

TERRORISM PREVENTION: HOW DOES SPECIAL OPERATIONS FIT IN?

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14. ABSTRACT The 2002 US national security strategy is a proactive, world integrated strategy against terrorism. The US chose to highlight preemption as a viable option to deal with terrorists or rogue states. The aim of this thesis is to address the planning and execution of this policy at the operational level with regard to prevention more so than preemption. As such, strategic and operational decisions regarding actions to be taken against impending terrorist threats will need to be made to prevent the onset of hostile acts against the US. The decisions to act will also incur associated military and political risks. Once possible terrorist activity is detected, the US may choose to use diplomatic, economic or informational means but often the only sure means of stopping terrorist attacks will be by military means. This thesis addresses the unanswered operational level questions regarding the US strategy as well as the preventive military actions that the US and regional combatant commander can take to effectively mitigate the use of terrorism against America. The primary focus revolves around Special Operations Forces (SOF) capabilities and the circumstances to use them, as well as finding out how they fit into the grand scheme of the war on terrorism.					
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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

TERRORISM PREVENTION: HOW DOES SPECIAL OPERATIONS FIT IN? by MAJ Joseph Gonnella, 106 pages.

The 2002 US national security strategy is a proactive, world integrated strategy against terrorism. The US chose to highlight preemption as a viable option to deal with terrorists or rogue states. The aim of this thesis is to address the planning and execution of this policy at the operational level with regard to prevention more so than preemption. As such, strategic and operational decisions regarding actions to be taken against impending terrorist threats will need to be made to prevent the onset of hostile acts against the US. The decisions to act will also incur associated military and political risks. Once possible terrorist activity is detected, the US may choose to use diplomatic, economic or informational means but often the only sure means of stopping terrorist attacks will be by military means. This thesis addresses the unanswered operational level questions regarding the US strategy as well as the preventive military actions that the US and regional combatant commander can take to effectively mitigate the use of terrorism against America. The primary focus revolves around Special Operations Forces (SOF) capabilities and the circumstances to use them, as well as finding out how they fit into the grand scheme of the war on terrorism.

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ACRONYMS

CA	Civil Affairs
CARVER	Criticality, Accessibility, Recuperability, Vulnerability, Effect, and Recognizability
CBT	Combating Terrorism
CIA	Central Intelligence Agency
CMO	Civil-Military Operations
CNN	Cable News Network
COIN	Counterinsurgency
CP	Counterproliferation
CT	Counterterrorism
DA	Direct Action
DoD	Department of Defense
DoS	Department of State
FA	Feasibility Assessment
FID	Foreign Internal Defense
FDO	Flexible Deterrence Options
GWOT	Global War on Terrorism
IO	Information Operations
JFC	Joint Forces Command
METT-TC	Mission, Enemy, Terrain and Weather, Troops and Support available, Time Available, and Civil Considerations
NP	Nonproliferation
NMS	<i>The National Military Strategy of the United States of America 2004: A Strategy for Today, A Vision for Tomorrow</i>

<i>NSCT</i>	<i>The National Strategy for Combating Terrorism</i>
<i>NSS</i>	<i>The National Security Strategy of the United States of America (2002)</i>
OIF	Operation Iraqi Freedom
PSYOP	Psychological Operations
RCC	Regional Combatant Commander
SO	Special Operations
SOF	Special Operations Forces
SR	Special Reconnaissance
TSOC	Theater Special Operations Command
UN	United Nations
UNSCR	United Nations Security Council Resolution
USSOCOM	United States Special Operations Command
UW	Unconventional Warfare
WMD CM	Weapons of Mass Destruction Consequence Management
WMD/E	Weapons of Mass Destruction/Effects
WOT	War on Terrorism

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CHAPTER 1

INTRODUCTION

Terrorism Prevention: How Does Special Ops Fit in?

The eleventh of September 2001 changed America's attitude towards terrorism. It no longer was something that happened to everyone else. This time it happened to the United States of America on American soil. Since the infamous 11 September attack, the United States has significantly modified its policy and doctrine on terrorism. In fact, the United States declared War on Terrorism (WOT), which has become a commonly used phrase in the media.

The current United States President, George W. Bush, in 2002 published *The National Security Strategy of the United States of America* (NSS) stating how the United States military will “defend the peace by fighting terrorists and tyrants, preserve the peace by building good relations among the great powers and extend the peace by encouraging free and open societies on every continent” (p. 1). The NSS clearly specifies how the United States intends to fight terrorists and tyrants through legal preemption as stated “international law recognizes the nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack.” “The United States will constantly strive to enlist the support of the international community.” But “we will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country” (Bush 2002, 6).

The president speaks for the United States to the rest of the world and emphasizes that the United States is very concerned with international opinion, although it will not

allow that opinion to place American security in jeopardy. The concept that a state has the right to defend itself prior to an impending attack has already been made many times and is generally considered not to be a violation of international Law (Worrell 2003, 12-13). Regardless of this legal precedence, the United States still first seeks the consent of the international community. Realistically, in order to rapidly execute the option of preemption, the United States must establish criteria prior to an impending crisis to guide decision makers on when to act preemptively or not. These criteria must consider two major groups: the International Community and United States public support. When the United States is not able to gain acceptance by the two groups just mentioned, then the United States' proactive policy towards terrorism will truly be tested.

The United States has chosen to highlight preemption as a viable option to deal with terrorists or rogue states (Bush 2002, 15). Since this policy was published, there have been well over 600 articles, monographs, theses, papers, and books scrutinizing a preemption policy as to whether or not it is a good or bad policy. It would be exhausting the issue to address the policy's intent. The aim of this thesis is to address the planning and execution of this policy with regard to prevention more so than preemption. As such, strategic and operational decisions regarding actions to be taken against impending terrorist threats will need to be made to prevent the onset of hostile acts against the United States. The decisions to act will also incur associated military and political risks. Once the United States or regional combatant commander (RCC) identifies a situation of possible terrorist activity against America, they may choose to use diplomatic, economic or informational means, but often the only sure means of stopping terrorist attacks will be by military means. The decision to preempt or prevent terrorism using the military

equates to the use of force and can be accomplished with conventional or special operations forces (SOF). This thesis focuses on the use of SOF.

The RCC has to evaluate which of his forces are best suited to accomplish any given mission. What criteria does he use and under what circumstances should he choose SOF over conventional forces? What capabilities does SOF have that present a better opportunity for success both militarily and politically over conventional forces? If the RCC determines SOF to be the better choice for the situation, what exactly can SOF do? In what role is SOF best used for the given mission? Finally, under what conditions will the operational commander be allowed to actually use SOF in order for the international community and the United States public to accept the use of force? Taking this one step further, are there conditions where the United States Department of Defense would choose to violate sovereignty and use SOF to prevent a terrorist act without public support and international acceptance? One must remember, successful preemption or prevention of an event will always leave doubt that the event would have actually occurred at all.

The current command structure and intelligence flow does not lend itself to delegate a decision to preempt down to the RCC. However, the United States is attempting to break down the walls in the sharing of intelligence. The tactical intelligence takes several paths: if it is collected by uniformed military personnel it is generally filtered through the RCC; if it is collected by other means then it generally passes directly to the presidential office and bypasses the RCC. In order to recognize and take action in the early stages of an imminent threat and achieve a higher success rate, the RCC must be

given the authority to act decisively within the president's intent when targets of opportunity arise.

The guidelines for using SOF without international consent cannot be so restrictive that it will always preclude using SOF. They have numerous and a wide variety of special capabilities. The RCC must know what SOF can really do to mitigate a crisis out of its nine core tasks as outlined in Joint Publication 3.05, *Doctrine for Joint Special Operations*. Determining international consent and domestic public support is time consuming. Targets of opportunity will not wait for a cumbersome decision-making process. Therefore, the decision process to use SOF must allow for action in a timely manner. For some there will never be enough evidence to prove that a future act was going to irrefutably occur. Being pretty sure this terrorist attack will occur unless we do something about it is the situation that this thesis deals with. The United States Special Operations Command (USSOCOM) was appointed the lead planning agent to resolve this conundrum. So how can SOF use its capabilities to fit in? This leads to the primary research question.

The Research Question

What are the circumstances in which SOF can be used in the WOT? In order to answer this question, it is important to look at some secondary questions.

Secondary Questions

1. What type of terrorist threat does a state face?
2. What type of state is the terrorist threat harbored?
3. Is sovereignty an issue to the state that is attempting to mitigate the threat?

4. Should the state mitigate the threat unilaterally or multinationally?
5. Is a burden of proof required to mitigate political risks associated with an attack?
6. How much time does the state have before the threat becomes imminent?
7. Finally, how much risk is acceptable to the mitigating state with regard to: military lives; the political ramifications; the collateral damage; and the repercussions it will face of a war between states (if target X is destroyed, this will cause country Y to wage war on the attacking state).

Assumptions

In order to consider preventive or preemptive military action against a terrorist threat, it will be assumed that the United States will consider the use of military force. It should also be assumed that the United States could project its forces anywhere in the world. While there may be specific circumstances where the United States cannot physically project its forces, in general they are operationally capable of moving forces to any region of the world and have the capability to tactically employ those forces once they get there. In order to assess the circumstances when prevention or preemption should be exercised, it must be assumed one can prevent or preempt.

Lieutenant Colonel McMullen, in his strategic research project, “The Bush Doctrine: Power Concepts, Preemption, and Global War on Terror,” provides additional assumption that must be made in order to set up circumstances to prevent or preempt terrorism. These assumptions focus this research directly on the thesis question. They are as follows:

Assumption 1: The diplomatic instrument of power has primacy in GWOT; the U.S. preferred course of action for dealing with security threats is through diplomatic channels--the UN Security Council, multilateral approaches, and bilateral agreements--for international responses primarily centered on non-violent means and ways. The U.S., through the UN, energized incredible leaps in cooperation among Member-States at attacking terrorist funding (freezing finances, exposing charity schemes, and discovering front companies for money laundering); helping weak nations prevent terrorist sanctuary and operating bases (look at Pakistan and Yemen for examples); and international information sharing and collaborative law enforcement (cells have been corralled around the world due to intelligence sharing). Primary tools include persuasive and coercive diplomacy. The U.S. aggressively pursued this option in the months preceding Operation Iraqi Freedom (OIF), but with little success. However, the recent concessions from Libya serve as an important example of the primacy of the diplomatic arm of power. Following nine months of secret talks with U.S. and British officials, Libya, on 19 December 2003, publicly announced intent to dismantle its covert nuclear, chemical, and biological weapons programs; to open its borders to intense compliance inspections; and has not only denounce terrorism, but pledged participation in the international GWOT campaign.⁶¹ While the initial motivation behind the radical change in Libya's persona was most certainly influenced by events in Iraq, it was through 'quiet diplomacy' that brought them to proclaim desire to conform to international norms.⁶² Diplomatic crosshairs are currently focused on Iran, Syria, and North Korea to follow suit.

Assumption 2: When unable to garner multilateral support from the UN, the U.S. will engage in coalition building for purposes of burden-sharing and legitimacy. While UN authorized missions are considered integral for international legitimacy, it's not the only multilateral response option to U.S. or international security threats. If UN support cannot be mustered, America will attempt to form "coalitions of the willing". It should be noted the U.S. views UN multilateralism as a "means to the end"; this appears to differ from the majority of other Member-States who view UN Security Council consensus as an "end" to itself. This option, for example, was exercised through NATO in Kosovo and recently in OIF.

Assumption 3: If unable to build "coalitions of the willing", the U.S. may take unilateral action, normally following failed attempts of the traditional concepts of power. America will exercise her sovereign right to counter threats to vital interests if unable to marshal UN or coalition support. This is a highly unlikely scenario; due to globalization, interdependencies and common vital interests should guarantee participation of others.

⁶¹Joseph Cirincione, "The World Just got Safer: Give Diplomacy the Credit," Washingtonpost.com, 11 January 2004; available from <http://www.washingtonpost.com/ac2/wpdyn/A50046-2004Jan.html>; Internet; accessed 13 January 2004.

⁶²George Bush, "Text of Bush Libya WMD Announcement," Newsday.com, 19 December 2003; available from <http://www.newsday.com/>; Internet; accessed 24 January 2004.

Assumption 4: The GWOT campaign will require use of U.S. military force, to include possible preemptive strikes. The concept of preemptive strike is a historical option for defending America. Preemption, by definition, requires surprise, thus action is unilateral without prior UN notification. In context of use in GWOT, preemptive strikes are the exception rather than the norm and limited in scope; use of precision weapons and Special Operation Forces (SOF) in lieu of conventional brute force are preferred preemption tools. Actionable intelligence on terrorist planning operations and location is crucial. To re-emphasize, this option has not yet been executed in GWOT (at least overtly). (McMullen, 12, 13)

One final assumption will be made that the RCC will be given the latitude to act within the President's intent and in the best interests of the United States. It is in this setting that the combatant commander can be given the mission or decide to act on targets of opportunity to prevent or moderate the onset of a terrorist act or threat against the United States or entities of the United States.

Definitions

As in most other professional organizations, terms get confusing even within those particular organizations. The different branches of service in the military, at times, do not define terms the same way. Due to Special Operations Forces being a strategic asset and given its multifaceted mission sets, it is only appropriate to use joint doctrine and Department of Defense sources or as a fallback source, *Webster's Dictionary*, to define terms. The following definitions are essential in order to keep an even scope or perspective on the thesis.

Capability. The means, ability, and proficiency in which SOF can accomplish their specific core task (JP 3-05 2003, II-2 - II-3).

Criticality, Accessibility, Recuperability, Vulnerability, Effect, and Recognizability (CARVER). The SOF mission planning process relies on the CARVER

matrix to determine the feasibility of and methodology for applying SOF to the target (JP 3-05.2 2003, A1-A4).

Combating Terrorism (CBT). Actions, including antiterrorism (defensive measures taken to reduce vulnerability to terrorist acts) and counterterrorism (offensive measures taken to prevent, deter, and respond to terrorism), taken to oppose terrorism throughout the entire threat spectrum (JP 1-02 2004, 99).

Convergent Threat. As defined in “Fighting in the Gray Zone: A Strategy to Close the Preemption Gap” and for the purposes of this study, “is the threshold where substantial evidence of collusion exists between terrorists and rogue states in pursuit of WMD” (Fish, McCraw, and Reddish 2004, 10).

Counterinsurgency. Those military, paramilitary, political, economic, psychological, and civic actions taken by a government to defeat insurgency. Also called COIN. (JP 1-02 2004, 127)

Counterproliferation. A SOF core task. Those actions (e.g., detect and monitor, prepare to conduct counterproliferation operations, offensive operations, weapons of mass destruction, active defense, and passive defense) taken to defeat the threat and/or use of weapons of mass destruction against the United States, our military forces, friends, and allies. Also called CP. (JP 1-02 2004, 129)

Counterterrorism. A SOF core task. Operations that include the offensive measures taken to prevent, deter, preempt, and respond to terrorism. Also called CT (JP 1-02 2004, 130).

Direct Action (DA). A SOF core task. Short-duration strikes and other small-scale offensive actions conducted as a special operation in hostile, denied, or politically

sensitive environments, employing specialized military capabilities to seize, destroy, capture, exploit, recover, or damage designated targets. Direct action differs from conventional offensive actions in the level of physical and political risk, operational techniques, and the degree of discriminate and precise use of force to achieve specific objectives (JP 1-02 2004, 158).

Entities. Objects, individuals, units, or elements of the United States.

Feasibility. Operation plan review criterion. The determination as to whether the assigned tasks could be accomplished by using available resources (JP 1-02 2004, 196).

Feasibility Assessment. A basic target analysis that provides an initial determination of the viability of a proposed target for special operations forces employment. Also called FA (JP 1-02 2004, 196).

Feasibility Test. An operation plan review criteria to determine whether or not a plan is within the capacity of the resources that can be made available (JP 1-02 2004, 196).

Foreign Internal Defense (FID). Participation by civilian and military agencies of a government in any of the action programs taken by another government or other designated organization to free and protect its society from subversion, lawlessness, and insurgency (JP 1-02 2004, 210).

Gray Zone. As defined in “Fighting in the Gray Zone: A Strategy to Close the Preemption Gap” and for the purposes of this study, gray zone “is an area on the continuum of threats bordered by the thresholds of convergent threat and imminent threat where there is a convergence of rogue states and terrorist organizations pursuing WMD” (Fish, McCraw, and Reddish 2004, 10).

Imminent threat. As defined in “Fighting in the Gray Zone: A Strategy to Close the Preemption Gap” and for the purposes of this study, is “a threat where reaction time must be near instantaneous (Fish, McCraw, and Reddish 2004, 4).

METT-TC. The major factors considered during a mission analysis process. They are: “mission, enemy, terrain and weather, troops and support available, time available, and civil considerations” (FM 3-07 2003, G 9).

Operational Level. As it pertains to this study, it is the level of war at which campaigns and major operations are planned, conducted, and sustained to accomplish strategic objectives within theaters or other operational areas. Activities at this level link tactics and strategy by establishing operational objectives needed to accomplish the strategic objectives, sequencing events to achieve the operational objectives, initiating actions, and applying resources to bring about and sustain these events. These activities imply a broader dimension of time or space than do tactics; they ensure the logistic and administrative support of tactical forces, and provide the means by which tactical successes are exploited to achieve strategic objectives (JP 1-02 2004, 389).

