

USAWC STRATEGY RESEARCH PROJECT

**THE ROLE OF SPECIAL OPERATIONS FORCES IN  
U.S. HOMELAND SECURITY AND HOMELAND DEFENSE**

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This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

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# Report Documentation Page

Form Approved  
OMB No. 0704-0188

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE <b>18 MAR 2005</b>		2. REPORT TYPE		3. DATES COVERED -	
4. TITLE AND SUBTITLE <b>The Role of Special Operations Forces in U.S. Homeland Security and Homeland Defense</b>				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) <b>Timothy Brown</b>				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>U.S. Army War College, Carlisle Barracks, Carlisle, PA, 17013-5050</b>				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT <b>See attached.</b>					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES <b>33</b>	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			



## ABSTRACT

AUTHOR: Lieutenant Colonel Timothy D. Brown

TITLE: The Role of Special Operations Forces in U.S. Homeland Security and Homeland Defense

FORMAT: Strategy Research Project

DATE: 18 March 2005      PAGES: 35      CLASSIFICATION: Unclassified

The purpose of this paper is to analyze and suggest possible roles for special operations forces in homeland security and homeland defense. The paper reviews the obstacles to the use of military forces in the domestic environment under the *Posse Comitatus Act of 1878* and then introduces special operations and special operations forces competencies. The paper then analyzes the current *National Strategy for Homeland Security* and injects suggestions for using special operations forces to bolster the Strategy. After an overview of United States Northern Command, the Department of Defense's supported command for the homeland defense mission, the paper recommends establishing a sub-unified organization under Northern Command to provide special operations command and control, planning, and mission execution. Underlying the entire discussion is the critical need to incorporate special operations forces early in the campaign plan, rather than waiting for mission execution to blend them into the force structure. Regardless of the role special operations forces play or the structure that exercises their command and control, commanders will reap the benefits these highly specialized forces provide only if they understand who they are, what they do, and how to integrate them into the missions of homeland security and homeland defense.



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## THE ROLE OF SPECIAL OPERATIONS FORCES IN U.S. HOMELAND SECURITY AND HOMELAND DEFENSE

The horrific events of September 11, 2001 changed the way the United States of America views its security. Although many Americans understood the danger terrorism poses, the general feeling was that it was a problem outside our homeland. As a result of the attacks on New York City and Washington and the foiled hijacking that ended in a Pennsylvania field, Americans came to the stark realization that international terrorism is now a reality in their own backyards.

The Bush Administration reacted quickly. Within a month of the attacks, it created the White House Office of Homeland Security and charged it with developing and coordinating “the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks.”<sup>1</sup>

Military forces should play a significant role in securing and defending the homeland. However, there are legal implications for using military forces in areas usually associated with law enforcement and other civilian agencies. This paper discusses one of the main perceived obstacles to using military forces in the domestic environment, the *Posse Comitatus Act of 1878* (PCA), and shows there is little conflict. Following this discussion will be a short introduction to special operations and America’s most specialized forces – its special operations forces (SOF), whose unique capabilities are important to homeland security (HLS) and homeland defense (HLD).

The paper then examines the *National Strategy for Homeland Security* and illustrates areas in which SOF can bring their capabilities to bear while remaining within generally accepted confines for military use within the United States. To understand the Strategy, this discussion uses the U.S. Army War College model for analyzing ends, ways, and means and conducting a feasibility-acceptability-suitability (FAS) test<sup>2</sup> and uses Arthur F. Lykke’s, Jr.’s method for assessing risk.<sup>3</sup> Once the paper argues the need to introduce SOF to HLS/HLD, it discusses U.S. Northern Command, the new Unified Command designated the supported command in HLD and a supporting command to other Federal agencies in HLS. Finally, the paper proposes a means to integrate SOF into Northern Command by creating a structure for SOF planning, execution, and command and control in HLS and HLD.

Understanding the definitions of homeland security and homeland defense is important. “Homeland security is a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from

attacks that do occur.”<sup>4</sup> Homeland security is a multiple-partner effort in which the Department of Defense (DOD) ordinarily supports one or more Federal agencies. “Homeland defense is the protection of U.S. territory, domestic population and critical infrastructure against military attacks emanating from outside the United States.”<sup>5</sup> DOD is generally the primary Federal agency in HLD, and other organizations support DOD. Although HLS and HLD are separate missions with different Federal command and control structures, SOF can contribute to both. The difference should remain virtually transparent to SOF, at least at the tactical level, as long as command and control is properly established and executed.

Before discussing any use of military forces in the homeland, however, it is vital to understand traditional obstacles to their employment. This paper will now examine the most significant legalities of homeland military use and show that their restriction is more perception than reality.

### **POSSE COMITATUS ACT OF 1878**

The *Posse Comitatus Act of 1878* derives from a traditional reluctance to use military forces in the homeland. The original intent of the PCA was to prohibit the Army from playing a direct role in domestic law enforcement, except as provided by the Constitution or Congress. The PCA upholds the longstanding American traditions of limiting military influence, maintaining it under civilian control, and prohibiting its involvement in domestic affairs. Congress later amended the PCA in Title 18 of the U.S. Code (USC), Section 1385 to include the Air Force. As amended, the Act reads:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.<sup>6</sup>

Department of Defense Directive 5525.5 extended the PCA to the Navy and Marine Corps. The PCA does not apply to the Coast Guard, nor does it apply to the National Guard when under the direction of State Governors.<sup>7</sup>

The Act prohibits military personnel from engaging in such activities as: interdicting vehicles, vessels, and aircraft; conducting surveillance, searches, pursuit and seizures; or making arrests on behalf of civilian law enforcement authorities. Congress has enacted several exceptions to the PCA, including:

- Counterdrug assistance (10 USC Sec 371-382)
- The Insurrection Act (10 USC Sec 331-334), which allows the President to use military personnel to suppress insurrections at the request of a state, or to allow the President

to use Federal troops to enforce Federal laws when rebellion makes it impracticable to enforce U.S. laws.

