Directive 3025.15 (Washington, D.C.: DOD, February 1997), 11.

[28] Ibid., 8.

[29] Ibid.

[30] DODD 3025.15, 3-4.

[31] Ibid.

[32] DOD 3025.1M, 2-1 – 2-2.

[33] Ibid., 5.

[34] Department of Defense, Military Assistance for Civil Disturbances (MACDIS), DOD Directive 3025.12 (Washington, D.C.: February 1986), 2-3.

[35] DODD 3025.15, 6-7.

[36] Chairman of the Joint Chiefs of Staff General Henry Shelton, "Implementation of the Unified Command Plan," memorandum for the Chief of Staff, U.S. Army, Washington D.C., 12 October 1999, 7-10.

[37] Secretary of Defense William S. Cohen, "Assistant to the Secretary of Defense for Civil Support (ATSD-CS)," memorandum for Secretaries of the Military Departments, Washington, D.C., 6 October 1999.

[38] George F. Close, Jr., "Joint Vision 2000," briefing slides with scripted commentary, Carlisle Barracks, U.S. Army War College, 8 November 1999.

[39] Office of the Deputy Chief of Staff for Operations, War Plans Division, "Homeland Defense," briefing slides with scripted commentary, Carlisle Barracks, U.S. Army War College, October 1999.

[40] Ibid.

[41] Colleen Wolf, "Guarding the Homeland," National Guard 52 (May 1998): 18.

[42] "Director of Military Support Brief," linked from Director of Military Support at "Information Briefings," available from <http://www.ditc.mil.doms/infobrief/sld001.htm>; Internet; accessed 7 January 1999.

[43] General Accounting Office, Combating Terrorism: Use of National Guard Response Teams is Unclear (Washington, D.C.: U.S. General Accounting Office, May 1999), 5.

[44] John J. Hamre, "Council on Foreign Relations Luncheon," remarks as delivered by the Deputy Secretary of Defense John J. Hamre, Washington, D.C., 23 September 1999,.linked from DefenseLink at "News," available from http://www.defenselink.mil/speeches/1999/s19990924-depsecdef.html; Internet; accessed 5 October 1999.

[45] John J. Hamre, "U.S. Military Wants No Domestic Law-Enforcement Role," USA Today, 6 October 1999, 16A.

BIBLIOGRAPHY

Clinton, William J. A National Security Strategy for a New Century. Washington D.C.: The White House, October, 1998.

Close, George F., Jr. "Joint Vision 2000." Briefing slides with scripted commentary. Carlisle Barracks: U.S. Army War College, 8 November 1999.

Cohen, William S., Secretary of Defense. "Assistant to the Secretary of Defense for Civil Support (ATSD-CS)." Memorandum for Secretaries of the Military Departments, Washington, D.C., 6 October 1999.

"Director of Military Support Brief." Linked from Director of Military Support at "Information Briefings." Available from <http://www.ditc.mil.doms/infobrief/sld001.htm>; Internet. Accessed 7 January 1999.

Department of Defense. Manual for Civil Emergencies. DOD Manual 3025.1M. Washington, D.C.: DOD, June 1994.

DOD. Military Support to Civil Authorities (MSCA). DOD Directive 3025.1. Washington, D.C.: DOD, 15 January 1993.

Department of Defense. Military Assistance for Civil Disturbances (MACDIS). DOD Directive 3025.12. Washington, D.C.: DOD, 4 February 1994.

Department of Defense. Military Assistance to Civil Authorities. DOD Directive 3025.15. Washington, D.C.: DOD, 18 February 1997.

Federal Emergency Management Agency. The Federal Response Plan (for Public Law 93-288 as Amended). Washington, D.C.: FEMA, April 1992.

Grange, David L., and Rodney L. Johnson. "Forgotten Mission: Military Support to the Nation." Joint Forces Quarterly 15 (Spring 1997): 108-115.

Hamre, John J. "Council on Foreign Relations Luncheon." Remarks as delivered by the Deputy Secretary of Defense John J. Hamre, Washington, D.C., 23 September 1999. Linked from DefenseLink at "News." Available from http://www.defenselink.mil/speeches/1999/s19990924-depsecdef.html; Internet. Accessed 5 October 1999.

Hamre, John J. "U.S. Military Wants No Domestic Law-Enforcement Role." USA Today, 6 October 1999, 16A

Institute for National Strategic Studies. 1998 Strategic Assessment: Engaging Power for Peace. Washington D.C.: National Defense University, 1998.

Kupperman, Robert, and Jeff Kamen. Final Warning: Averting Disaster in the New Age of Terrorism. New York: Doubleday, 1989.

Lujan, Thomas R. "Legal Aspects of Domestic Employment of the Army." Parameters 27 (Autumn, 1997): 82-97.

Office of the Deputy Chief of Staff for Operations, War Plans Division, "Homeland Defense." Briefing slides with scripted commentary. Carlisle Barracks: U.S. Army War College, October 1999.

Schnaunbelt, Christopher M. "Lessons in Command and Control from the Los Angeles Riots." Parameters 27 (Summer, 1997): 88-109.

Schneider, Saundra K. Flirting with Disaster: Public Management in Crisis Situations. New York: M.E. Sharpe. 1995.

Seiple, Chris. "Consequence Management: Domestic Response to Weapons of Mass Destruction." Parameters 27 (Autumn 1997): 119-134.

Shelton, Henry, Chairman of the Joint Chiefs of Staff. "Implementation of the Unified Command Plan." Memorandum for the Chief of Staff, U.S. Army, Washington, D.C., 12 October 1999.

The National Defense Panel. Transforming Defense: National Strategy in the 21st Century. Arlington, VA: National Defense Panel, December 1997.

U.S. General Accounting Office. Combating Terrorism: Issues to be Resolved to Improve Counterterrorism Operations. Washington, D.C.: U.S. General Accounting Office, May 1999.

U. S. General Accounting Office. Combating Terrorism: Use of National Guard Response Teams is Unclear. Washington, D.C.: U.S. General Accounting Office, May 1999.

Wolf, Colleen. "Guarding the Homeland." National Guard 52 (May 1998): 16-20.