Operational Mission Criteria. The employment of SOF in support of the joint force campaign or operation plan is facilitated by five basic criteria. These criteria provide guidelines for both conventional and SOF commanders and planners to use when considering the employment of SOF.

1. Is this an appropriate SOF mission?
2. Does the mission support the Joint Forces Command (JFC) campaign or operation plan?
3. Is the mission operationally feasible?

4. Are required resources available to execute the mission?
5. Does the expected outcome of the mission justify the risk? (JP 3-05 2003, I-10,11).

Preemption. SOF preempt the adversary by neutralizing its capabilities before the fight--either directly or in support of conventional forces. SOF do this through FID and UW efforts to build indigenous defense and intelligence capabilities; PSYOP directed at the adversary's leadership, armed forces, and populace; civil-military operations (CMO) in areas brought under friendly control; counterproliferation activities to slow or inhibit development of a capability; direct action (DA) missions against an adversary's critical operational or strategic targets; and counterterrorist operations. Deployed SOF often provides the geographic combatant commander or subordinate JFC with first-hand information regarding local population perspectives, intentions, and other information (JP 3-05 2003, I-8).

Preemptive Attack. As it pertains to this study and the *NSS*, an attack initiated on the basis of incontrovertible evidence that an enemy attack is imminent (JP 1-02 2004, 417).

Preventive War. A war initiated in the belief that military conflict, while not imminent, is inevitable, and that to delay would involve greater risk (JP 1-02 2004, 419).

Risk-Military. The risk associated with friendly military forces during an operation or mission that would result in injury or death.

Risk-Political. The risk to host nation's, attacking state's and international communities political situation resulting in loss of legitimacy, human rights violations,

loss of treaties and other international agreements, as well as popular support in the attacking state's public.

SOF Core Tasks. SOF performs two types of activities. They perform tasks that no other forces in the Department of Defense (DoD) conduct, and they perform tasks that other forces in Department of Defense conduct but do so to a unique set of conditions and standards. By performing these tasks, SOF offers Department of Defense an additional and unique capability to achieve objectives. SOF are specifically organized, trained, and equipped to accomplish the following nine core tasks: direct action (DA), special reconnaissance (SR), foreign internal defense (FID), unconventional warfare (UW), counterterrorism (CT), counterproliferation (CP) of weapons of mass destruction (WMD), civil affairs (CA) operations, psychological (PSYOP) operations, and information operations (IO). These core tasks represent the collective capabilities of all SOF rather than those of any one unit (JP 3-05 2003, II-3, 4).

Sovereignty. The “power to govern without external control.” (*Merriam-Webster* 2004, 687).

Special Reconnaissance. A SOF core task. Reconnaissance and surveillance actions conducted as a special operation in hostile, denied, or politically sensitive environments to collect or verify information of strategic or operational significance, employing military capabilities not normally found in conventional forces. These actions provide an additive capability for commanders and supplement other conventional reconnaissance and surveillance actions. Also called SR (JP 1-02 2004, 497).

Terrorism. With regard to the problem statement and the thesis scope, terrorism is any calculated use of unlawful violence or threat of unlawful violence to inculcate fear;

intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological (JP 1-02 2004, 534).

Unconventional Warfare (UW). A broad spectrum of military and paramilitary operations, normally of long duration, predominantly conducted through, with, or by indigenous or surrogate forces who are organized, trained, equipped, supported, and directed in varying degrees by an external source. It includes, but is not limited to, guerrilla warfare, subversion, sabotage, intelligence activities, and unconventional assisted recovery (JP 1-02 2004, 552).

Limitations

There are a few limitations beyond the control of the researcher. First and foremost is that this is completely unclassified research. Therefore, possible classified missions, operations, intelligence, and special categories of intelligence will not be researched. With a topic such as this and especially with SOF, all avenues of how SOF could preempt a terrorist attack will not be explored. Second, cases of a preemptive attack to prevent or moderate a terrorist act are few and far between. The ones that are known to exist and are unclassified actually deal with preemption prior to a conventional war. There are not many cases that deal specifically with the United States and preemptive strikes. Retaliation is acceptable in the United States and the international community; therefore, case studies on that topic are relatively abundant. The third and final limitation is that the average individual would never know if SOF succeeded in preempting a terrorist attack against the United States because something prevented never becomes a crisis.

Delimitations

One constraint imposed on this research is that only case studies of military operations after the 26 June 1945 Charter of the United Nations, Article 51, will be used. This document specifically prevents governments from using their militaries preemptively, with the exception of self-defense. After 1945 there is an issue with violations of sovereignty (UN Charter, Article 2, Principle 4, 1945). This document created legal precedent regarding a nation's sovereignty and the right of self-defense. Therefore, due to the primary research question's implications, events that occurred after 1945 will be explored under the rules outlined in the United Nations Charters.

Significance of the Study

Answering the research question correctly is critical to the nation's overall security and welfare. This proactive policy towards terrorism also ties directly into the information campaign of the United States. The American public prefers not to be seen as a "bad guy" to the majority of the international community. If the United States "gets it all wrong" and totally misjudges or miscalculates the reactions to its decision, at best it would tarnish its reputation and at worst it could find itself at war. Therefore, it is imperative that the United States government and respective combatant commanders completely understand the conditions or circumstances in which it should act and when it is best to use Special Operations Forces. Success of preventative military action depends on knowing when and where you can use it, when you should use it and then actually preventing or preempting.

It is also essential for the reader of this thesis to think beyond current affairs and what the media reports. It is very easy to get wrapped up in what is happening in

Afghanistan and Iraq regarding the WOT. But one must think on a broader scale and stretch his thinking to the global threat. The media would lead one to believe that Central Command (essentially the Middle East) is the focused fight. However, if one studies world events, it is easy to see that there are significant activities going on throughout the globe regarding this War on Terror. One must also consider the full spectrum of unlawful violence and attacks that could be used. To take a narrow focus would be underestimating the enemy. Network warfare and economical attacks are only a couple of varied threats that are not normally considered. Furthermore, long-term effects and evolution of terrorism must be taken into account when looking for ways to combat this problem in a time when the war on terror becomes more passé and the focus shifts to the United States internal economics and other seemingly less significant threats to society. The policies and precedents set today will be the cornerstone of methods used in the future. Getting it right now will shape the future with long-term success when combating terrorist acts.

Organization and Methodology

This research consists of six chapters that speak directly to the circumstances that have and/or should exist in order for Special Operations to be utilized against terrorist acts to prevent them before they occur. The research is organized to present the issues, significant literature, methodology, and analysis of the issues.

Chapter 1, “The Introduction,” contains a statement of the research question, discusses the background and reasons behind why the research is necessary, defines key terms pertinent to the research, notes specific limitations and delimitations, and discusses the significance of the research (ST 20-10 2004, 30).

Chapter 2, “The Literature Review,” discusses the pertinent publications on this topic, both current and past as well as what has been written since 11 September. It will summarize and evaluate current literature pertaining to the research. The research will concentrate mainly on the operational level and more specifically on SOF’s capabilities. The research will not attempt to define international law, preemption and whether it is a good or bad policy for the United States, or attempt to criticize the *NSS*. It will simply attempt to define when, where, and how SOF fits into America’s strategy on the WOT.

Chapter 3, “The Research Methodology,” shows specifically how the raw data was reviewed for purposes of this study. This chapter will walk the reader through the methodology used to achieve the goal of the research. It will show why it was used and the criteria for which the cases were chosen and why METT-TC and the comparative case study methodology were used. It will identify the strengths and weaknesses of the research as well as how the weaknesses will be mitigated.

Chapter 4, “Analysis of Circumstances.” This chapter utilizes METT-TC to analyze the circumstances that exist to allow a combatant commander to gain maximum situational awareness. All pertinent aspects to the problem are revealed and analyzed in this chapter. It explains the capabilities that he must look for when choosing appropriate forces to achieve success. The types of threats and different states he may face as well as considerations he must take into account regarding the United States public and the international community. It concludes with a Classical Terrorism-Prevention Flowchart to assist in deciding which type of forces to use.

Chapter 5, “Comparative Case Study Analysis.” This chapter interprets, analyzes, and explains five cases pertaining to preventive/preemptive strikes. The circumstances of

each case are explained and placed into the Classical Terrorism-Prevention Flowchart to compare the classical solution to applying the correct forces to the solution that was actually used. It further analyzes why such forces were used by the attacking state. The chapter concludes with the analysis of SOF and how SOF's capabilities present a better opportunity for the combatant commander to achieve both military and political success.

Chapter 6, "Conclusions and Recommendations." This chapter addresses what has been discovered from the analysis by summarizing the roles SOF can perform and highlighting the capabilities it gives a RCC in order to enhance the probability of a successful mission, both politically and militarily. It concludes with recommendations for further study.

CHAPTER 2

LITERATURE REVIEW

Introduction

The subject of terrorism and preemption is definitely not a new concept. Since the United States was attacked on 11 September 2001, there has been no shortage of publications on this topic. President Bush has reassured the American people that the United States will not tolerate terrorism and it will be a safe and secure nation once again. We will stop any and all threats before they come to fruition. Consequently, there has been much criticism on President Bush's speech at West Point and the 2002 *The National Security Strategy of the United States of America* (Bush 2002, 1). This lends itself to research on the topic of preemption, International Law, moral and ethical decisions based on "Bush doctrine," as well as many other avenues concerning terrorism and what the United States should and can do to prevent it from happening. USSOCOM's role is still yet to be fully developed and is ever changing with current operations. The literature seeks answers on how SOF fits into the WOT.

From the past three years there are well over 600 papers, monographs, and theses papers written on the above topics. Current affairs across the globe are also a large factor concerning why the subject is at the forefront of the majority's minds. What is the world's only superpower going to do against terrorism? The United States and coalition forces are still in Iraq and Afghanistan; the United States still has Iran and North Korea left as the remaining "Axis of Evil" countries; the United Nations is under investigation for the "Food for Oil" scandal; President Bush has just been elected for his second term; Yassir Arafat, the former Palestinian Liberation Organization Leader has recently died;

and finally, Usama Bin Laden, the world's most notorious terrorist leader, is still freely roaming the world. So, there is no shortage of literature on any subject concerning terrorism.

This chapter will review the most critical sources that either directly or indirectly support the thesis of this paper. The reviews will start by discussing all government documents that initially brought about the research question, as well as, documents that are important to consider in the research. Doctrine will be reviewed because it is the point of departure in which the United States military and SOF can act. Several pertinent books have been written that offer very good insight on the subject. Dissertations, papers, and theses also provide many angles of looking at the research problem. Finally, there will be other sources, current events, news articles, and media interviews that will be reviewed. The reviews will evaluate and describe the pertinent literature, as well as, to find gaps that this research can further answer.

Government Documents and Doctrine

The National Security Strategy of the United States of America is the document produced by the president of the United States to project his vision on how the country will move ahead and protect the nation. Although it may not have been meant to be emotional, the document hits on the very heart of the problems America faces in the current world situation. President George W. Bush is clear that the strategy is to rid the world of terrorists and tyrants. He is adamant that America will succeed in its endeavors and do everything in its power to prevent another incident like the terrorist attack on 11 September 2001, even if it must act preemptively. This document set in motion massive studies on preemption because it is offensive in nature and gives a tone of "if you are

with us, let's go, if not, get out of our way.” *The National Security Strategy of the United States of America* (2002) begs the question to the military of whom, how, and when can the military preempt. What are the guidelines to go by on moral and ethical decisions? Finally, perception and criticism of this strategy by the international community and the United States public has opened the door for a wide range of research and opinion on the subject of preemption. It is so controversial that this was a key topic for discussion during the 2004 United States Presidential Debates. This document is the cornerstone of this research because the hard questions have been asked due to what was stated in this document (Bush 2002, 1–8).

The National Military Strategy of the United States of America 2004: A Strategy for Today, A Vision for Tomorrow (NMS) focuses on how the military intends to support the concepts reflected in the president's 2002 strategy. The NMS dedicates several paragraphs to “preventing surprise attacks” but goes no lower than to say that actionable intelligence is required and America should be prepared to preempt should deterrence fail or if weapons of mass destruction/effects (WMD/E) capabilities are acquired. This publication is a strong and well-put together document that covers what the military needs to do to accomplish strategic objectives. It is also a cornerstone document that must be reviewed for the basis of this research (NMS 2004).

The National Strategy for Combating Terrorism (NSCT) tells the strategic means that the United States will use for the WOT. It outlines in great detail the terrorist threat, who they are, and how America intends to achieve its intent. The intent is to “defeat,” “deny,” “diminish,” and “defend.” The particular chapter on goals and objectives gives very specific details of how to accomplish this through international support, military

action, and taking advantage of the UNSCR 1373. Sovereignty is discussed throughout the document to ensure there are no questions about how the United States intends to proceed to achieve its objectives. However, the document intentionally does not divulge the details of the strategy. “While divulging the details of this aspect of the strategy would be imprudent, we will focus our efforts on three pillars” (Bush 2003, 17). The three pillars mentioned “expand our law enforcement. . . focus decisive military power and specialized intelligence resources . . . cooperation of its partners and appropriate international organizations,” are the cornerstone of the strategy (Bush 2003, 17). The former statement provides the details gap that must be figured out at the tactical and operational level.

Joint Publications 3-05, *Doctrine For Joint Special Operations*, “provides the overarching doctrinal guidance for the conduct of joint special operations (SO) across the full range of military operations” (2003, I-1). It is a strategic level joint document that characterizes joint special operations employment, core tasks, and their capabilities and limitations. This publication provides the necessary point of departure for utilizing Special Operations Forces in the war on terrorism. It introduces the Theater Special Operations Command (TSOC) and shows how this command supports the overall missions of the regional combatant commanders. The gaps are in the employment or operational uses of SOF. The publication does not state the how or methods to use against the terrorist threat with regard to how the mission will be perceived in the eyes of the United States public or the international community. However, it is the reference and guidance combatant commanders and SOF use (JP 3-05 2003).

Joint Publication 3-05.1, *Joint Tactics, Techniques, and Procedures for Joint Special Operations Task Force Operations*, “provides military guidance for the exercise of authority by combatant commanders and other joint force commanders (JFCs) and prescribes doctrine and selected tactics, techniques, and procedures for joint operations and training. It provides military guidance for use by the Armed Forces in preparing their appropriate plans” (JP 3-05.1 2001, i). It is also a strategic level document that gives detailed guidance for joint operations. Of specific note for this research is in Chapter 5, which includes joint planning and special operations targeting procedures. Chapter 5, B discusses target analysis and the methodology behind it. “Target analysis examines potential targets to determine their military importance, priority of attack scale of effort, and weapons required to attain a certain level of damage, disruption, or lethal or non-lethal casualties” (JP 3-05.1 2001, V-17). The methodology is particularly important because it discusses the utilization of CARVER and its importance. However, the publication does not go into specific circumstances for preemption. This publication will be used in conjunction with other resources to find circumstances where it is suitable, feasible, and acceptable to use SOF in the war on terrorism.

Joint Publication 3-05.2, *Joint Tactics, Techniques, and Procedures for Joint Special Operations Targeting and Mission Planning* provides more specific details on targeting and mission planning and integration with other agencies. It discusses the techniques and procedures that could be utilized for crisis action planning. This publication goes into more detail on the targeting process and the use of CARVER matrices and methods when planning what to do and where to do it against a particular

target, but it still falls short on specifics. The publication will be utilized in the same manner as JP 3-05.1.

Joint Publication 3-40, *Joint Doctrine for Combating Weapons of Mass Destruction* discusses the challenges the world faces WMD/E. It covers the operational environment for combating WMD/E and the framework tasks and planning considerations for nonproliferation (NP), counterproliferation (CP), and consequence management (WMD CM). It also provides training and exercises for combating WMD/E. NP, CP, and WMD CM are the three pillars that must be leveraged against all adversaries with regard to WMD/E. This publication has been recently updated and focuses on the national strategy that emphasizes offensive actions rather than passive or defensive. Of particular interest for this research is chapter three on counterproliferation. It discusses the sequence of events and timing of countering the adversary's efforts to use WMD/E. This document is important because terrorists use these weapons and the publication provides circumstances on when action should be taken against them. It also provides a general concept of what circumstances are needed to act preemptively. Joint Publication 3.40 in conjunction with "Fighting in the Gray Zone: A Strategy to Close the Preemption Gap" written by Joanne M. Fish, Samuel J. McCraw, and Christopher J. Reddish are key primary documents for this research. These documents deal specifically to imminence and time available to take action against the threat.

Joint Publication 3-57.1, *Joint Doctrine for Civil Affairs* (14 April 2003) is another document that is current and relevant to this study. Chapter VII of this document is of particular importance because it deals specifically with planning and the civil considerations that must be attached to any operation. It analyzes the civil dimension of

the operational environment. This analysis is included in chapter 4 of this research to show the necessary considerations that a planner should consider when addressing the critical factors of the situation. This publication will be used as a primary document in the analysis of this paper.