- Assistance in crimes involving nuclear materials (18 USC Sec 831), or emergency situations involving chemical or biological weapons of mass destruction (WMD) (10 USC Sec 382), when the Attorney General and the Secretary of Defense jointly determine that an emergency situation exists that poses a serious threat to U.S. interests and is beyond the capability of civilian law enforcement agencies.<sup>8</sup>

There are both exceptions-in-fact and exceptions-in-name to the PCA. Exceptions-in-fact are those specifically allowed by law, as illustrated above. Exceptions-in-name are not specifically delineated by the law but are allowed by common practice or legal precedent. Regardless, if there is an appearance that the use of military resources may be perceived as violating the PCA, then policymakers must carefully consider potential benefits weighed against possible erosion of the intent of the PCA. The recent trend, however, has been to allow military assistance to civilian law enforcement as long as it is in strict compliance with the Constitution and U.S. laws and under the direction of the President and Secretary of Defense.

Using the military must counterbalance the need to maintain the integrity, spirit, and intent of the PCA. Policymakers could argue for using military forces in counterproliferation and consequence management under 10 USC Sec 382 and 10 USC Sec 831 by reasoning that a state of emergency exists in the U.S. with respect to WMD since September 11, 2001. In this case, it would be prudent to use any readily accessible military capabilities to prevent a WMD or other terror incident in the U.S. homeland.

The intent of the Homeland Security Strategy is to place the responsibility for domestic counterterrorism on the law enforcement sector. Other than the wording of PCA, there appears to be no major impediment to using military forces in a domestic counterterrorism role. Subordinating military assistance to a role in support of domestic law enforcement ensures the military remains firmly under civilian control. Such an arrangement satisfies the intent of the PCA, considering the nature of the threat to the U.S. homeland and the priority the President places on the Global War on Terrorism. Adding to the argument is the unclear distinction between what constitutes an act of terrorism and what constitutes a crime. Given the sensitive nature and need for timeliness of counterterrorist operations, it is reasonable to use military forces if they are the best equipped, best trained, or most expedient force available. It is absolutely crucial, though, to keep the military subordinate to the lead Federal agency in a particular counterterrorist operation to satisfy the intent of the PCA and overcome traditional uneasiness regarding the use of military forces in the homeland.

Regardless of how they interpret it, policymakers cannot ignore the PCA, nor should they downplay its importance. The framers of the Constitution created the concept of civilian control over the military when they made the President the Commander-in-Chief (Article II, Section 2, Clause 1). They gave Congress the authority to “raise and support Armies”<sup>9</sup> (Article I, Section 8, Clause 12) to balance against Presidential authority. The wording of this clause also suggests a fear of maintaining a large standing army. The PCA represents both an extension of that fear and a desire to keep the army’s influence in check. In the 2002 *Homeland Security Act*, Congress acknowledged the value of the PCA but recognized the need to transform its application:

The Posse Comitatus Act has served the Nation well in limiting the use of the Armed Forces to enforce the law. Nevertheless, by its express terms, the Posse Comitatus Act is not a complete barrier to the use of the Armed Forces for a range of domestic purposes, including law enforcement functions, when the use of the Armed Forces is authorized by Act of Congress or the President determines that the use of the Armed Forces is required to fulfill the President’s obligations under the Constitution to respond promptly in time of war, insurrection, or other serious emergency.<sup>10</sup>

There are dangers in making exceptions to the PCA. In the *Washington University Law Quarterly*, Matthew Hammond contends: “Major and minor exceptions to the PCA, which allow the use of the military in law enforcement roles, blur the line between military and civilian roles, undermine civilian control of the military, damage military readiness, and inefficiently solve the problems that they supposedly address.”<sup>11</sup> Any exception to the PCA, whether in-fact or in-name, must result from careful consideration with due respect to the intent of the Constitution. An exception runs the risk of setting a precedent for future exceptions. Continued exceptions erode the effect of the law and can render it useless. Therefore, policymakers must treat every scenario that invokes the PCA as a unique situation and subject it to close scrutiny. Otherwise, they may not only be in violation of the law, but they may also run the risk of eroding Constitutional intent and military readiness and establishing a potential trap for future policymakers.

The U.S. homeland is vulnerable to attack in today’s environment. This paper has briefly argued the need for military forces to protect it; it will now discuss a unique military force capable of playing a wide range of roles in homeland security and homeland defense.

## **SPECIAL OPERATIONS AND SPECIAL OPERATIONS FORCES**

Special operations and special operations forces are unique, both in their missions and in their operating arena. Special operations are:

operations conducted in hostile, denied, or politically sensitive environments to achieve military, diplomatic, informational, and/or economic objectives employing military capabilities for which there is no broad conventional force requirement. They can be conducted independently or in conjunction with conventional forces or other government agencies. Special operations differ from conventional operations in degree of physical and political risk, operational techniques, mode of employment, and dependence on detailed operational intelligence and indigenous assets.<sup>12</sup>

SOF are not a substitute for conventional forces; rather, SOF enhance the effects of conventional forces. Whether SOF operate independently or with other forces, SOF should be in a role that achieves synergy with the interagency effort that may not otherwise be obtainable. Inherent to SOF is an ability to provide adaptable military responses in situations requiring tailored, precise, focused use of force in which risks and results are politically sensitive.<sup>13</sup> For SOF to achieve their greatest effects, they must be included from the beginning of the campaign plan. If planned for and used properly, SOF contribute enormously to the plan's desired unity of effort.