Field Manual 6-0, *Mission Command: Command and Control of Army Forces*, discusses all aspects of command and control at the Army tactical level. Although the focus of this manual is for corps and below, it provides excellent concepts that can be applied to a joint level command. The importance of this manual is in chapter two where it discusses the nature and art of command. The key point to take away in the art of command is how a commander makes decisions. When visualizing the situation he must decide on, he takes the “human factors” and “dynamics of the operation” into consideration. He can then gain a clear “situational understanding” to develop an end state. Once a commander develops his visualization, he must then describe his vision to accomplish the mission. He then moves to directing key units and personnel to accomplish the mission (FM 6-0 2003, 2-14 to 2-19). Chapter four discusses the role of the commander by combining the art of command and the science of control. This chapter goes into greater detail of how a commander can “visualize, describe, and direct.” The principles of war, tenets, and experience are used along with METT-TC to gain greater situational awareness that leads to a commander’s visualization (FM 6-0 2003, 4-0 to 4-8). This directly pertains to this research in that the visualization ties into the commander recognizing the circumstances that exist in the operational environment. He can then decide which circumstances are suitable, feasible, and acceptable to apply to the right kind of forces to accomplish a particular mission. For this research it is prevention

or preemption. This field manual will be used throughout the analysis when discussing existing circumstances.

Internet

Chapter 1, “Purposes and Principles,” Article 2, Principle 4 and Chapter VII, Action with Respect to Threats to the Peace, Breaches of Peace, and Acts of Aggression, Article 51, Charter of the United Nations. Since 24 October 1945, when the charter of the United Nations (UN) was officially accepted, it was generally considered to be the over-watcher of the international community. The United Nations intent is to promote peace and human and equal rights of all nation’s conditions for treaties and other international laws to be maintained, promoting sovereignty. Significant to note is the fact that the United Nations was created for peace between nations, not non-state actors. Chapter 7, Article 51 of the charter states, summarizes that nations can act unilaterally in self-defense only; and that all other actions must get the approval of the United Nations. At the time this was written, it was very much appropriate for the conditions that existed around the world. Chapter 1, Article 2, Principle 4 also states “members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations” (UN, Ch. 1). It specifically prevents using military force preemptively. Although outdated, these were the views of the international community up until recently. This is also the reason why the cases that will be studied in this research are post-United Nations Charter. These particular pieces of the charter are the reasons that President George W. Bush’s West Point speech and subsequent United States official documents have come under national and international debate. The Charter of the United

Nations is therefore an important piece of research that must be considered when looking at circumstances to act preemptively with military force.

United Nations Security Council Resolution 1373, dated 28 September 2001, was a direct result of the 11 September attacks in the United States. It condemns the use of terrorism, financial, organizational, or any form of assistance to terrorist acts and directs states to work together and share information to prevent any future attacks. Although the resolution does not discuss preemptive military attacks from nations that feel threatened, this research agrees with the “Gray Zone” paper written by Fish, McCraw, and Reddish in that it does provide “relevant trigger-point criteria” in which nations may prove that terrorist activity exists and therefore justify actions against terrorism (Fish, McCraw, and Reddish 2004, 11). This paper will be used when considering the circumstances regarding time and imminence in which a state can act to prevent terrorism.

Books

Paul R. Pillar, author of *Terrorism and U.S. Foreign Policy*, is a former deputy chief of the Central Intelligence Agency’s Counterterrorist Center. His book is very informative and he identifies the necessary elements of counterterrorist policy. He examines why the United States is a prime terrorist target, and reveals why the counterterrorist policies that seem strongest are not always the most effective. Chapter 5 examines the widely varying nature of terrorist groups and the policy tools most appropriately applied to them. Chapter 6 focuses on states that sponsor terrorism (including Iran, Libya, North Korea, and Cuba), along with those that enable it to occur (particularly Greece and Pakistan). Pillar examines ways in which the American public’s perspective toward terrorism can actually constrain counterterrorist policy, and he

concludes that terrorism cannot be “defeated” only reduced, attenuated, and to some degree, controlled” (Risko 2004, 1). Of particular note in an Amazon review, a summary of this book: “Mr. Pillar explains the methods for answering the terrorist threat and - contrary to what many may think- he relegates military actions to the last place of the list. This book was written before 11 September 2001, but certainly it helps explain why the attacks took place and sets the path to prevent such acts in the future” (Risko 2004, 1).

The facts that Pillar presents are more important to this research than his opinions. Chapter 4, “Counterterrorist Instruments,” is where the key facts are presented for this research. In his writing on military force as an instrument to counter terrorism, he does state, “the overt preemptive use of military force against terrorists is unlikely and unwise” (Pillar 2001, 97). He discusses the three ways to use armed forces against terrorism. They are hostage rescue, retaliatory strike following a terrorist attack, and a preemptive strike. His categorizations of the cases in each category state that the United States failed hostage rescue once and never tried it again. Retaliatory strikes are very difficult and were therefore only used three times since the year 2000. Arguably, he says that armed forces preemption has not been used in modern times, with the exception of Israeli operations conducted in Lebanon. In this area, the book lacks research, or perhaps Pillar does not reveal every event’s facts. This research will examine cases that may be considered by some preemptive, or by others retaliation. However, it is more important to discover the circumstances in which a state can act preemptively. The cases that Pillar discusses on retaliatory strikes are worth reviewing for this research. He analyzes the commonalities, consequences, and benefits of military action. His emphasis on the

burden of proof is also significant to this thesis' problem statement, as it will help to answer secondary and tertiary questions.

At the time of *Beating International Terrorism: An Action Strategy for Preemption and Punishment*, December 1986, Dr. Stephen Sloan was a Senior Research Fellow at the Center for Aerospace Doctrine. Prior to him writing this book and throughout his career he was “a consultant to the military, police, and corporate officers dealing with the threat of terrorism” (Sloan 1986, ix). He also “conducted simulations of terrorist incidents in the United States and abroad” (Sloan 1986, ix). He was ahead of his time with the concepts described in his book. He proposes an elite force to be constructed specifically to deal with countering terrorism. He discusses the need for policy change and the use of preemptive military operations. By breaking down the definitions in the doctrine and policy at the time, he clearly shows the flaws. They are in the wording and describe a reactive and passive response to terrorism, rather than a proactive approach. The books foundation stands on doctrine and capabilities of the United States' Armed Forces as well as the United States' national policies at that time.

Since the publication of Dr. Sloan's book, changes have been made to the definition of counterterrorism, doctrine of combating terrorism, capabilities of the United States Armed Forces and most significantly to the United States National policies. It would be erroneous to say that he alone instituted these changes. However, his research and knowledge of terrorism is consistent to what is currently in place. This research serves an important role to this paper with background information and analysis of doctrine and terrorism. He defines the forms terrorism can take, “communication, criminality, political warfare, warfare, as a psychological warfare” as well as new types

of warfare. Significant to this study is also in the categories and scenarios of potential threats of terrorism. He breaks the threat down into four categories: “a terrorist state, state-sponsored terrorism, terrorist groups without state sponsorship,” and finally the most dangerous target “terrorists” (Sloan 1986, 26-30). These categories will be used to categorize the enemy in the METT-TC analysis. This will add to the analysis model when determining existing circumstances for the combatant commander and will be a primary document in the analysis of this thesis.

SPEC OPS: Case Studies in Special Operations Warfare Theory and Practice, written in 1995 by William H. McRaven, shows through eight different case studies how his “theory of special operations” is used to defeat a superior fortified enemy with a small force (McRaven 1995, 1). He shows that the concept of “relative superiority, although an abstract concept, does exist and that the theory of special operations is a powerful tool to explain victory and defeat” (McRaven 1995, 25). This is done through graphs and explanation in each case and depicts how relative superiority, “a condition that exists when an attacking force, generally smaller, gains a decisive advantage over a larger or well-defended enemy,” was “achieved at the pivotal moment in an engagement” (McRaven 1995, 4). In each case, the six principles of his theory: “simplicity, security, repetition, surprise, speed, and purpose” are analyzed to explain successful missions or ones that left out a principle and were failures (McRaven 1995, 8). Each analysis is also critiqued to answer key questions on the merit of the actual event. The background information that “provides the military or political justification for the operation” is significant to this study (McRaven 1995, 24). Although most of the cases are pre-1945, the analysis still provides this research with circumstances of when it is suitable to use a

small force and if the risk justified the operation. McRaven put together an outstanding case study analysis that will be used to explain the critical factors in METT-TC, specifically troops and support available, and circumstances behind political and military risk.

Dissertations, Theses, Papers, and Articles

“Fighting in the Gray Zone: A Strategy to Close the Preemption Gap.” A paper written at the United States Army War College by Commander Fish, US Navy; Lieutenant Colonel McCraw, USAF; and Colonel Reddish, USA, in September of 2004 offers solutions to be successful in forcible counterproliferation. The authors define “the gray zone as the hazy area on the conceptual threat continuum between classically defined imminent threat and our convergent threat” (2004, V). It discusses strategy to get the support of the international community and United States public and offers three sets of trigger points to conclude when to act and when a nation’s sovereignty should be revoked to allow for legitimate military intervention. This paper uses the 2002 *National Security Strategy of the United States of America* as the analytical tool to determine the most effective military strategy against terrorism and potential WMD issues. Of the four strategies they discuss: “self-defense, preemption, prevention, and forcible counterproliferation,” they determine that the later is the best strategy. Their discussion on preemption says that the policy of preemption detracts from the real strategic issues of sovereignty, when it should be revoked and timing for military intervention. This monograph will assist this research in answering what circumstances are acceptable to use SOF to act with regard to military and political risk. It also provides the basis for

analyzing the critical factor of time. This paper is also a primary document to this research.

The thesis “What Are the Legal and Policy Implications of Conducting Preemption and Interdiction Against a Weapon of Mass Destruction?” written by Lieutenant Commander Sheehy, US Navy, “examines current United States nuclear weapons policy and the legal and foreign policy aspects of preemption or interdiction against a weapon of mass destruction (nuclear)” (2003, iii). The author did extensive research on the legal issues of sovereignty surrounding United States policy and preemption action. He discusses the difference between “anticipatory” self-defense and “preemptive” self-defense to conclude that the answer is in “the intent of the enemy” (2003, 20). He also gives nine historical examples of preemption analyzing the location, method, and results of each. These examples will be further researched to find more detail in the circumstances in which preemption was used. He also makes note in his conclusion paragraph of the eleven criteria in determining risk versus reward payoff. He uses a reference paper written by Barry Schnieder, “Radical Responses to Radical Regimes: Evaluating Preemptive Counter-Proliferation,” (Schnieder 1995, 23-6) that introduces the eleven criteria. Sheehy asks and analyzes the important questions regarding the capabilities and relationships of foreign countries if a threat existed in their respective countries. In this analysis he includes the United States’ allies, lesser-developed countries, economic partners and finally Islamic countries. This paper gives significant insight on nuclear weapons, both procurement and the ability to produce the elements of such weapons. It does not go too deep into circumstances in which to act preemptively but it does further this thesis research.

The monograph “Preemptive Action: Setting the Left and Right Limits” by Lieutenant Colonel Worrell Jr. at the United States Army War College in April 2003 takes the emotion out of the policy of preemptive action and examines “the related moral and legal issues.” The monograph studies the 1967 Six Day War between Israel and Egypt and Syria, and the Cuban Missile Crisis from 16 to 28 October 1962. Both cases used preemption; however, President Kennedy used diplomatic and military means (blockade) to prevent a further crisis from happening. He further analyzes the moral and legal justifications to test whether preemption should be used or not. He makes a strong and logical case for each. Worrell Jr. concludes with a “rational approach” to analyze “situations requiring preemptive action” (2003, 14). He covers criteria for determining the level of preemption but falls short on the operational level for SOF. This monograph serves as a good background to look at the criteria for acceptability (morally, legally, politically, and militarily). It does present a rational framework for setting the right and left limits to use preemption.

Colonel Zeigler Jr., US Army, in *The Army Special Operations Forces Role in Force Projection* (April 2003) at the United States Army War College writes about the United States Army Special Operations Forces in power projection that supports the current National Security Strategy of possible use of preemptive action. It covers potential aspects that must be addressed regarding “information operations, theater security cooperation, military transformation, and Joint Presence Policy” (Zeigler 2003, iii). His analysis on the core tasks and unique capabilities of Army Special Operations Forces is significant to note for this research. It depicts how Army Special Operations Forces should transform to conduct these missions to support the “Bush doctrine” with

force projection. He offers a better capabilities solution for SOF to be used by combatant commanders that will take some of the burden off conventional forces. The monograph falls short in answering this research question, but it is worthy of study to explore SOF core tasks and how SOF can be transformed to conduct the war on terrorism and preemptive operations utilizing more than just an organic force with its core tasks and collateral missions.

Lieutenant Colonel Crockett III, US Army, at the United States Army War College in *From Anticipatory Counterattack to Anticipatory Self-Defense: The Past, Present, and Future of Preemption* (March 2003) writes about the “issues, concerns, and effects” of a preemption policy. Although further background, analysis, and recommendations on preemption and how international law and the United Nations Charter all tie together is significant to this study, the author’s analysis serves as another source to confirm the issues that have erupted since the 2002 *National Security Strategy of the United States of America* came into effect. This monograph will mainly be used for its detailed analysis on three historical preemption case studies: the Cuban Missile Crisis of 1962, the Six Day War of 1967, and the Israeli raid on an Iraqi nuclear reactor. Crockett also discusses the aftermath or consequences of these cases, which will be used for case comparison in this research. It will be used to answer the secondary questions of this study as well as adding to the different circumstances to be compared for suitable, feasible, and acceptable uses of SOF.

The research project “The Bush Doctrine: Power Concepts, Preemption, and Global War on Terror” written by Lieutenant Colonel Thomas McMullen at the United States Army War College in May 2004 focuses on the threat of terrorism, the Bush

doctrine of preemption and the use of diplomacy towards fighting global terrorism. He shows how preemptive military action is a “marginalized option” to fight the war on terror. The author emphasizes, backing his analysis up with policy, diplomacy as “the key role of the diplomatic arm of power in the campaign on terror” (2004, iii). Due to this fact, the author maintains, “the United Nations must redefine its role to meet the challenges of today’s threats” (McMullen, iii).

Lieutenant Colonel McMullen makes four significant assumptions in his research regarding the United States policy to use force. They are also significant to this paper in order to set up circumstances that lead to a combatant commander receiving the task to preempt terrorism. These assumptions are stated in chapter one of this paper. The author further analyzes the four types of nation-states as described in *The National Strategy for Combating Terrorism* (2003) as well as adding the fifth from *The National Security Strategy of the United States of America* (2002). The five types: “willing and able; weak, but willing; reluctant; unwilling;” and “rogue regime,” will be used in the analysis of this paper when categorizing nation-states with regard to sovereignty (McMullen 2004, 13). The categorization of these adds to the analysis of existing circumstances in case studies and determination of suitable, feasible, and acceptable circumstances for a combatant commander to choose the appropriate forces and methods of employment. McMullen’s research project is also very essential and a primary document to this study because it answers some secondary questions and directly applies to the strategic level of this paper to come up with operational level analysis and conclusions.

“Unilateral Preemptive Self-Defense: Has its Time Arrived: Assessing the International Legality of Unilateral Preemptive Self-Defense in the 2002 National

Security Strategy.” Major Jennifer L. Smith reviews the evolution of the right to self-defense as a state. Her research project, written for The George Washington University Law School in August 2003, examines self-defense from the mid-1800 up until the current United Nations Charter and associated Articles. She examines “the international community’s responses to various acts of state self-defense, including the response after the terrorist attacks of September 11, 2001” (2003, 203, i). The analysis is detailed in the examination of the United Nations Charter and compares interpretations of what is currently in place to future needs. Her project was inspired by the 11 September terrorism attacks on the United States and more directly by President Bush’s doctrine of “unilateral preemptive self-defense” (Smith 2003, i). She concludes by stating, “International scholars and states accept the right of anticipatory self-defense against an imminent threat as a legitimate use of force under the U.N. Charter” (2003, 92). However, the international community currently does not accept unilateral military action (Smith 2003, 93). This being said, she maintains that “the international community through treaties” and “the Security Council through action” face opportunities to test its resolve to control future threats (2003, 94-95). The consequences of their decisions will set the precedence for legitimacy in combating terrorism worldwide.

Major Smith’s research project will provide the details behind key cases with regard to international community consent and United Nations reactions. This paper provides enough in-depth study of international law as it applies to anticipatory self-defense. It clarifies possible reactions of the international community to violations of sovereignty and military action against sovereign states.

“Pentagon Seeking Leeway Overseas: Operations Could Bypass Envoys.” This article written by *Washington Post* staff writers, Ann Scott Tyson and Dana, was presented in February 2005. It is significant to this study because it directly relates to giving more authority to the combatant commands to further their reach into countries where the Department of Defense is not active. It also relates to one of this research’s assumptions regarding the power of the combatant commander. The *Washington Post* writer’s say “the Pentagon is promoting a global counterterrorism plan that would allow Special Operations forces to enter a foreign country to conduct military operations without explicit concurrence from the U.S. ambassador” (Tyson and Priest 2005). The article implies that the secret forces of the Department of Defense will be allowed to act “quickly and stealthily against terrorist groups without often time-consuming interagency debate” (Tyson and Priest 2005). Interestingly enough, this is the same concept that this research is attempting to get at. Whether or not this article is backed by truth, it does reinforce the ideas presented in this thesis.

CHAPTER 3

RESEARCH METHODOLOGY

The goal and purpose of this study is not only to find out the circumstances in which the combatant commanders and higher authorities should use Special Operations Forces in the war on terrorism, but also how exactly are Special Operations Forces best used given their specialized capabilities. It is apparent, from the research conducted thus far, that many other options (diplomatic, informational, and economical) must be explored prior to deciding to use preemptive military action. The fact is that circumstances for military action do exist, but that they have not been assimilated and analyzed at the operational level thus far. Again, this begs the question, what is it about SOF that allows for a better capability against terrorism?

Chapters 4 and 5 are an analysis of all the research collected on the thesis. They explore all the aspects that a combatant commander can use to make an educated and deductive decision in which to use Special Operations Forces in the war on terrorism. The analysis will show what circumstances must exist in order for him to use SOF. The analysis is broken down into two chapters to adequately show the reasoning behind the problem. Chapter 4 will define what the mission, enemy, terrain and weather, troops available, time available, and civil considerations (METT-TC) are as they apply to this research question. Once the categories are defined for this research, the analysis moves to a comparative case study to show suitable circumstances when conventional forces or SOF should be used; feasible analysis of circumstances to accomplish the mission, acceptable risk to forces, and the United States political situation with regard to United

States public and the international community opinions. Chapter 4 finishes with a flowchart to capture the METT-TC analysis and shows how a combatant commander or higher authority can deduce what forces to use against a given threat.

Chapter 5 is an analysis and comparison of five case studies. As previously stated in chapter 2, the bulk of the literature on this subject is on the strategic level and policy implications of a preemption policy. Although such literature will be used and it is important background information that is imperative to this research, preemption is not the focus of this study, the war on terrorism and prevention is the focus. The circumstances in which to use military action and the analysis to use SOF are also limited in literature. Therefore, the methodology for this research involves the study of case history comparison. The criteria for choosing specific historical cases is expanded in order to compare more circumstances due to the lack of other significant research on this paper's specific problem statement. This is significant because if the author chose only cases of preemption, the research would be limited in the following ways: the circumstances behind the preemptive action would not be broad enough for deductive reasoning and drawing comprehensive analytical conclusions; the considerations to utilize SOF would not be properly represented; and alternative methods to prevent or preempt and use SOF would not be considered.

The criteria for choosing the case studies are explained below. First, as noted in the delimitations in chapter 1, cases that are post United Nations Charter signing were chosen to keep sovereignty and violations of it involved in the research. The second criterion was to eliminate all cases of noncombatant evacuation operations (NEO) and hostage rescue. The circumstances involved in these two types of operations are

reactionary and are not the focus of this study. The third criterion was that all cases must have the use of proactive military action due to obvious reasoning pertaining to this study. A case can have other reactionary factors but there must be proof of proactive action. The final criterion is to choose cases that are not in the middle of large-scale military actions, such as war. To clarify, the military action could not have been conducted in the middle of Desert Storm in which the countries involved were in conflict, such as a ground force commander maneuvering on an enemy position before he has a chance to retreat or attack. The final criterion does not include the ongoing war between the Arab-Israeli people, the WOT, or such conflicts between the Irish and British people.

Each case was analyzed, as shown in chapter 5, utilizing a common table in which circumstances existed for feasibility, suitability, and acceptability in both the military and political realm. The table will show the flowchart solution from chapter 4, "Analysis," that the country would have come up with if they would have used it. The table then will show which forces were actually used, the reactions of the international community and internal public, and then display the key factors that influenced their decisions to preempt with the forces they used. Each case is then compared and analyzed against the flowchart and each other. Although using tables to explain circumstances and repercussions of actions may be too simplistic of a technique, the analysis clarifies the results. Tables are merely a method of collecting and highlighting the significant data to be analyzed. The facts and analysis are gathered from numerous resources that were described in the literary review chapter. This adds more insight than just the author's opinion on the facts, which in turn, broadens the study and attempts to eliminate bias and prejudice on the author's part. A weakness is that the truth or facts of each case is dependent on the

thoroughness and validity of the research. History is written with opinion, whether intentional or not, which sometimes sways the facts to support the authors' or publishers' opinion on the actual event(s). An example of this is found in the comparison of how today's news giants report; CNN compared to Fox News. This weakness will be mitigated by gathering facts on each case from more than one source. A final weakness is in the amount of unclassified published research of SOF actions and intelligence gathered in cases that may have occurred but are still classified. This was also previously noted as a limitation but is worth mentioning as a significant weakness to this thesis.

The strengths in this methodology are in the broadness in which it was conducted. The cases were selected to cover an assortment of methods used to prevent terrorism from occurring. Mitigation of the weaknesses, coupled with the vast amount of background research on preemption and prevention allows for accurate deductive analysis. With the technology around the world today coupled with the United States and United Nations initiatives to work together in dealing with terrorism around the world, most military actions will be overt or at least publicized and scrutinized following the military action. This alone makes this thesis necessary. The world's public and politicians will scrutinize the circumstances in which actions were taken, especially in the SOF arena. This is what leads the research into using this methodology. It is an analysis of circumstances that existed in similar cases that have varying perspectives throughout history. Historical evidence deductively leads us to educated and analytical decisions. The end result of this thesis, utilizing this methodology, will allow for a broader perspective in which future crisis can be resolved.

CHAPTER 4

ANALYSIS OF CIRCUMSTANCES

METT-TC are the major factors considered during any mission analysis process. The factors or categories are unique in every situation; therefore must be described as it pertains to this research. United States doctrine groups gathered relevant information into the following categories: “mission, enemy, terrain and weather, troops and support available, time available, and civil considerations” (FM 3-07 2003, G 9). Each category is explained in the following subsections under each heading as they apply to this research.

Mission

For this research, the mission for the combatant commander is to prevent or moderate the onset of a terrorist act or threat against the United States or entities of the United States. In the most recent past and possibly at present, the Secretary of Defense, the Joint Chiefs of Staff, or possibly the President of the United States may give this mission to the combatant commander. Regardless of who the issuing authority is, the order still comes from a higher headquarters or entity rather than the combatant commander staff's recommendation. The United States policy makers decide whether or not to take military action against terrorism. However, this research has assumed in chapter one that the combatant commander will be given the latitude to act within the President's intent and in the best interests of the United States. In the analysis of the remaining factors of METT-TC, considerations of the political and military ramifications of the actions the combatant commander will take must be addressed. Even if he does not receive guidance, he must plan for the second and third order effects of his actions.

Therefore, he must assess the situation, consider the human factors involved in his decisions, consider the dynamics of the operation and gain superior situational understanding in order to visualize the operation and transmit his thoughts to his staff and subordinates. This process is outlined in detail in the United States Army Field Manual 6-0 as “Visualize, Describe, and Direct” (FM 6-0 2003, 4-0 to 4-8)

Since preemption has been such a controversial topic, it would be inappropriate not to discuss it, at least briefly under this heading. As previously stated in Chapter one of this research, it is assumed that deterrence has failed with regard to the Flexible Deterrence Options (FDO) in the presidential office. This is not to say that once military intervention has started that the diplomatic, informational, or economic solutions cannot be revisited. The FDOs are always evolving and should never be taken out of consideration even after the military has taken action. Therefore, the combatant commander may receive guidance or confer with higher authorities on acceptable collateral damage, willingness to act unilaterally or multilaterally, and even political acceptance of a positive or negative outcome. Hypothetically, he may be told to “minimize the collateral damage under any normal rules of engagement in a hostile environment; conduct the mission unilaterally because the host nation does not have the military means to carry out such mission; use a small amount of forces because we cannot gain political acceptance if the action looks like a full scale invasion of the country.” In acting with the best interests of the United States, the combatant commander could conclude this himself if he is attuned to the situation. Such information and conclusions are critical for the combatant commander’s decision-making process in applying the appropriate force to the mission. He must also analyze the circumstances of

why military action should be chosen and the legality of the action, in order for him to consider the second and third order effects on how he conducts the mission.

The combatant commander must formulate clear and concise mission and intent statements to achieve the desired effect that the United States and international community will accept. He can influence the effects of the military action and how it is viewed by the way the operation is conducted. Therefore, it is clear when deciding on a mission and intent statement that the remaining critical factors must be combined and considered for a successful operation.

Another method of conducting a detailed examination of the mission is to use the target analysis methodology described in Joint Publication 3-05.2. This is used “to determine their military importance, priority of attack, scale of effort, and lethal or nonlethal weapons required to attain a specified effect. . . .It is a systematic approach to establishing the adversary vulnerabilities and weaknesses to be exploited” (JP 3-05.2 2003, A-1). All circumstances are examined that pertain to the specific target. This target analysis methodology helps “determine a given target’s vulnerability to attack, examine down-time and destructive effects, and determine how to satisfy the commander’s objective or success criteria” (JP 3-05.2 2003, A-1). The focus and level of analysis is different at each level of command. At the theater strategic level, the combatant commander, it is used to “determine which target system to attack” (JP 3-05.2 2003, A-2). Each RCC has a Theater Special Operations Command (TSOC). This commander advises the RCC and other component commanders on the proper employment of SOF. He would use this target analysis methodology to “determine which sub-system to attack” (JP 3-05.2 2003, A-1). An example of a target system at the combatant commander level

would be to attack a terrorist camp. The subsystem that the subordinate command may attack to support the combatant commander's intent would be to kill or capture the top trainers in that facility.

Once the system and subsystems are chosen, the targeting process moves to developing evaluation criteria "utilizing the factors of criticality, accessibility, recuperability, vulnerability, effect, and recognizability (CARVER)" (JP 3-05.2 2003, A-2). These criteria are put into a chart and assigned number values corresponding to the importance that the commander emphasizes. The process at each level is designed to evaluate the long-range effects of attacking the target that it will have on the adversary.

Enemy

The enemy, as it pertains to this study, is associated with using some form of terrorism to support their cause. Dr. Stephen Sloan in his book *Beating International Terrorism* uses four categories to describe the type of target that may be faced. The four categories in which the threat or target can be placed are: "Terrorist State, State-Sponsored Terrorism, Terrorist Groups Without State Sponsorship, and Terrorists" (Sloan 1986, 26-30). In the terrorist state scenario:

a country is overtly using the tactics of non-territorial international terrorism against United States citizens and interest overseas. The seizure of hostages, an assault on an embassy or other American installation, the holding of a skyjacked aircraft, and similar incidents would fall under this heading. While this is not a form of state-sponsored terrorism, it is, in effect, a terrorist state practicing the most violent form of "armed diplomacy." Such an act comes perilously close to being, if indeed it is not, an act of war. (Sloan 1986, 26)

In the state-sponsored scenario "it is more difficult to ascertain whether the state is directly involved in preparing for or engaging in an act of terrorism. It may be doing so while lying about that support to the rest of the world. The state may be actually

supporting non-territorial international terrorist groups as a form of ‘indirect aggression’ against the target state” (Sloan 1986, 28). The terrorist groups without state sponsorship scenario “moves further into the ambiguous area of neither war nor peace” (Sloan 1986, 28). In this scenario the host government “is either not willing or not capable of dealing with its own terrorists.” They are essentially “non-state actors” (Sloan 1986, 28). Dr. Sloan describes the fourth threat, terrorists, as “the most difficult type of scenario to consider.” They are civilians “engaging in their own non-territorial, non-state form of warfare” (Sloan 1986, 29)

The four categories just described are used to assess the type of enemy the combatant commander is facing. Knowing the enemy is essential when deciding the force to be applied against the threat. The combatant commander will use this information when assessing the circumstances of the mission he must conduct.

Terrain and Weather

The terrain and weather circumstances are significant considerations to take into account and tie directly into the capabilities of the forces the combatant commander wishes to use. The forces to be used must have the equipment capability to get to the target, engage the target with precision, and finally get extracted. Theoretically speaking, all soldiers, airmen, seamen, and marines have the physical means to accomplish the task. However, they all have different doctrinal methods of employment; some are suited for large troop movement and some are suited to move in small elements. The combatant commander must take into consideration what the service components equip those troops with, which in turn, will best suit their capabilities. The equipment is a key consideration

when determining the preferred force structure as it is matched up with the terrain and weather conditions.

Sovereignty falls under the category of terrain. As it pertains to this research, the analysis of a country where military action will be conducted is essential in determining the manner in which the operation is employed. It is a critical circumstance that must be considered when determining suitable forces, feasibility of mission accomplishment and risk acceptability. This analysis breaks down the classification of countries into the categories listed in *The National Strategy for Combating Terrorism* and *The National Security Strategy of the United States of America*. The five types: “willing and able; weak, but willing; reluctant; unwilling;” and “rogue regime,” are analyzed very well by Lieutenant Colonel McMullen in his research project, “The Bush Doctrine: Power Concepts, Preemption, and Global War on Terror” (2004, 13).

The “willing and able” states are the foundation in which to build on to combat terrorism. As reflected in *The National Strategy for Combating Terrorism*, “no support will be more important to success than that from the other nations that have the will and resources to combat terrorism with us at the state, regional, and even global level” (Bush 2003, 20). These states have the ability to make good use of their diplomatic, informational, military, and economic means and will play an integral part to fighting the war on terror (McMullen 2004, 14). It is unlikely that the United States would need to strike unilaterally against terrorism due to the fact of being allies and having the ability to solve the crisis on their own. “Preemptive strike is not an option” (McMullen 2004, 14).

The “weak, but willing” states are “most at risk of becoming ‘safe-havens’ and operating bases for global terror. They have the ‘will’, but lack the ‘means’--economy,

institutions, and infrastructure--to prevent infestation by terrorist organizations”

(McMullen 2004, 14). Lieutenant Colonel McMullen provides an in-depth analysis of this category by stating:

The Bush Administration’s goal is to “support them vigorously in their efforts to build the institutions and capabilities needed to exercise authority over all their territory and fight terrorism where it exists.”⁶⁷ This group represents a key goal in the overall GWOT strategy. Persuasive diplomacy is the primary tool for energizing action; these nations have much to gain through cooperation and are targeted for CT funding and programs, from improved legislation and judicial systems to law enforcement and armed forces training.⁶⁸ The recent concessions on the part of Libya, if proven genuine over time, will secure this state-sponsor of terror a place in this category. While not directly the focus of U.S. use-of-force policy, military strikes and raids may occur in these nations against terrorist organizations attempting to take root, subvert, or transit. These operations will normally be accomplished in a combined operation or through close coordination with the HN government. Examples include: Pakistan and U.S. partnership in countering AQ, both inside Afghanistan and Pakistan; foreign internal defense CT training in the Philippines and Georgia by U.S. forces; U.S. basing rights in Djibouti for CT operations in the Horn of Africa; and the U.S.-Yemeni UAV Hellfire strike on AQ leadership. Coordinated actions with these nations, to include bilateral or HN-approved unilateral strikes and raids, should have minimal negative impact on the world stage. The primary risk involves secrecy--small factions within the HN government may be sympathetic to “the terrorist cause” and provide early warning to the target. Preemptive strike is not a likely option. (McMullen 2004, 14,15)

⁶⁷Ibid., 20

⁶⁸Ibid., 20

A regional combatant commander is more likely to be involved with “Reluctant states.” As illustrated by LTC McMullen’s analysis, these states are the most difficult to deal with. He states:

Reluctant nations are “difficult cases involving countries that, although capable, prove reluctant to comply with their responsibilities in the fight against terror.”⁶⁹ The Bush Administration provides a variety of reasons for state reluctance, from “internal schisms that enable one faction to use the state to extend tacit or active support to terrorists, or cultural or political differences that lead to disagreements over what constitutes “terrorist” or criminal activity.”⁷⁰ However, the general underlying premise is fear of becoming a target of terrorism. Also within the

geography of the “Gap”, examples of reluctant nations include: pre-9/11 Pakistan and Yemen, Saudi Arabia, and Algeria. Again, in vague and ambiguous language, the NSS describes reluctant nations as the focus for “constructive engagement, with sustained diplomacy and targeted assistance used to persuade these regimes to become more willing and, eventually able, to meet their international obligations to combat terrorism.”⁷¹ This leads to the assumption that persuasive diplomacy is key to altering behavior, most-likely through the UN. It’s more likely coercive diplomacy is the primary tool, with targeted assistance in terms of funds, loans, and training as “carrots”, economic sanctions as the ‘stick’. “Preemptive-like” strikes on terrorist training sites, leadership, and arms caches are available options if coercion, followed by compellence, fails to inspire nation action. These strikes would be last resort options and only executed via actionable intelligence on fleeting targets. Covert or clandestine use of SOF is the military tool of choice through short duration strikes and raids; small SOF teams inserted covertly will reduce possible contact with HN military forces, may be more effective, and should minimize collateral damage risk associated with conventional kinetic weapons.⁷² These strikes are considered “preemptive-like” for two reasons: first, the U.S. is at war against global terrorist organizations, so any military action on their members, organization or infrastructure are simply strikes (battles) in an ongoing war (so not preemptive); but, while the strikes are not directly against the nation the terrorists are operating from, they are executed on the sovereign soil of an “un-witting” nation, which could be termed a preemptive action against that nation. Strikes conducted without HN approval will generate negative world opinion, especially at the UN. Traditional power concepts are more appropriate here and use of preemptive strike is a last resort option--the risk of doing nothing must significantly outweigh the risk of possible failure or post-strike political damage. (McMullen 2004, 15-16)

⁶⁹Ibid., 21.