Historically, DOD has conducted special operations outside the United States. However, some special operations missions are applicable inside the U.S. SOF have unique capabilities that can contribute in these mission areas, as long as they are integrated into the campaign plan in a complementary role with conventional forces and/or interagency assets.

SOF within the U.S. are under combatant command of Commander, United States Special Operations Command (CDR USSOCOM). Forces include a mix of highly trained and educated land, naval, and air forces from the Active and Reserve Components, stationed in the homeland and overseas.<sup>14</sup> These exceptionally capable forces conduct missions across the range of operations before, during, and after conflicts.

USSOCOM has nine major core tasks that drive the mission, organization, training, equipping, and funding of SOF: counterterrorism, counterproliferation of WMD, special reconnaissance, direct action, unconventional warfare, information operations, psychological operations, foreign internal defense, and civil affairs operations.<sup>15</sup> Of these, three are of potential use in HLS/HLD: counterterrorism, counterproliferation, and civil affairs operations. A critical implied task in each mission is the need to develop an intelligence infrastructure specifically geared to planning and employment requirements.

Counterterrorism (CT) is USSOCOM's leading mission and top priority. SOF's CT role is to preclude, preempt, deter, and resolve terrorist incidents. According to USSOCOM:

SOF are specifically organized, trained, and equipped to conduct covert, clandestine, or discreet CT missions in hostile, denied, or politically sensitive environments. These missions include, but are not limited to intelligence

operations, attacks against terrorist networks and infrastructures, hostage rescue, recovery of sensitive material from terrorist organizations, and non-kinetic activities aimed at the ideologies or motivations that spawn terrorism.<sup>16</sup>

SOF can provide training and advice to other Services or government agencies on reducing vulnerability to terrorism and other hostile threats, to include evaluating the adequacy of existing physical security systems.<sup>17</sup>

Counterproliferation (CP) of WMD is another SOF core task of use in HLS/HLD. CP of WMD refers to:

actions taken to prevent, limit, and/or minimize the development, possession, and employment of weapons of mass destruction, new advanced weapons, and advanced-weapon-capable technologies. The major objectives are to prevent acquisition of WMD and missile capabilities, roll back proliferation where it has occurred, deter the use of WMD and their delivery systems, and adapt forces and planning to operate against the threats posed by WMD and their delivery systems.<sup>18</sup>

If required, SOF may seize, destroy, render safe, capture, or recover WMD.<sup>19</sup>

Civil Affairs (CA) operations are a third core task in which SOF can contribute to HLS/HLD. CA consist of:

activities and specialized support for conducting civil military operations (CMO). CA involve establishing and conducting military government or civil administration until civilian authority or government can be restored or transitioned to other appropriate authorities. CA support CMO by focusing efforts to minimize civilian interference with military operations and limit the adverse impact of military operations on civilian populations and resources.<sup>20</sup>

CA's greatest contribution lies in smoothing the transition between military forces and legitimate civil authority in potentially volatile situations. In post-attack uncertainty, CA forces may be the final link available to restore order and speed post-attack recovery.

SOF bring a wide variety of capabilities to the defense and security of the U.S. Although traditionally used outside the homeland, SOF's role can translate inside the borders as well. Regardless of SOF's participation, the only method to maximize their contributions is to integrate them into the Homeland Security Strategy.

## **THE NATIONAL STRATEGY FOR HOMELAND SECURITY**

The Office of Homeland Security published the first *National Strategy for Homeland Security* on July 16, 2002. The Strategy is a straightforward document that clearly states the huge challenge the United States faces in securing its homeland. It outlines its objectives and presents a roadmap for achieving them while delineating responsibilities to various Federal

agencies. While doing this, it also transmits a sense of urgency because of America's vulnerabilities and the absolute need to prevent future terrorist attacks on the U.S. homeland.

The Strategy clearly highlights its objectives (ends) as: "Prevent terrorist attacks within the United States; reduce America's vulnerability to terrorism; and minimize the damage and recover from attacks that do occur."<sup>21</sup> It then lists six critical mission areas (ways) to achieve these objectives: intelligence and warning, border and transportation security, domestic counterterrorism, protecting critical infrastructure, defending against catastrophic terrorism, and emergency preparedness and response. The following analysis of the Strategy centers on unique contributions (means) SOF can make within their capabilities and force structure while remaining inside generally accepted boundaries for the use of military force in the United States.

#### WAY: INTELLIGENCE AND WARNING.

Denying surprise to the enemy can pre-empt an attack, or if an attack does occur, minimize its effects. Improving intelligence and warning deprives terrorists of surprise. The Strategy's means to enhance intelligence and warning include building new capabilities through the Department of Homeland Security (DHS) and employing "red team" techniques (role-playing the opposition).

The Strategy discusses improvements to DHS and to the analytic capabilities of the Federal Bureau of Investigation to improve intelligence and warning. The Strategy's implementation of this way is feasible and acceptable, but it is only borderline suitable. Curiously, little mention is made of military intelligence capabilities and contributions. There are statutory limitations on military intelligence gathering, but the Strategy overlooks a valuable means (the military) in information analysis, which is a basic competency of military intelligence. This is especially true of the SOF intelligence apparatus, which is geared toward assimilating data on terrorist organizations to understand how to counter them. SOF's contribution could be especially valuable overseas, given their presence as an instrument of national power positioned forward and engaged under Theater Security Cooperation Plans in many geographic areas considered terrorist breeding grounds.