⁷⁰Ibid., 21

⁷¹Ibid., 21

⁷²Posen, “The Struggle Against Terrorism,” 397.

Therefore, the likelihood of a combatant commander receiving guidance from the Secretary of Defense is much higher than the previous two categories discussed.

The final two categories, grouped together due to their similarity, will be of utmost concern to the combatant commander if they exist in his region, the “unwilling, and rogue regime.” Rogue regimes, as characterized in the *NSS*, are states that:

brutalize their own people and squander their national resources for the personal gain of the rulers; display no regard for international law, threaten their neighbors, and callously violate international treaties to which they are party; are determined to acquire weapons of mass destruction, along with other advanced military technology, to be used as threats or offensively to achieve the aggressive designs of these regimes; sponsor terrorism around the globe; and reject basic human values and hate the United States and everything for which it stands. (2002, 14)

Lieutenant Colonel McMullen's analysis on unwilling states is:

The policy on unwilling states is simple: "we will act decisively to counter the threat they pose and, ultimately, to compel them to cease supporting terrorism,"⁷³ and, "those states that continue to sponsor terrorist organizations will be held accountable for their actions."⁷⁴ Example nations include the six DoS listed state sponsors of terror: Cuba, Iran, Libya, North Korea, Sudan, and Syria.⁷⁵ At least one of these states, North Korea, is still deemed rogue. Unwilling states are at greatest risk of receiving both "preemptive-like" (against terrorist they harbor) and preemptive strikes (against the actual state) from the U.S. But again, the diplomatic instrument holds more weight with the use of strong coercive diplomacy, to include deterrence and compellence as vital tools; strong support from the UN needs marshalling. Actionable intelligence make them fair game for preemptive-like strikes on terrorists operating within their borders; preemptive strikes on their national military capabilities are possibilities through proven collaboration with targeted terrorist groups. Risk on the global stage is high in terms of negative world opinion. Once again SOF is the ideal tool for preemptive strikes on terrorist training sites or cells; however, this group is open for precision-guided weapon strikes with possible escalation to conventional war. The overthrow of the Iraqi regime serves the example. Preemptive strikes within "unwilling states" is a feasible option; coercive diplomacy is more likely with rogues, unless intelligence indicates collaboration with terrorist organizations. It's imperative for the UN to aggressively apply diplomatic arm-twisting to coercively pressure these nations to conform to accepted international norms. (2004, 16)

⁷³Bush, *NSCT*, 12.

⁷⁴*Ibid.*, 21.

⁷⁵United States Department of State, "Patterns of Global Terrorism 2002," 150.

More than likely, the categorization of a state will be one of the first steps in determining the existing circumstance for the combatant commander. His vision will start

with this determination and he will begin to decide on the force structure most appropriate for the mission.

Troops and Support Available

One may assume that the combatant commander will have any and all troops available for his mission. The current reality is that the United States has stretched troop availability to the utmost across the globe. There is not one unit in the military that is not either engaged in the war on terror or deploying to it, and if they are not, then they are involved with other contingencies going on around the world. The combatant commander may have to use what he has in his region and under his control at the time: conventional infantry, marines, a navy vessel, air force precision munitions, or special operations forces. All of the previous forces have their own unique capabilities and can perform military operations against terrorism. However, for the purpose of this study, the focus will be on special operations forces.

The likelihood of SOF being in theater at the time of a crisis is very probable. Although, counterterrorism may not be their forte, they have proven throughout history that they can achieve “relative superiority over the enemy” (McRaven 1995, 1). In William H. McRaven’s book, *SPEC OPS: Case Studies in Special Operations Warfare Theory and Practice*, he explains the theory of special operations and how they achieve “relative superiority.” He refined the definition of special operation as: “A special operation is conducted by forces specially trained, equipped, and supported for a specific target whose destruction, elimination, or rescue (in the case of hostages), is a political or military imperative” (1995, 2). His definition is similar to the one in Joint Publication 3-

05 and is more aligned to the definition of direct action in that publication. The definition of special operations in Joint Publication 3-05 is as follows:

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. These operations often require covert, clandestine, or low visibility capabilities. Special operations are applicable across the range of military operations. They can be conducted independently or in conjunction with operations of conventional forces or other government agencies and may include operations through, with, or by indigenous or surrogate forces. Special operations differ from conventional operations in degree of physical and political risk, operational techniques, mode of employment, independence from friendly support, and dependence on detailed operational intelligence and indigenous assets. (2003, I-1)

McRaven's definition also implies that special operations can be conducted by non-special operations personnel (1995, 3). However, SOF are trained, equipped, and supported more so than conventional units.

SOF are unique because they defy the theory of having superior numbers against their adversary. They do this by gaining relative superiority over the enemy. He defines this term as "a condition that exists when an attacking force, generally smaller, gains a decisive advantage over a larger or well-defended enemy" (1995, 4). McRaven defines three properties to achieve this. The first property, "relative superiority is achieved at the pivotal moment in an engagement," meaning that "the probability of success strongly outweighs the probability of failure" for the remainder of the mission (1995, 4,5). His second property, "once relative superiority is achieved, it must be sustained in order to guarantee victory," is relatively self-explanatory (1995, 5). Although easily stated, it is not easily achieved. It requires enormous courage, perseverance, and will. The third property, "if relative superiority is lost, it is difficult to regain," is crucial when facing

superior numbers (McRaven 1995, 6). This property is closely related to the time spent on the target.

The theory of special operations, relative superiority and its properties, are important to illustrate that the combatant commander has an option when weighing the existing circumstances to use a force that is accustomed to achieving success against superior numbers, under adverse conditions, with lower visibility than conventional means, and less of a “degree of physical and political risk” (JP 3-05 2003, I-1). He must decide on the type of force suitable to achieve his vision of success. If precision is needed, i.e. capturing documentation in an encampment prior to its destruction, then SOF should be the chosen force. By definition in Joint Publication 3-05, “they perform tasks that no other forces in the DoD conduct, and they perform tasks that other forces in Department of Defense conduct but do so to a unique set of conditions and standards. By performing these tasks, SOF offers Department of Defense an additional and unique capability to achieve objectives” (JP 3-05 2003, II-3). However, availability and support will also weigh into his decision.

The person that will provide the combatant commander with the necessary advice and capabilities, as well as command and control of SOF, is the commander of the Theater Special Operations Command (TSOC). He can readily access any SOF in the combatant commander’s theater. This is a sub-unified command put in place to provide a unity of command for the combatant commander (JP 3-05 2003, III-4). As outlined in Joint Publication 3-05, he can perform three principal roles:

(1) **Joint Force Commander.** As the commander of a sub unified command, **the TSOC commander is a JFC.** As such, he has the authority to plan and conduct joint operations as directed by the geographic combatant commander and

exercises OPCON of assigned commands and forces and normally over attached forces as well. The TSOC commander may establish JTFs that report directly to him, such as a joint special operations task force (JSOTF) or joint psychological operations task force (JPOTF), in order to plan and execute these missions.

(2) **Theater SO Advisor.** The TSOC commander **advises** the geographic combatant commander and the other component commanders on the **proper employment of SOF**. The TSOC commander may develop specific recommendations for the assignment of SOF in theater and opportunities for SOF to support the overall theater campaign plan. The role of theater SO advisor is best accomplished when the geographic combatant commander **establishes the TSOC commander as a special staff officer on the theater staff** (in addition to his duties as a commander--i.e., "dual hatted"). In this case, the TSOC commander may appoint a deputy as his representative to the theater staff for routine day-to-day staff matters.

(3) **Joint Force Special Operations Component Commander (JFSOCC).** When designated by the geographic combatant commander, the TSOC commander will function as a JFSOCC. This will normally be the case when the geographic combatant commander establishes functional component commanders for operations, absent the establishment of a JTF. The TSOC commander can also be designated the JFSOCC within a JTF if the scope of the operations conducted by the JTF warrant it. (2003, III-4)

The combatant commander will rely heavily on the TSOC to perform the above roles in the WOT. The TSOC takes McRaven's theory of Special Operations and puts them into practice in support of the combatant commander's objectives.

Time Available

The critical factor of time with regard to prevention and preemption is initiated through political decision. A combatant commander, although he may recommend, most likely will not decide to preempt an act of terrorism without the direction or consultation of the United States political arm. Therefore the timing of the decision is crucial. Depending on how early in the potential crisis process the decision is made, the combatant commander has the remaining time available to plan and execute.

In extreme cases of a potential act of terrorism the adversary may be dealing with WMD/E. Joint Publication 3-40 illustrates the three pillars: NP, CP, and WMD CM, and the strategy in which they are used to deal with WMD/E (2004, I-1 - I-8). Figure 1 illustrates the strategy of the three pillars and event based timing of when each pillar must be executed. It is in the counterproliferation pillar that maximum use of time is needed. Figure 2 shows the tasks that must be accomplished in the three-pillar strategy. This strategy attempts to maximize the use of time by taking a proactive approach vice a responsive or reactive approach. However, with this strategy much is contingent upon reliable intelligence and international justification.

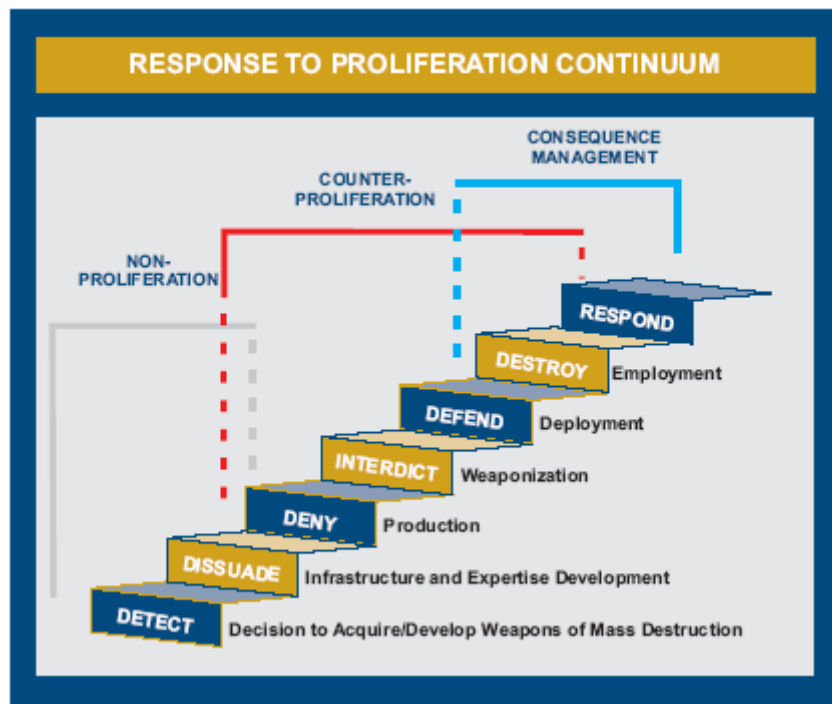


Figure 1. Response to Proliferation Continuum

Source: Chairman, Joint Chiefs of Staff, Joint Publication 3-40, *Joint Doctrine for Combating Weapons of Mass Destruction* (Washington, DC: Government Printing Office, 8 July 2004), I-7.

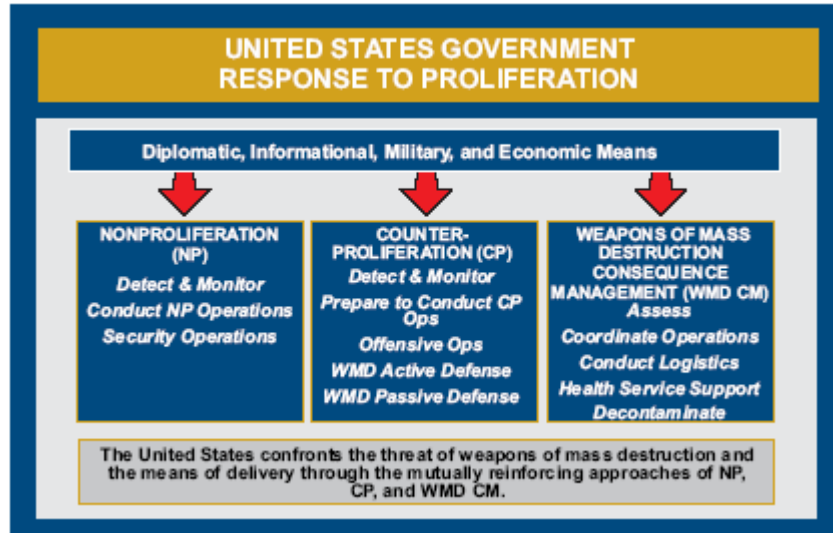


Figure 2. United States Government Response to Proliferation

Source: Chairman, Joint Chiefs of Staff, Joint Publication 3-40, *Joint Doctrine for Combating Weapons of Mass Destruction* (Washington, DC: Government Printing Office, 8 July 2004), I-8.

“A new method for conceptualizing the threat” is illustrated in “Fighting in the Gray Zone: A Strategy to Close the Preemption Gap” (Fish, McCraw, and Reddish 2004, 24). The strategy outlined in this study takes the existing definitions of preemptive use of force (classical preemption) and preventive use of force (classical prevention) and shows how they are currently laid out according to the pre-2002 national security strategy and the most current (Fish, McCraw, and Reddish 2004, 4-5). The depiction of the “Gray Zone” in figure 3, the area “between classically defined imminent threat and adapted imminent threat,” is where the critical factor of time is precious (Fish, McCraw, and Reddish 2004, 5). This is the area where the presidential decision is made to preempt a terrorist act. Figure 4 depicts a “notional WMD acquisition program.” The authors of this study maintain “the United States needs to shift the focus of deterrence away from

imminent threat on the right edge of the gray zone to convergent threat on the left” (Fish, McCraw, and Reddish 2004, 8). This would then close the time gap and make the strategy more effective.

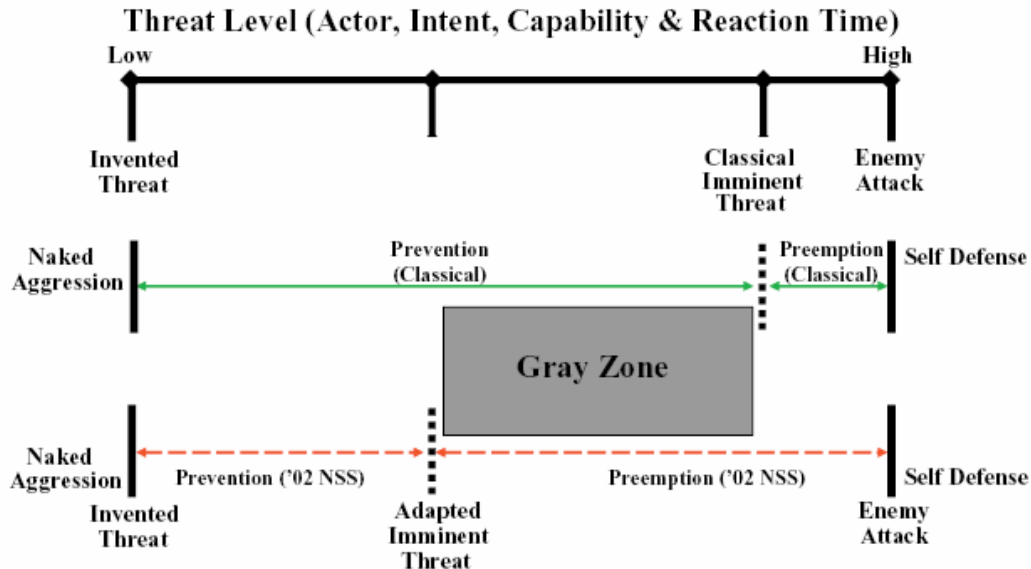


Figure 3. National Security Strategy Use of Force Responses
Source: Illustrated in Fish, McCraw, and Reddish, “Fighting in the Gray Zone: A Strategy to Close the Preemption Gap,” 5.

The study offers three triggers in order to move the reaction time to the left. They are as follows: “Rogue States Trigger Point (Actor and Intent), Terrorists Trigger Point (Actor and Intent), WMD Acquisition Program Trigger Point (Capability)” (Fish, McCraw, and Reddish 2004, 10-11). States that are considered rogue, as previously described in this chapter, pass the first trigger point. The second trigger point, “Terrorists Trigger Point,” is passed when states violate the United Nations Security Council Resolution 1373 which, as stated in chapter 2 of this thesis, condemns using terrorism or supporting it (Fish, McCraw, and Reddish 2004, 11). The last trigger, “WMD Acquisition

Program Trigger Point,” is based on whether or not the capability exists. This trigger is subjective and based on adequate, reliable intelligence (Fish, McCraw, and Reddish 2004, 11).

The triggers just described are relevant and applicable when dealing with WMD. However, they are not all conclusive to every act of terrorism. It is important for a combatant commander to understand these triggers and “like” triggers to understand the time he has available against the threat. This will expand his situational awareness and allow him to incorporate a timeline into his planning and execution.

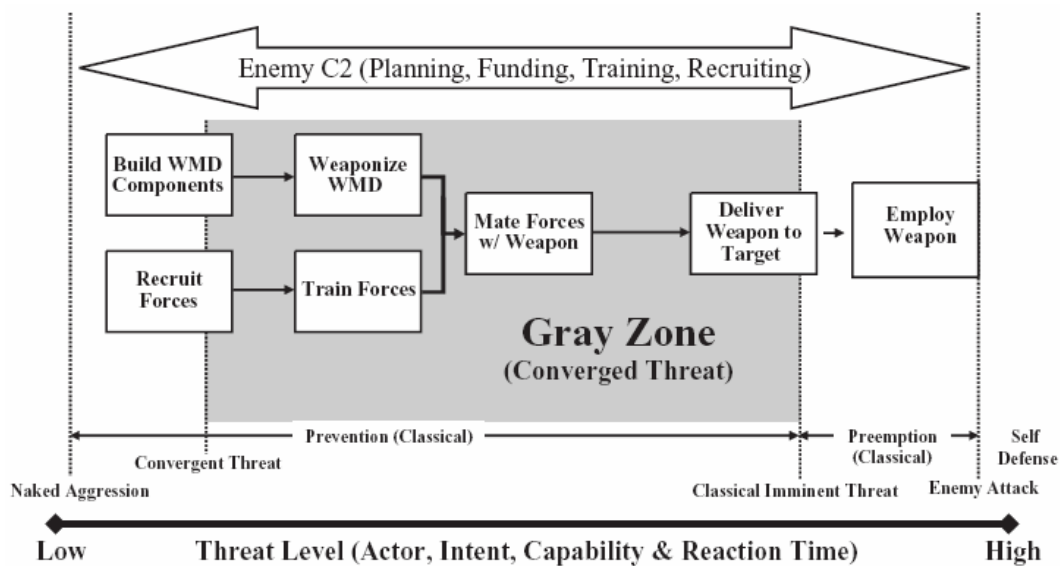


Figure 4. Notional Weapons of Mass Destruction Acquisition Program
Source: Illustrated in Fish, McCraw, and Reddish, “Fighting in the Gray Zone: A Strategy to Close the Preemption Gap,” 8.

Civil Considerations

The underlying theme in this factor is risk. The political arm of the United States provides the combatant commander with the “ends” and therefore must weigh the political risk of using the military. However, as stated previously, guidance or conference will be discussed on the effects needed, given success or failure of military action. At the combatant commander level, the operational level of war, political risk must also be considered. He must evaluate the effects the military action will have on the United States public as well as in the eyes of the international community.

The first aspect to be examined when considering the international community is the legality and acceptance of military action. This will encompass extensive legal review of international treaties, laws of small states, and the United Nations Charter and Resolutions. Although a thorough legal review is beyond the scope of this research, a basic understanding of the laws that surround preemption are necessary for the combatant commander to fully understand his circumstances. He must start his civil considerations with the idea that, “International scholars and states accept the right of anticipatory self-defense against an imminent threat as a legitimate use of force under the U.N. Charter” (Smith 2003, 92). Major Jennifer Smith’s research, “Unilateral Preemptive Self-Defense, Has its Time Arrived: Assessing the International Legality of Unilateral Preemptive Self-Defense in the 2002 National Security Strategy,” clearly shows this from extensive analysis of the United Nations Charter and Resolutions with regard to past and current case studies. Another assumption that he must consider, as Major Smith also concludes about the global threat of terrorism with regard to the United States new policy, is that “the international community is willing to accept that these threats are credible threats

that must be controlled, but the action must be multilateral, not unilateral” (2003, 93).

Key words to her conclusions are “imminent threat” and “unilateral.” It should now be clear that all the factors are inclusive and do not stand-alone. The “imminent threat” ties into the critical factor of time available and “unilateral” ties into all of the critical factors.

The combatant commander must determine how much political risk the United States government is willing to take regarding the risk to force (American lives), the popular opinion of the United States public, and finally in the eyes of the international community. Is the risk proportional to the consequences of failure or success? Lieutenant Colonel Worrell offers “five primary risks” that “must be measured” when “employing preemptive action” (2003, 17). These risks are strategic as well as operational because what happens at the operational level surely has strategic implications. The primary risks are:

- (1) A loss of national or international commitment
- (2) Unnecessary collateral damage
- (3) Civilian death or suffering
- (4) Escalation of the threat toward the U.S. or allies from other nations or non-state actors
- (5) Failure to achieve desired results (Worrell 2003, 17)

These are difficult issues that must be considered when choosing the appropriate force and method to attack in a preemptive situation. Furthermore, the combatant commander must rely on those forces to act and react in the absence of further guidance because there are very few cases where the plan survives first contact. He must use the smallest force or weaponry required to accomplish the mission and take the least amount of political and military risk.

The local surrounding populace is also a tactical consideration that could have major strategic implications if not handled correctly. In a case of destroying a weapon of mass destruction, the decision must be made to capture and move it to a remote location or destroy it in place. The political fall-out of a small town, city, or large populated area being destroyed with host nation civilian casualties would be difficult to fathom internationally or within the United States.

Joint Publication 3-57.1, *Joint Doctrine for Civil Affairs*, offers six factors that interrelate to the civil dimensions of an operation (2001, VII-7). These factors, if not considered, could also have significant second and third order effects on the political situation that will surely be scrutinized following the operation. The first, “key civil geographic areas;” considers “areas defined by political boundaries, ...government centers,” and different areas with distinct territorial, cultural or social significance (JP 3-57.1 2001, VII-7). The second, “infrastructures and buildings” includes “bridges, communication towers, power plants, and dams” along with other key infrastructure, such as “hospitals” (JP 3-57.1 2001, VII-7). Collateral damage to any infrastructure that is important to the host nation or local populace would surely raise the political risk level. The third factor, “institutional capabilities,” deals with considering the host nation and or local populace’s ability to help their people. Some examples that could turn the host nation’s populace against the attacking country and fuel further threats would be to attack “public safety, emergency services,” or “public works and utilities” (JP 3-57.1 2001, VII-9). Disrupting this could fuel the threats cause and nullify the positive effects of a successful mission. The fourth, “influential organizations,” such as “church groups” or even “United Nations agencies” would be considered to gain situational understanding of

the area and who is operating in the target area (JP 3-57.1 2001, VII-9). If prior coordination can be done to safeguard those organizations, it could lower the political risk to a manageable level, assuming that they will condone the operation. The fifth factor, “key communicators and populace,” are the civilians that may come into contact with the military during an operation. People will impact the operation and this impact must be considered to determine whether it will be “positive, negative, or neutral” (JP 3-57.1 2001, VII-10). The sixth and possibly most critical factor of the civil dimensions is “events,” such as “national and religious holidays” or “celebrations” (JP 3-57.1 2001, VII-10). It is critical because it ties directly to the concept of time. An attack during an important holiday or during harvest season could have significant second and third order effects. If feasible and dependent upon the situation, respect of another nations events would certainly lessen political fallout.

Depending on the situation, the factors just outlined could work to benefit or severely hinder the operation. Either way, there will be public scrutiny by the host nation and the United States as well as with the international community. Lieutenant Colonel Westphal offers, “The greatest risk associate with our use of military preemptive strikes is the risk that public, international and world opinion will turn against the United States” (2003, 13). A negative reaction “could feasibly break apart our Alliances (NATO, ANZUS, etc.), our Coalitions, our Treaties, and our country’s respect around the world” (Westphal 2003, 13). Therefore, the risk of doing nothing must outweigh the political risks of prevention or preemption of a terrorist act. The civil considerations may become the most important critical factor of METT-TC that both the combatant commander and

the United States Presidential Office must consider due to the political risks that are at stake.

A Classical Terrorism-Prevention Flowchart

A flowchart can be followed to determine the optimal type of force to use and the active participants with those forces in order to achieve a successful outcome, with the least amount of military and political damage. This flowchart reflects the chronological order for which a decision can be made to use SOF or other means. It serves as a model for the combatant commander to follow and should be used to gain all the facts and as much situational awareness in order for him to “Visualize, Describe, and Direct” (FM 6-0 2003, 4-0 to 4-8). By no means should this flowchart be used as a rigid decision-making process. It is a tool to be used to organize existing circumstances into a classical model that United States’ policies represent. The title of commander implies the need to make decisions that are not always clear and definitive.

The Classical Terrorism-Prevention Flowcharts, figures 5 through 8, are broken down into four separate threat charts for easy viewing. Analyzing the critical factors in METT-TC and combining conclusions of other authors and the United States’ National Strategies regarding how the United States will win the war on terror derive the charts. The various authors and strategies recommend the type of forces to use as well as who should participate in the military operation. By combining the recommendations, a logical flowchart is laid out for the combatant commander to determine how and what assets to apply to the operation.

As stated, the charts are broken down by threat. Therefore, the first category is to determine the threat that is faced. The threat, as previously explained under the Enemy

sub-section, must be analyzed and determined. Dr. Sloan recommends the type of forces to be used as well as the target type against each threat. In the case of a “Terrorist State,” it is recommended to attack “a governmental installation, particularly a military base” using “conventional or special assets, employed either individually or jointly” (Sloan 1986, 26, 28). However, to act preemptively, there must be “overwhelming evidence” that the threat is going to initiate actions against the United States or entities of them. (Sloan 1986, 28). In the case where the threat is “State-Sponsored Terrorism,” “both conventional and special operations forces could be employed” against “specific terrorist groups and their home installations” (Sloan 1986, 28). Moving to a threat of “Terrorist Groups Without State Sponsorship,” Dr. Sloan does not recommend using conventional forces due to the threat being “non-state actors” (Sloan 1986, 28). He suggests using a covert specialized force against “irregular forces and terrorist organizations” (Sloan 1986, 29). The final threat, “Terrorists,” Dr. Sloan does not recommend using military forces but rather “the clandestine services of the intelligence community” or “surrogates” (Sloan 1986, 29). Keeping in mind that Dr. Sloan wrote his book in 1986, much has changed in the United States Armed Forces with their organization, capabilities, and their mission sets. Due to the merging of missions and collective effort outlined in the United States’ national strategies, one can conclude that a specialized force working together with the intelligence community could be applied towards military action against this threat. The analysis of the threat is a good starting point in determining the appropriate force to be applied but further study of the circumstances must be considered to gain maximum situational awareness. This leads to the analysis of state types.

Lieutenant Colonel McMullen analyzes the four different state types as previously described with recommendations on the appropriate force to use against them. However, before one can move to the next circumstance in the flowchart it is essential to explain why all four types do not exist in each threat. In figure 5, Terrorist State Threat, the only possible state type is an “Unwilling-Rogue” type. If they are a terrorist state then they have already proven that they are not “Willing and Able,” “Reluctant,” or “Weak but Willing,” by the mere definitions outlined previously. They overtly use tactics that prove they are “Unwilling/Rogue.” In figure 6, State-Sponsored Terrorism, the threat may be “Reluctant” due to the fact that one may not be able to tell if the government is totally corrupt or if it is weaker than the terrorist groups within the country. Although this threat is more in the “Unwilling/Rogue” category it would be inaccurate to totally discount that they could just be “Reluctant.” The threat in figure 7, Terrorist Groups without State Sponsorship, discounts only the “Willing and Able” state type. It is very difficult to ascertain the beliefs of the host nation with this type of threat. The only thing for sure is that they are not “Willing and Able” to resolve their problems. By Dr. Sloan’s definition, they are “either not willing or not capable” (Sloan 1986, 28). The final threat, figure 8, Terrorists, includes all state types due to the fact that this threat consists of “civilian actors” (Sloan 1986, 29). The circumstances must be further analyzed politically in order to place this threat into a type of state to move further along the flowchart. Now that one understands why the different state types exist in each threat area, the flowchart can progress to the recommendations on forces to be used in each state type.

Going back to Lieutenant Colonel McMullen’s recommendations, the first type is the “Willing and Able” state. He recommends that preemption is not an option due to the

fact that this type of state is an ally and supports the war on terror and the United States' policies (McMullen 2004, 14). In this case there is no action needed by the United States unless the host country asks for assistance in some way. If a state is "Weak, but Willing," McMullen recommends multinational operations with possible unilateral action with host nation approval (McMullen 2004, 14). However, he does not state whether or not conventional or special operations forces should be used. Keeping this in mind, if this state type exists, the analysis must consider additional circumstances before leaning towards a particular force to choose. McMullen's analysis of "Reluctant" states is to use special operations forces unilaterally (McMullen 2004, 15). However, he notes that if the operation is conducted without host nation approval, there could be significant political damage (McMullen 2004, 16). Although a recommendation is given, further analysis of circumstances is essential. Of the final state type, "Unwilling/Rogue," McMullen's choice is to use SOF but he does not discount conventional means (McMullen 2004, 16). Thus far, the recommendations for the appropriate force to use against terrorist threats must still be further analyzed in order to gain a more in-depth understanding of the situation. At this point, to jump to a conclusion would lead to an erroneous decision because key circumstances are still yet to be evaluated and analyzed.