Additionally, DOD has extensive red team capabilities used for wargaming and improving courses of action, yet the Strategy does not mention incorporating military red team assets. Since SOF routinely plan for operations against terrorist organizations, they have a good understanding of terrorist employment techniques. As a result, SOF could role play terrorist operatives as part of a red team analysis. This effort should increase awareness of



vulnerabilities while introducing the interagency team to possible terrorist courses of action in potential attacks on the U.S.

There is unnecessary risk if the Strategy is implemented as written. Failing to incorporate military assets into intelligence and warning isolates a valuable tool that may be called upon to respond to events, and it thwarts the stated purpose of achieving unity of effort in homeland security. Implementing the Strategy with increased SOF presence will enhance intelligence and warning; it is an existing capability that should require little increase in resources and would induce minimal risk to homeland security if implemented.

WAY: BORDER AND TRANSPORTATION SECURITY.

No longer can the United States rely on its geographic isolation to provide security. Terrorists have demonstrated an ability to use technology to overcome this natural defense. Globalization of transportation and shipping links the world community and is indispensable to America's commercial well being. Unfortunately, globalization introduces new vulnerabilities to American security.

Among the means the Strategy proposes to improve transportation and border security is to create smart borders, which would allow "the efficient flow of people, goods, and conveyances engaged in legitimate economic and social activities"<sup>22</sup> while inhibiting the flow of terrorism, crime, illegal drugs, and other threats to American security. Technology and intelligence are the keys to this means; they operate in the background while strengthening America's security without impeding the free flow of legitimate users of international transportation and borders.

This proposal passes the FAS test but introduces some risk if implemented because it fails to incorporate SOF intelligence into this process. SOF routinely gather intelligence and plan courses of action to defend, protect, or act against transportation nodes and vehicles used by terrorist organizations. SOF could contribute greatly to the interagency effort to enhance transportation security by incorporating their vulnerability assessment capabilities to the Strategy's proposed means. This would be a less risky course of action to secure America's borders and transportation industry.

WAY: DOMESTIC COUNTERTERRORISM.

The intent of this way is to thwart terrorists before they act, to include apprehension and prosecution of terrorists and pursuit of those who harbor and provide support to terrorists. The primary means to implement this way are law enforcement agencies at the Federal, state, and

local levels. This proposal is feasible and acceptable, but it would be more suitable if it included military counterterrorism capabilities.

USSOCOM's top two priorities are preempting global terrorist threats and defending the homeland.<sup>23</sup> CDR USSOCOM is DOD's supported commander in the global war on terrorism, which gives him primary responsibility for prosecuting this operation.<sup>24</sup> Since SOF are organized, trained, and equipped for CT and are DOD's force of choice for this mission, the Strategy should integrate SOF capabilities into its counterterrorism architecture. SOF direct action missions, intelligence gathering, and kinetic and non-kinetic disruption operations would be valuable.

In domestic counterterrorism operations, SOF must be subordinate to and support the actions of other agencies while remaining under military command and control. For maximum SOF contribution, though, they must be integrated into plans and conduct training with other agencies before mission execution. This is a feasible, acceptable, and suitable course of action and introduces little risk if Federal agencies carefully segregate SOF from domestic law enforcement roles. It should require few, if any, additional resources, since counterterrorism is a SOF core task, with at least the basic resource structure already in place.

#### WAY: PROTECTING CRITICAL INFRASTRUCTURE AND KEY ASSETS.

The Strategy lists what it considers to be America's critical infrastructure and delineates lead agency responsibilities for each. For example, the Environmental Protection Agency is responsible for water supplies, the Department of the Treasury for banking and finance, and DOD for the defense industrial base. Homeland Security Presidential Directive-7 (HSPD-7), *Critical Infrastructure Identification, Prioritization, and Protection*, implements this way with the stated purpose of protecting against acts that could cause catastrophic health effects, impair the ability to govern and maintain order, damage the economy, or undermine the public's morale and confidence.<sup>25</sup>

Among the means to protect critical infrastructure are enabling partnerships with state and local governments and the private sector and harnessing analytic and modeling tools to develop protective solutions. This is a feasible and acceptable course of action, but it lacks suitability because it ignores a potentially valuable tool that SOF offer in evaluating the effectiveness of existing physical security measures for high value assets. This role is well within the capabilities of SOF and squarely in line with joint doctrine. As a result, including SOF's vulnerability assessments tools to protect critical infrastructure and key assets is a more suitable, lower risk option.

#### WAY: DEFENDING AGAINST CATASTROPHIC THREATS.

Terrorists have proven they can attack America's homeland, and they have an array of weapons that can cause catastrophic loss of human life, contamination, and physical and economic damage. It is imperative for the U.S. to defend against these types of threats, especially chemical, biological, radiological, and nuclear weapons. As President Bush stated, our enemies "have been caught seeking these terrible weapons. They want the capability to blackmail us, or to harm us, or to harm our friends – and we will oppose them with all our power."<sup>26</sup> Highlighting the importance of this effort, the National Security Strategy (NSS) devotes an entire chapter to counterproliferation of WMD.

The Homeland Security Strategy and the NSS complement each other in reference to defending against WMD. The Homeland Security Strategy focuses mostly on scientific and technological means, such as sensors and procedures, detection, decontamination, and vaccines. HSPD-4, *National Strategy to Combat Weapons of Mass Destruction*, supplements the NSS in its focus on CP, nonproliferation, and consequence management means.<sup>27</sup> The Homeland Security Strategy essentially ignores potential military contributions to combat WMD. Fortunately, HSPD-4 specifically includes military CP capabilities, a SOF core task previously discussed.

The Homeland Security Strategy, NSS, and HSPD-4 emphasize the importance of CP in protecting against catastrophic threats. Similar to the CT mission, SOF are a preferred military force for CP. Injecting SOF into this role reduces the risk of implementing this branch of the Strategy. SOF have historically executed CP outside the U.S., but there should be no impediment to conducting CP missions inside the U.S, especially if there is a joint declaration of a state of emergency to satisfy the intent of the PCA. As with CT, SOF would not be the lead agency supporting CP inside the U.S. but would work in conjunction with other agencies while remaining under military command and control.

#### WAY: EMERGENCY PREPAREDNESS AND RESPONSE.

This way represents the last line of defense for homeland security. Should preventive measures fail, America must be prepared to respond should an event occur so we can minimize the effects and deny terrorists' one of their main goals – disrupting our way of life.

Among the means the Strategy lists to support this way are: integrating federal response plans into one plan; creating a national incident management system; improving tactical counterterrorist capabilities; enabling seamless communications among responders; preparing for decontamination, planning for military support to civil authorities, and constructing a national

training and evaluation system. Implementing this section of the strategy fails the FAS test because it overlooks a valuable asset that resides in SOF – Civil Affairs forces.

Unlike some potential SOF roles, CA would make their greatest contribution after an attack occurs, especially in restoring civil order in the aftermath of a catastrophe. Over 96% of CA forces reside in the Reserve Component<sup>28</sup> and have gained extensive experience in recent operations in Afghanistan and Iraq. The strength of CA lies in most individuals having a military specialty closely resembling their civilian occupations. A typical CA contingent would have highly experienced judges, lawyers, police, engineers, public works managers, and city administrators. Obviously, many of these specialties are critical to restoring and maintaining civil order and administration in an area suffering the consequences of a catastrophe such as a WMD event. CA forces are ready-made to augment local authorities whose capabilities have been exceeded. As with other mission sets, CA maximize their contribution only if integrated into planning and training for an event before it occurs. However, incorporating CA into this mission does pose some risk. Given ongoing operations overseas that tax CA forces, integrating CA into emergency preparedness and response may require increased force structure unless they contribute only to those situations in which they are most critically needed.

The Homeland Security Strategy superbly outlines the vision for protecting America's homeland, especially since it is the government's first attempt to plan for this massive undertaking. Its ends and ways are comprehensive and appropriate for the Strategy's broad mission. In some cases, the means outlined by the Strategy are suitable as written. In other cases, alternative means based on SOF contributions, as summarized in Table 1, make the Strategy more effective.

----- When SOF Can Contribute -----

<b>HLS Strategy Way</b>	<b>Pre-Attack/Conflict</b>	<b>During Attack/Conflict</b>	<b>Post-Attack/Conflict</b>
<b>Intelligence and Warning</b>	Red team; Intel gathering	Red team; Intel gathering	
<b>Border/Transportation Security</b>	Vulnerability assessment; COA development		
<b>Domestic Counterterrorism</b>	Planning; interagency training	Interagency execution (kinetic/non-kinetic)	Apprehension of suspects
<b>Protecting Critical Infrastructure</b>	Planning; Evaluation; Red team		
<b>Defending Against Threats</b>	Nonproliferation	Counterproliferation	Consequence management
<b>Emergency Prep and Response</b>	Planning; Training		Civil Affairs (restore order)

TABLE 1: SUGGESTED SOF CONTRIBUTIONS IN HOMELAND SECURITY/HOMELAND DEFENSE

To re-emphasize, SOF make their greatest contribution only if included early in planning for homeland security and homeland defense. The following sections will illustrate the architecture for effectively integrating SOF into these roles.

**UNITED STATES NORTHERN COMMAND**

The idea to create a Unified Command charged with the homeland defense mission surfaced as early as 1997. By 1999, U.S. Joint Forces Command gained responsibility for HLD after Congress rejected the idea to establish a new command.<sup>29</sup> Following the September 11, 2001 attacks, President Bush directed the establishment of a new Command to conduct HLD. U.S. Northern Command (USNORTHCOM) gained initial operating capability on October 1, 2002 with a mission to

conduct operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories and interests within the assigned area of responsibility (AOR); and as directed by the President or Secretary of Defense, provides military assistance to civil authorities including consequence management operations.<sup>30</sup>

USNORTHCOM'S AOR includes the air, land, and sea approaches to the continental United States, Alaska, Canada, Mexico and surrounding waters out to 500 nautical miles on the

West Coast and 1,250 nautical miles on the East Coast and includes the Gulf of Mexico, Puerto Rico, and the U.S. Virgin Islands. It provides unity of command and consolidates HLD missions previously the responsibility of multiple other Commands and divided among the Services.

USNORTHCOM also plans, organizes, and executes civil support missions, to include domestic disaster relief operations and support to counterdrug operations. USNORTHCOM has few assigned forces; it receives forces in a supported commander role when designated by the President or Secretary of Defense to execute missions.<sup>31</sup> Although the headquarters does contain a small special operations directorate to manage SOF issues, USNORTHCOM has no other assigned SOF.

Subordinate to USNORTHCOM is Joint Force Headquarters Homeland Security (JFHQ-HLS), which “coordinates the land and maritime defense of the continental United States and plans and integrates the full spectrum of homeland defense and civil support to lead federal agencies.”<sup>32</sup> Included in this support are prevention, crisis response, and consequence management.