Classical Terrorism-Prevention Flowchart

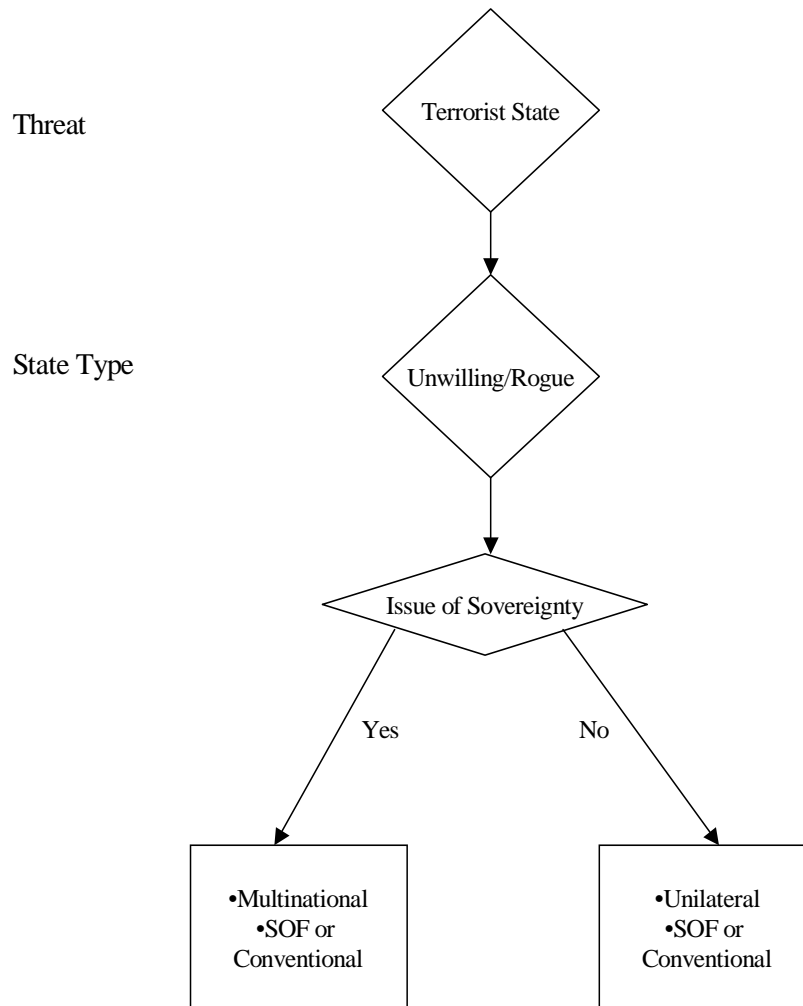


Figure 5. Terrorist State Threat

Classical Terrorism-Prevention Flowchart

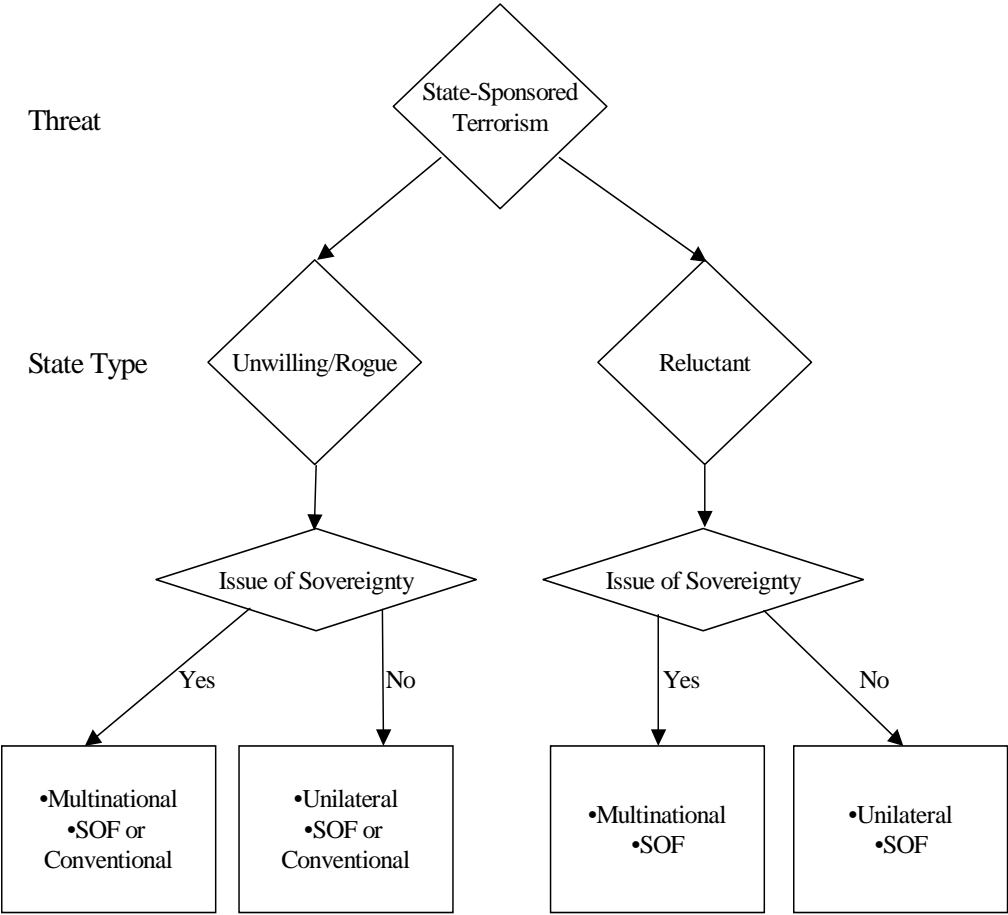


Figure 6. State-Sponsored Terrorism Threat

Classical Terrorism-Prevention Flowchart

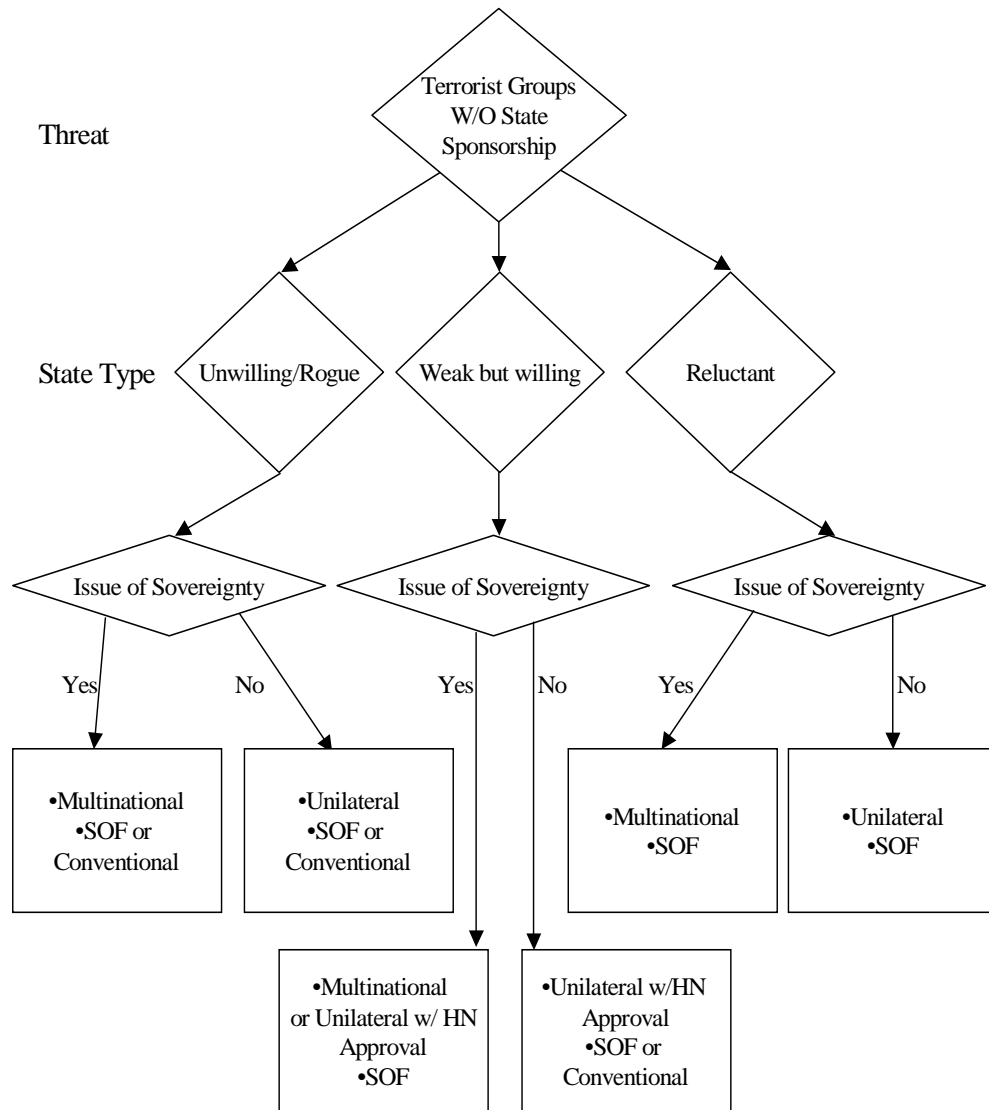


Figure 7. Terrorist Groups without State-Sponsorship Threat

Classical Terrorism-Prevention Flowchart

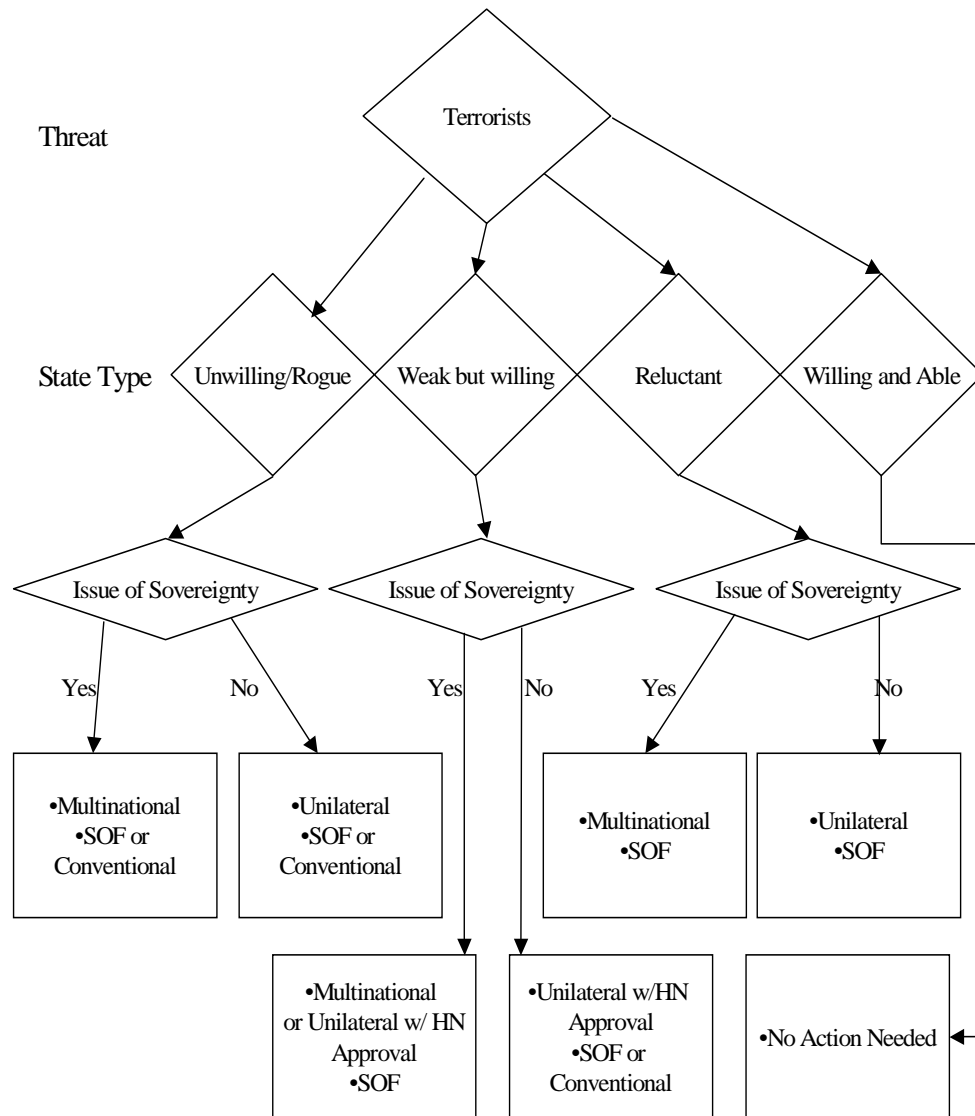


Figure 8. Terrorists Threat

The next category in the flowchart is the issue of sovereignty. The answer to the question lies in the eyes of the state conducting the military operation. Analyzing sovereignty at first glance, one may conclude it is logical to assume that if one state is conducting military action against another then there is always an issue of sovereignty.

This is somewhat true; however, if that state has the support of the international community or if that state really does not care about sovereignty, then the answer to the question is that sovereignty is not an issue. The flowchart does not go into detail on this issue because each and every circumstance will be different regarding how one state can mitigate the issue of sovereignty. For instance, if the attacking country has reliable and tangible intelligence that a future act of terrorism could be committed and it shares this information with the United Nations and other states, there would not be an issue, especially if the United Nations approves the military action. Another example would be that the intelligence is not shared and proof is needed to control the political damage that will follow a violation of a sovereign nation. In this instance, the burden of proof is necessary and will influence the decision of which type of force to use and how to use them. For the reasons just stated, it is the judgment of the combatant commander and higher authorities that will determine the answer to the category of sovereignty. Once this question is answered, the options of which force to use and whether it is best to use them unilaterally or multinational is revealed.

The recommended choice of forces is derived from the combined analysis of the factors used in this chart, coupled with analysis of the United States National Policies and background literature that was reviewed for this study. Analyzing the chart, one can see that if there is no issue of sovereignty then unilateral action is recommended. If the answer to the issue of sovereignty is yes, then it is recommended to take multinational action. Solicitation of other nation's support could win the international community's consent. If no other nation will openly support the action then the burden of proof must be gained. In this case, SOF would be the preferred force.

The flowchart specifically uses the word “classical” in its title because the chart is a general study of the forces to apply to this type of situation. The combatant commander can use this as a guide to arrive at the generalized answer to the forces he should use. The flowchart is a point of departure. Further circumstances that are ambiguous are what were previously described in METT-TC and are not directly addressed in the chart.

Time, as illustrated with the “Gray Zone” will be evaluated from initial stages of planning to the actual elimination of the threat. How close is the threat to being imminent? How much time do I have before the terrorist act is conducted? These questions relating to time lead into the availability of forces. The TSOC will know what SOF is in theater and if they are capable, skill set and equipment wise, to be leveraged against the target. The burden of proof is also an important circumstance that cannot be overlooked. If a picture or actual piece of paper must be captured to prove military action was justifiable, then SOF should be used.

The final and ultimately most critical of factors to consider is political risk. The civil considerations must be taken into account during any military operation. In the following chapter, it will be shown that the political risk drives the choice of forces to be used. A decision must be made based on whether or not the political risk of military action outweighs the cost of doing nothing or not gaining the needed proof to present to the international community. Risk to force is also important because it directly ties into winning the vote of the United States public. The chosen force, target and method of engagement also weigh heavily into the political risks. How does one gauge acceptable risk? The answer lies in the damage that will occur if nothing is done. As long as a pattern of military preemption without sufficient proof is not developed, then

international community may not condemn and impose sanctions on an isolated incident. However, it could cause sufficient political fall-out and disrupt the credibility as well as the goals that the United States or the attacking country is attempting to achieve, which is to stop terrorism as a form of warfare.

To sum up the Classical Terrorism-Prevention Flowchart, the reader determines the threat as previously described. Following the threat is the type of state that the threat is in, as classified in the Terrain and Weather sub-paragraph. The flow then moves to determine if sovereignty is an issue when the action is to be conducted. If sovereignty is an issue then solicitation of other nation's support could win the international community's consent. Moving to the determination of force to be used, when SOF or conventional is stated, one or the other or a combination of both can be used. Finally, the flowchart does not list WMD/E. This is because specialized personnel from the SOF community will be used in these cases. This is not to say that conventional forces or weapons couldn't be used to cordon or support the action, but that SOF will definitely be involved.

Every situation is unique with a completely or slightly different set of circumstances. This is the art of command. If this were not the case then computers could be commanders and operators could just plug in the equation or circumstances and the decision would be made. This flowchart shows the flow of combining all the factors for choosing the correct forces for a situation. The other elements of METT-TC are not directly included in the flowchart but will be explained through further analysis. As previously illustrated, all elements must be considered. Time, weather, relationship of distance over terrain and collateral damage all play into the decision making process and

are critical. The art of combining these factors is essential to the decision the commander must make. Leaving one out or underestimation of a critical factor could be detrimental to a decision.

In the following chapter, comparative case study analysis, several cases will be analyzed and fit into the flowchart to show the legitimacy of following the circumstances to determining the preferred force to be used in the WOT. Also, to furthermore determine if it is always suitable, feasible, and acceptable for a combatant commander to use SOF to prevent a terrorist act against the United States or entities there of.

CHAPTER 5

COMPARATIVE CASE STUDY ANALYSIS

The 1945 United Nations Charter was created to maintain peace between nations. It does this by promoting sovereignty and international laws. It is also a document that sets the precedence for judgment of all nations and acts against other nations or states. Therefore, cases to be compared must be post-Charter signing, since sovereignty is among the top criticism of the “Bush doctrine.” In the following cases, sovereignty will be addressed as well as the international community’s consent or condemnation. Since the creation of the United Nations Charter there have been very few cases of preemption. All but one of the following cases could be considered preemptive strikes, or at the very least preventive actions. Although they all do not deal directly with the modern ideals of what the general public thinks terrorism is, they do fall into the definition offered in chapter 1 of this study. The following cases were chosen because they cover a broad spectrum and different views of military action taken against terrorism.

Osirak II

On 7 June 1981, Israel attacked and destroyed a French built nuclear reactor in Iraq with two bombs. They used eight F-16 and six F-15 Air Force fighter Jets (Crockett, 15). Their justification was that Iraq had a “bomb factory” and was going to use the weapons it was creating against Israel (Crockett 2003, 16). They claimed the action was a “means of self-defense and justified under international law” (Crockett 2003, 15). They felt time was near and the need to act militarily was a necessity. They tried to resolve the situation through diplomatic means with the French and the United Nations Security

Council. The French stated the reactor was not for the purposes of bomb building and the United Nations denied the recommendation by Israel to create a multi-lateral treaty for a nuclear weapon free zone (Smith 2003, 47). Israel did not have confidence in the United Nations to resolve the issue and felt no other means could be attained before Iraq had the capability to destroy them. They even planned the attack to use the least amount of force needed and timed it to cause the fewest amount of civilian casualties. Despite Israel's defense of their action, the international community condemned the action because it was not justified as self-defense and the threat was not immediate or imminent by international legal standards (Crockett 2003, 17). The United States and Great Britain also condemned the attack as illegal. The Security Council passed Resolution 487 fearing that this type of action could open the gates up for further similar attacks against other nations without proper justification (Smith 2003, 48).

The Israeli raid "represents the first counterproliferation by preemption against a nuclear weapon or capability not during a war and involving actual combat" (Sheehy 2003, 25). Resolution 487 also represents the first action from the United Nations in response to preemptive "force against weapons of mass destruction" (Sheehy 2003, 25). Israel was condemned because they violated a sovereign nation and the threat was not considered imminent at the time. In later investigations, conducted in 1991 by United Nations Special Committee, it was found that Iraq had indeed been manufacturing weapons of mass destruction as far back as 1980.

Plugging Osirak II into the Classical Terrorism-Preemption Flowchart, Israel would have used the Terrorist State threat, figure 5, to follow the circumstances in determining the applicable force. They would have classified Iraq as an Unwilling State.

There was an issue with sovereignty. Therefore, illustrated in the flowchart, they should have chosen a multinational conventional or SOF structure to attack. The question then is why did they choose a unilateral conventional method? They did not have international support and therefore had to choose the unilateral approach. They needed proof but chose not to accept the risk of putting actual boots on the ground, for this would surely have looked like an Israeli invasion and more than likely would have started a Holy War. The risk, even for Israel, was too great a cost to pay even if they would have destroyed the target and shown tangible proof that Iraq was indeed manufacturing a WMD capability. Therefore, Israel was forced to state, at least internally, that sovereignty is not an issue and the political risk of a unilateral conventional strike is palatable.