Joint Task Force Civil Support (JTF-CS) is the subordinate element to JFHQ-HLS for civil support issues involving WMD consequence management within the nation’s borders. USNORTHCOM becomes involved in civil support for a limited length of time and only until “the lead federal agency can again assume full control and management without military assistance.”<sup>33</sup>

#### **COMMAND AND CONTROL OF SOF IN HOMELAND SECURITY AND HOMELAND DEFENSE.**

Defining the role of SOF in HLS/HLD is merely a first step in integrating these forces into the current construct. Understanding USNORTHCOM’s command and control (C2) structure is the second step. Figure 1 shows the present USNORTHCOM organizational structure. Noticeably absent from the organizational structure is a SOF component or a distinct SOF C2 structure.



UNCLASSIFIED

# USNORTHCOM C<sup>2</sup> Structure

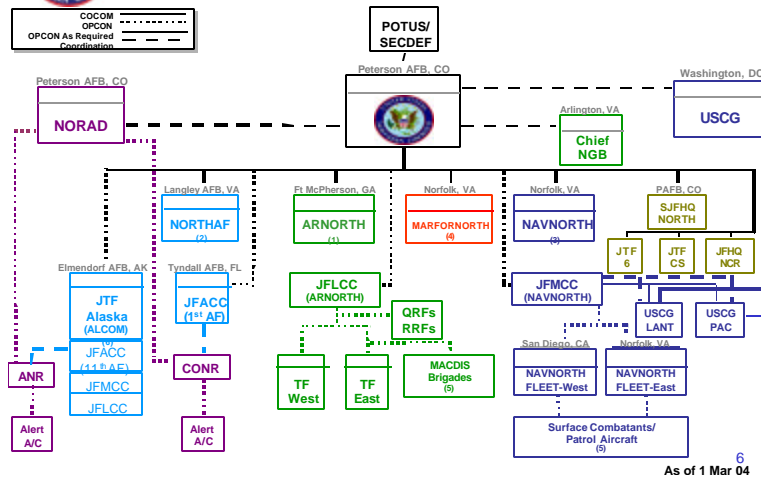


FIGURE 1: USNORTHCOM ORGANIZATIONAL STRUCTURE<sup>34</sup>

USNORTHCOM created an adaptive joint force headquarters (AJFHQ) to balance the competing requirements to establish and maintain a standing headquarters for day-to-day issues and to provide C2 in a contingency. According to USNORTHCOM, AJFHQ:

provides CDR USNORTHCOM with the ability to plan, execute and evaluate mission success in an ever-changing operating environment. The AJFHQ enables command and control of assigned forces through cross-functional collaboration during planning [and] provides CDR USNORTHCOM with the ability to task organize the headquarters to command, control and support joint operations better than the traditional J-code staff.<sup>35</sup>

Under this construct, it may be possible for USNORTHCOM to provide adequate C2 of SOF during operational training and execution. However, USNORTHCOM makes no mention of this task, and it would not be in accordance with joint doctrine.

All SOF in the U.S. are assigned under combatant command of CDR USSOCOM unless otherwise assigned by the Secretary of Defense. As a supporting commander, CDR USSOCOM provides SOF to CDR USNORTHCOM for operational employment, or executes C2 of SOF missions as directed by the President or Secretary of Defense,<sup>36</sup> such as missions in the Global War on Terror. Regardless, Joint Publication 3-05, *Doctrine for Joint Special Operations*, specifies C2 of SOF in theater should remain in the SOF chain of command. In most circumstances, this is accomplished through a Joint Force Special Operations Component Commander (JFSOCC) or Joint Special Operations Task Force (JSOTF).<sup>37</sup> In established

theaters, the JFSOCC or JSOTF could form from the staff of the Theater Special Operations Command (TSOC), a sub-unified command that serves as the theater SOF functional component and which is on equal footing with other Service or functional component Commands, as illustrated in Figure 2.

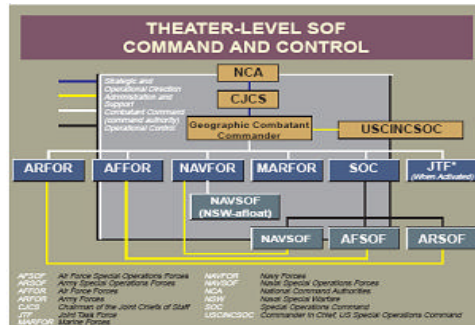


FIGURE 2: THEATER LEVEL SOF COMMAND AND CONTROL<sup>38</sup>

The TSOC is the theater special operations advisor who exercises operational control of all assigned or attached SOF in theater. Figure 3 shows the TSOC structure in the mature geographic theaters. Noticeably absent is a TSOC for USNORTHCOM.

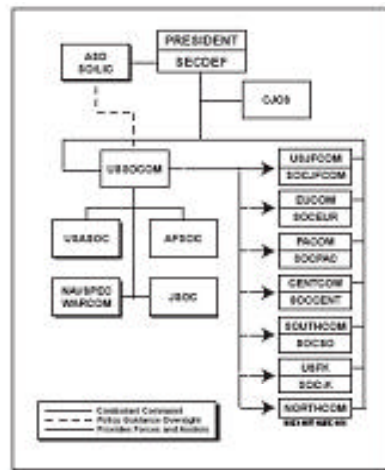


FIGURE 3: THEATER SPECIAL OPERATIONS COMMANDS<sup>39</sup>



The primary function of the TSOC is to integrate SOF fully into the Combatant Commander's plans and contingency operations. The TSOC

plans and conducts joint special operations, ensuring that SOF capabilities are matched to mission requirements while advising component commanders in theater on the proper employment of SOF. Additionally, [T]SOCs provide the core element for establishing a joint special operations task force – a quick reaction command and control element that can respond immediately to regional emergencies.<sup>40</sup>

TSOCs establish and maintain unity of command for SOF in theater, primarily as a solution for mistakes of Operation EAGLE CLAW, the failed Iranian hostage rescue mission of 1980. Notable in this mission was the *ad hoc* nature of its task organization, training, and command and control. The Holloway Commission, chartered to identify causes of mission failure and make recommendations to correct deficiencies, noted:

task organization planning, integration of concurrent planning by subordinate units, and determination of support and requirements, were compartmentalized and reliant upon *ad hoc* arrangements. Prolonged *ad hoc* arrangements often result in tasking from different sources and can cause confusion at the operating level. These situational arrangements may hinder preparation and can impact adversely on overall cohesion of effort.<sup>41</sup>

SOF C2 in the USNORTHCOM theater appears unsettled and unclear. If a SOF mission were executed under the current C2 construct, CDR USNORTHCOM would accept forces from CDR USSOCOM unless the Secretary of Defense directs CDR USSOCOM to execute mission C2. However, there is no ready command and control structure for USNORTHCOM SOF mission execution unless it uses its AJFHQ to provide C2 of the SOF mission the same as it would a conventional force mission. This would be in accordance with neither joint doctrine nor the established, battle-tested C2 structure used in all other theaters. Unless there is a ready-made C2 structure for SOF in USNORTHCOM, as there are in the established European, Pacific, Central, Southern, and Korean AORs, there is a risk of prosecuting the mission under an *ad hoc* C2 arrangement. This would unnecessarily repeat a mistake identified by the Holloway Commission in 1980, as previously-discussed.

As a result, there should be a sub-unified TSOC under USNORTHCOM. Special Operations Command Northern Command (SOCNORTH) would fulfill the requirement to establish a C2 structure for SOF that would provide unity of command for SOF in the USNORTHCOM AOR. Assignment of forces to SOCNORTH is neither desired nor required – CDR USNORTHCOM would remain a supported commander, with CDR USSOCOM providing forces in a supporting role. Creating a SOCNORTH headquarters staff would allow CDR USNORTHCOM to perform the following functions as specified by Joint Publication 3-05:

- Provide for a clear and unambiguous chain of command;
- Provide for sufficient staff experience and expertise to plan, conduct, and support operations;
- Integrate SOF in the planning process; and
- Match mission capabilities with mission requirements.<sup>42</sup>

## **CONCLUSION**

Homeland security and homeland defense have long been a major priority of the Federal government, but most of America's wars have been conventional conflicts fought on foreign soil. The attacks of September 11, 2001 brought a different kind of warfare to America's shores. As a result, the homeland is now a battleground in a war waged against a fanatical enemy using unconventional methods. When battling an unconventional foe, one of the best weapons available is an unconventional force organized, trained, and equipped to defeat them.

This paper introduced the reader to special operations and special operations forces. It analyzed the Homeland Security Strategy and showed how SOF can strengthen the strategy as a means to implement this evolving strategy. It showed how the PCA provides a valuable sounding board for using military forces in the homeland and how decision makers must be careful to balance their need against the potential risk of the military assuming a large role in the homeland. The paper then illustrated how USNORTHCOM lacks a command and control structure to incorporate SOF in homeland defense and homeland security missions. The resulting conclusion was a proposal to create a theater special operations command under USNORTHCOM. SOCNORTH would effectively integrate SOF with conventional forces and interagency assets in protecting and defending the homeland.

Special operations forces have unique mission competencies, particularly in counterterrorism, counterproliferation of WMD, and civil affairs, that will contribute greatly to winning the war in the homeland. The keys to their successful use are to understand their capabilities and how they can contribute to the interagency plan, incorporate them into the force structure and planning from the outset, and to establish an appropriate command and control structure to capitalize on their contributions.

WORD COUNT=5,982



## ENDNOTES

<sup>1</sup> George W. Bush, "Executive Order Establishing the Office of Homeland Security and the Homeland Security Council," 8 October 2001; available from <http://www.whitehouse.gov/news/releases/2001/10/20011008-2.html>; Internet; accessed 1 September 2004.

<sup>2</sup> U.S. Army War College Department of National Security and Strategy, *Course 2 Directive: War, National Security Policy & Strategy* (Carlisle Barracks, PA: U.S. Army War College, 2004), 157-63. The primary focus for this method of strategic appraisal is on the ends (the objectives of the strategy, or "what" it is trying to accomplish), the ways (or "how" to accomplish it), and the means (the resources implied by the ways for accomplishing the ends). When applying the feasibility-acceptability-suitability (FAS) test, the U.S. Army War College suggests asking these questions: Do we have the means to execute the ways (is it feasible)? Does it have domestic and Congressional support, and is it legal, ethical, and worth the cost (is it acceptable)? Will it achieve the desired ends (is it suitable)? If the answer to all three questions is "Yes," then the strategy passes the FAS test. If the answer to any or all of the questions is "No," then the evaluator should show what is needed to bolster the strategy for it to pass the FAS test.

<sup>3</sup> Arthur F. Lykke, Jr., "Toward an Understanding of Military Strategy," in *U.S. Army War College Guide to Strategy*, ed. Joseph R. Cerami, and James F. Holcomb, Jr. (Carlisle Barracks, PA: Strategic Studies Institute, 2001), 179-86. Lykke proposes this formula, which is very similar to the U.S. Army War College model: Strategy = Ends + Ways + Means. Ends are the objectives toward which one strives. Ways are the courses of action (concepts) one follows to achieve the ends. Means are the instruments or resources one uses to achieve ends. He suggests national security strategy rests on a stool supported by three legs – objectives, concepts, and resources. Not only must these legs exist, but they must also be balanced. Any imbalance in the legs introduces risk, similar to the risk one would encounter by sitting or placing an object of value on an imbalanced stool. For instance, if a national strategy has appropriate ends and ways, but there are not sufficient resources or means to implement the strategy, then risk is introduced to the strategy. Policymakers then must address this risk and correct the imbalance, or they must choose to accept the risk.

<sup>4</sup> Office of Homeland Security. *National Strategy for Homeland Security* (Washington, D.C.: The White House, July 2002), 2.

<sup>5</sup> United States Northern Command, "Homeland Security vs. Homeland Defense," available from < <http://www.northcom.mil/index.cfm?fuseaction=s.homeland>>; Internet; accessed 25 October 2004.

<sup>6</sup> "The Posse Comitatus Act of 1878;" available from <[http://www.doj.gov/net/posse\\_comitatus\\_act.htm](http://www.doj.gov/net/posse_comitatus_act.htm)>; Internet; accessed 29 October 2004.

<sup>7</sup> United States Northern Command Home Page; available from <<http://www.northcom.mil/>>; Internet; accessed 29 October 2004.

<sup>8</sup> *Ibid.*

<sup>9</sup> Constitution of the United States of America; available from <<http://www.house.gov/Constitution/Constitution.html>>; Internet; accessed 29 October 2004.

<sup>10</sup> Homeland Security Act, Public Law, 107-296, sec. 886 (2002).

<sup>11</sup> Matthew Carlton Hammond, "The Posse Comitatus Act: A Principle in Need of Renewal," Summer 1997; available from <<http://law.wustl.edu/WULQ/75-2/752-10.html#fnB146>>; Internet; accessed 29 December 2004.

<sup>12</sup> U.S. Joint Chiefs of Staff, *Department of Defense Dictionary of Military and Associated Terms*, Joint Pub 1-02 (Washington, D.C.: U.S. Joint Chiefs of Staff, 7 October 2004), 495.

<sup>13</sup> U.S. Joint Chiefs of Staff, *Doctrine for Joint Special Operations*, JP 3-05, (Washington, D.C.: U.S. Joint Chiefs of Staff, 17 April 1998), II-2.

<sup>14</sup> Some of the primary special operations forces that may be of use in homeland security/ homeland defense are: U.S. Army: Special Forces, civil affairs, and rotary wing aviation; U.S. Navy: Naval Special Warfare Groups (SEALs, SEAL Delivery Vehicle Teams, and Special Boat Units); U.S. Air Force: Long-range, adverse weather infiltration/exfiltration/resupply rotary wing and fixed wing aircraft; close air support aircraft; and special tactics units (combat control, pararescue, and combat weather); and U.S. Marine Corps: Although some Marine units may have special operations capabilities that may support or augment SOF in HLS/HLD roles, they are not permanent USSOCOM assets.

<sup>15</sup> Marshall Billingslea and Charles R. Holland, *United States Special Operations Forces Posture Statement 2003-2004: Transforming the Force at the Forefront of the War on Terrorism*, (Tampa, FL: U.S. Special Operations Command, 2003), 36-37.

<sup>16</sup> *Ibid*, 36.

<sup>17</sup> JP 3-05, II-8-9.

<sup>18</sup> Billingslea, 36.

<sup>19</sup> JP3-05, II-10.

<sup>20</sup> Billingslea, 37.

<sup>21</sup> *National Strategy for Homeland Security*, vii.

<sup>22</sup> *Ibid*, 22.

<sup>23</sup> Billingslea, 28-29.

<sup>24</sup> Institute of Land Warfare, *Fiscal Year 2005 Army Budget: An Analysis* (Arlington, VA: Association of the United States Army, 2004), 23.

<sup>25</sup> George W. Bush, "Homeland Security Presidential Directive-7, Critical Infrastructure Identification, Prioritization, and Protection," 17 December 2003; available from <<http://www.whitehouse.gov/news/releases/2003/12/20031217-5.html>>; Internet; accessed 1 September 2004.

<sup>26</sup> George W. Bush, *The National Security Strategy of the United States of America* (Washington, D.C.: The White House, September 2002), 13.

<sup>27</sup> George W. Bush, "Homeland Security Presidential Directive-4, National Strategy to Combat Weapons of Mass Destruction," December 2002; available from <<http://www.fas.org/irp/offdocs/snspd/nspd-17.html>>; Internet; accessed 1 September 2004.

<sup>28</sup> Institute of Land Warfare, 25.

<sup>29</sup> Thomas H. Kean et al, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States*, (New York: W.W Norton, 2004), 97.

<sup>30</sup> United States Northern Command Home Page; available from <<http://www.northcom.mil/>>; Internet; accessed 29 October 2004.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> United States Northern Command, *Concept of Operations* (Colorado Springs, CO: United States Northern Command, March 2004), 4-1.

<sup>35</sup> *Ibid*, 6-1.

<sup>36</sup> JP 3-05, III-2-3.

<sup>37</sup> *Ibid*, III-3-4.

<sup>38</sup> *Ibid.*

<sup>39</sup> Billingslea, 41.

<sup>40</sup> *Ibid*, 40.

<sup>41</sup> Special Operations Review Group, *Rescue Mission Report* (Washington, D.C.: U.S. Joint Chiefs of Staff, 1980), 15-18.

<sup>42</sup> JP 3-05, III-1



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