Infinite Reach

On 20 August 1998 the United States attacked various terrorist training camps in Afghanistan and a pharmaceutical plant in Sudan, a suspected chemical weapons facility, with Tomahawk cruise missiles. The United States embassies had just been bombed 13 days earlier in Nairobi, Kenya, and Dar es Salaam, Tanzania. The leader of Al-Qaeda, Usama Bin Laden, was waging war against all Americans and took the credit for the bombings (Smith 2003, 57). In the United States, President Clinton was facing impeachment and undergoing testimony on the allegations of his sexual relationship with Monica Lewinsky. Therefore the timing of the attacks, Infinite Reach, was criticized both domestically and internationally. The attack was considered to be retaliatory with a hint of preemption due to the fact that “the United States had evidence that future attacks were planned” (Smith 2003, 58). Political means were attempted in the years prior but failed on all accounts. The United States warned Afghanistan and Sudan to stop supporting

terrorism but then failed to comply (Smith 2003, 58). The United States maintained that they acted legally and in self-defense. The international response was mixed mainly due to the pharmaceutical plant attack in Sudan (Smith 2003, 58-59). The final outcome was that the United Nations never condemned the United States and domestic support was adequate (Richman 1998).

Infinite Reach, although not historically considered preemption, fits into the flowchart under a threat of Terrorist Groups without State Sponsorship (figure 7). The states were unwilling/rogue and due to the sharing of intelligence with other nations, prior warnings to stop harboring and supporting terrorist, and attacks on the United States' embassies, the United States did not see an issue of sovereignty. They therefore chose a unilateral conventional attack. Putting troops on the ground would not have justified the risk because there was no burden of proof needed.

Flavius

In March 1988, British SAS soldiers prevented a planned IRA terrorist attack on the British garrison in Gibraltar. The attack was to be “with a car bomb during a military ceremony where several regimental bands would be parading” (Phantom 2002). Gibraltar, a British colony south of Spain, was considered a “soft” target that would directly hit British military and send a message to the British government (Hunter 1998). The British foreign intelligence started putting together the pieces of the operation early on in the IRA's planning process. They had gathered intelligence from British operatives, Spanish intelligence networks, and counterterrorist experts (Hunter 1998). Their superior intelligence allowed them to predict the event that would be attacked and the people who would be present to set off the bomb. The British then delayed the event to confirm their

suspicions. Once this was confirmed, “the Joint Intelligence Committee in London” knew an attack was “imminent” (Hunter 1998). A 16 man SAS team was sent to Gibraltar with initial orders to arrest the three suspects on sight. However, intelligence estimated that the attackers would be heavily armed and would detonate the bomb by remote. This changed their orders to being authorized to use deadly force “if those using them had reasonable grounds or believing an act was being committed or about to be committed which would endanger life or lives and if there was no other way of preventing that other than the use of firearms” (Hunter 1998).

The Gibraltar police were initially in charge at the parade as if everything were normal so as not to tip off the terrorist. Once an SAS bomb expert inspected the suspected car, he reported back that he could not be sure until the car was further inspected. This information was enough for the Gibraltar police to turn over the authority to arrest the suspects to the SAS. The police had ordered a car to prepare to transport arrested terrorist to prison. The police car got stuck in traffic and turned his sirens on. This act tipped off the IRA terrorist who turned and spotted the SAS operators that were trailing them. After the order to halt was given, one of the terrorists reached to his pocket. He was shot over 16 times. The other two were also killed immediately after. The investigation that followed revealed that there were no traces of explosives in the suspected car, nor were any of the three suspected terrorists armed. Eventually the SAS operators that did the shootings were acquitted, but there remains a lot of friction in Great Britain over this operation (Hunter 1998)

Great Britain’s threat in this case was State-Sponsored Terrorism (figure 6), with a reluctant state type, the colony’s administration. In the case of Gibraltar, being a British

Colony, sovereignty was not an issue and therefore Britain chose a unilateral SOF mission to prevent the terrorist attack. They also had significant intelligence that led them to believe a terrorist incident was going to occur. The civil considerations justified using specialized soldiers. Although the British followed the line of thinking in the Classical Terrorism-Prevention Flowchart, it has been said that the real terrorists in this case were the British SAS themselves. Public scrutiny of the British government proved immense due to using military force for a civil action, as well as, lacking the proof of what was suspected. However, for Great Britain, the risk of doing nothing was far greater than the political risk that was suffered as a result. This is clearly a case in which, as stated in chapter one of this research, successful preemption of an event will always leave doubt that the event would have actually occurred at all.

Gaborone Raid

On 14 June 1985 the South African Defense Force (SADF) commandos, apartheid South African Special Forces, conducted a cross-border raid into Gaborone, Botswana. The raid killed twelve people, to include a child, as well as wounding several others (TRC hearing, 16 November 2000). South Africa argued, “Botswana was harboring terrorists, actively participating in the planning and execution of violence and murder in South Africa” (BOPA 2004). The South Africa minister of foreign affairs also argued, “South Africa had ‘no alternative’ but to protect itself from a growing number of terrorist attacks emanating from Botswana” (BOPA 2004). This case is unique in that the United States did not condone the attacks and essentially saw South Africa as the terrorist State. However, for the purposes of this study, the view from apartheid South Africa will be taken.

In 1985, South Africa saw Botswana as a threat to their regime and hence a Terrorist State (figure 5), which was an unwilling/rogue type of state. There was an issue of sovereignty but it was ignored. South Africa chose unilateral SOF for their mission. Their proof was that Botswana had specific people in Gaborone that opposed the apartheid South African government. The international community clearly condemned this preemptive raid into Botswana and set several United Nations sanctions against them. The United States also set up sanctions because they also condemned the raid and opposed the racially segregated government (TRC hearing, 16 November 2000). The circumstances to use unilateral SOF were clear to South Africa. However, had they had the tactical precision weapons of a more developed country they more than likely would have used them. This case offers a different and opposing view for military action against terrorism.

Yemen Predator Attack

On 3 November 2002 the United States delivered a precision guided missile launched from an unmanned Predator into a car with 6 suspected al-Qaeda members. The attack occurred in a remote part of northwest Yemen and was orchestrated by the United States Department of State, Central Intelligence Agency (CIA) (Dworkin 2001, 1). United States officials confirmed that among the members in the car were a senior al-Qaeda operative, who was “a suspected key terrorist organizer in Yemen, and five lower-level associates” (Hedges 2002, 1). The Yemeni government said the car “contained weapons, communications equipment and explosives” (Hedges 2002, 1). This attack marked “the first air-to-ground assault outside Afghanistan” since the global war on terrorism started (Hedges 2002, 1).

The United States chose to place emphasis on the Horn of Africa: Kenya, Eritrea, Ethiopia, Djibouti, and Yemen, in the war on terrorism because it has been known to be suspected sanctuary and breeding ground for terrorists. Following the 11 September attacks that were conducted against America, the United States sent military advisers and CIA agents to Yemen. They also deployed 800 Marines to Djibouti immediately and 200 more to have more forces available in the region, as well as to set up a new “Horn of Africa Task Force” (Hedges 2002, 2). The United States and Yemen also signed a special military and security cooperation agreement in training and exchange of information. This led to the United States Special Forces training the Yemeni Special Forces on counterterrorism (Amnesty International 2003, 19, 21). The United States with the cooperation of the Yemen government had pledged to assist in the war on terrorism.

Major criticism of the attack came from Amnesty International about human rights violations. They recommended the United States and Yemen make some concessions and investigate the killing of the people in the car attack and to ensure human rights standards were strictly adhered to between both countries. They addressed the international community to urge both governments to obey their recommendations. Other criticism came from lower officials in Yemen about not allowing them to conduct the attack.

The CIA for several reasons conducted the attack unilaterally. First, the government of Yemen approved counterterrorism operations within their country. Second, the Yemen SOF did not feel they were sufficiently trained to conduct such an attack. Third, the global positioning coordinates collected from the terrorist’s use of his cell phone were fading and time was of the essence (Smucker 2002, 2). There was

contemplation to use American Special forces but General Zinni, the commander in chief in the region, stopped the attack because he feared “such an operation would be Desert One” (Benjamin n.d., 3). The attack was also conducted to minimize collateral damage. The CIA waited until the car was away from any homes and civilians (Smucker 2002, 2). When the United States was questioned about the incident they maintained that the attack was within the purview of their policy with the war on terrorism, as well as within the United Nations Security Council’s oversight.

The United States’ Predator attack on Yemeni soil fits into the Classical Terrorism-Prevention Flowchart in figure 9, Terrorist Threat. The threat was clearly terrorists. Yemen is a weak but willing state, as previously quoted under the analysis stated by McMullen in chapter 4 of this paper. They agreed to conduct counterterrorism operations in their country and were being trained to conduct them themselves. They just were not ready. Since there was an agreement and cooperation between the countries, there was not an issue of sovereignty; therefore the recommended method is to conduct a unilateral operation with host nation approval and to use SOF or conventional means. The United States chose the CIA.

Analysis of Cases

In the comparison of the cases just mentioned, one can easily see the similarities and differences when they are laid out in a chart. This study offers a chart, figure 9, to summarize some significant results. Comparing the Classical Terrorism-Prevention Flowchart to the forces actually used, all but two operations were conducted according to the flowchart. Osirak II chose to conduct a precision unilateral strike using conventional means. They chose this option for two reasons: they could not get multinational support

thus they were forced to act unilaterally and the conventional means was chosen because putting troops on the ground was much too risky militarily and may have caused significant second and third order political effects. The Yemen case chose a Department of State (DoS) asset to act on the target. As previously mentioned, this asset was being used covertly in the war on terror and although it is nonmilitary, it was used within the guidelines of the United States Secretary of Defense and the Presidential Office. This asset, just like any military asset, was used as an extension of the United States political arm. Specific SOF assets were in place but were not used because the military risk was too high. The SOF and Special Forces assets were being used for long-term prevention through the cooperation of the host nation.

The only operation in which the flowchart showed that conventional forces should be used over SOF was Infinite Reach. The flowchart arrived at the forces to be conventional because no burden of proof was needed. Also, due to the fact that this was better known as a retaliatory strike, there was no need to neither gain further proof of future terrorist acts nor risk military troops. Had this operation gone bad with troops on the ground, the political risk would have been catastrophic in the United States as well as internationally.

Moving to the reaction column, all but one case had serious political damage. Infinite Reach had a mixed reaction only because the United States was retaliating for the embassy bombings. If they had only hit the pharmaceutical plant in Sudan, they would have been condemned internationally because neither Sudan nor the United Nations Security Council were presented with a need to attack the plant for self-defense reasons. This proves that the international community has issues with unilateral preemptive

military action. It also confirms Smith's conclusion that "action must be multilateral, not unilateral" (Smith 2003, 93). So why would a country chose military action, even as a last resort?

This question leads us to the key factors column in the case comparison chart. The factors listed in the chart are listed as the major factors and are only a brief summary. Other contributing factors of why the decisions to strike militarily are time and enemy. The most critical factors in these cases are with the civil considerations and risk. In two of the operations, Osirak II and Flavius, the risk of doing nothing outweighed the political risks. Both of these countries felt that their populace was at great risk. Israel was looking at facing a serious future nuclear threat and Great Britain was facing possibly hundreds, if not over a thousand casualties.

The attention of this analysis now turns to the use of SOF. Two countries used their SOF but had detrimental second and third order political effects. One country became a pariah; another had to stand trial because they had no tangible proof that the terrorist acts were going to be committed. This begs the question, Are there really any suitable, feasible, and acceptable circumstances when SOF should be used to prevent a terrorist act or incident? Of course there are, and the answer revolves around the acceptable political risk compared to the outcome of doing nothing. In an article of the *Middle East* publication, Ed Blanche states, "Even before the embassy bombings in Africa, the Americans had drawn up plans to send special forces to Afghanistan to snatch bin Laden, but the mission was eventually scrapped for political reasons" (2001, 2). In this example, a direct action mission was set aside because at the time the political risk was too high. Hindsight tells us that it may have been better to accept the political risks.

Tangible proof would have mitigated the risk. This is why the burden of proof is so very important to a state that feels the need to use preventive or preemptive force. The United States' future is dependant upon its accountability of its actions. So why is SOF not being used more often to get the proof needed to justify its actions? Thomas O'Connor writes in his article written for a course in terrorism, "Counterterrorism: Military and Economic Options," "special forces are more effective and produce less collateral damage than conventional forces. They are also the kinds of forces that commit to the most risk of death, and this is the reason why policymakers are reluctant to use them" (O'Connor n.y., 4). General Zinni's decision not to use SOF in the Yemen case also proves this point. However, SOF is being used today throughout the world, just not in the way that the general populace is looking at SOF to perform the stereotypical direct action mission of a precision strike.

Acceptability is the key to understanding the circumstances in which a combatant commander should use his SOF to prevent a terrorist incident from occurring. It is perfectly acceptable, both militarily and politically, to use SOF in a more subtle way, such as within a FID mission. This is illustrated in the Yemen case. Countering an insurgency by training the host nation to root out the people who commit acts of terrorism is also a more subtle approach. Although in FID, the host-nation has invited the United States into their country. Sovereignty could still be an issue, such as in countries like the Philippines where SOF is restricted in DA missions due to state-to-state agreements. UW is also another way to use SOF to their utmost abilities. SOF can train, advise, and assist indigenous forces to, once again, root out the people who commit acts of terror, even if these people are within their own government. SOF will also do this

with a small footprint in the host country and with far less assets than it would take to use conventional means. However, UW takes time, which may not be available in all cases. Direct action missions are not the norm in which SOF should be used, although the mission set must not be discounted. In cases of WMD/E, the specialized forces within SOF will be used. Special Reconnaissance is more likely in cases where one would think SOF should be used in a direct action mode. SOF is equipped with the tools to gather intelligence from long distances and in unfamiliar remote terrain or even in urban environments. Once significant proof is gained, the diplomatic element can be brought back into the equation to quickly defuse the crisis.

The most difficult scenario is with countries that the United States has no covert or overt assets. When facing this type of scenario, the combatant commander and presidential office will surely be involved. Also in this case, time and proof become the more critical factors. Should the United States believe the politics and media? To act without significant proof would lead to serious public and international scrutiny and would jeopardize relations throughout the world. SOF has the capability to act covertly and unconventionally to gain the proof needed to take further military action. They can do this with the smallest footprint, if any, and with the least amount of force. Still the most critical factor is in the civil considerations of risk. Regardless of the decision on what type of force to use, the combatant command and higher authorities must realize that they have a capability that presents a better opportunity for success. Conventional means would be a secondary option if SOF fails, but it would surely be worth the risk.

One would also be remiss if they did not consider the open waters. The United States Navy provides a majority of its nation's strategic reconnaissance just by patrolling

the international waters. They are also involved in “time-sensitive strike; ship-to-objective maneuver; information operations; and covert strike to deliver devastating power and accuracy in future campaigns” (Clark 2002, 3). Although it is beyond the scope of this research, if one looks at the cold war and post-cold war era operations of the United States, it is worth mentioning that the Navy has been in numerous potential conflicts in the past twenty years. The Navy is also the most likely platform to use naval SOF in a direct action mode. The most recent case is listed in Joint Publication 3-40. In this case, a North Korean marine vessel called the So San was interdicted in December of 2002. The ship was tracked and interdicted by a multinational task force that involved United States SOF. It was discovered that sixteen scud missiles were hidden aboard the vessel (JP 3-40 2004, II-12, 13). The Navy provides an extension of protection that is duly necessary in the war on terrorism.

From the analysis of METT-TC and various case studies of military action taken against terrorism, one can see that circumstances do exist to use SOF in the war on terrorism. However it is rarely acceptable to use SOF in a direct action mode, due to the risk to force and mainly the political risks associated with putting “boots on the ground.” The circumstances in which it is acceptable to use SOF are when the issue of terrorism is prior to or in the early stages of the “Gray Zone.” The suggested mission sets would be FID, UW, SR, and lastly, DA/CT. Use SOF early to utilize the nations assets to their utmost capabilities.

Table 1. Case Comparison Chart

Operation	Flowchart Solution	Forces Actually Used	Reaction	Key Factors
Osirak II	-Multinational -SOF-due to burden of proof needed	-Unilateral -Conventional	Intern. Condemned	-Risk of doing nothing -Risk of starting “Holy War”
Infinite Reach	-Unilateral -Conventional	-Unilateral -Conventional	-Mixed Intern. Judgment	-Military Risk (Troops) -Retaliation on their side
Flavius	-Unilateral -SOF	-Unilateral -SOF	-No Intern. Reaction -Internal discontent	-Risk of doing nothing
Gaborone Raid	-Unilateral -SOF	-Unilateral -SOF	-Intern. Condemned/ Additional Sanctions	-Precision Raid, specialized forces needed -Political risk discounted
Yemen Predator Attack	-Unilateral w/HN Approval -SOF or Conventional	-Unilateral -DoS/CIA	-Intern. Reaction/ Violation of human rights -Some HN discontent	-Yemen SOF not ready -Tgt of opportunity -Timing critical -Risk of losing tgt -Cooperation agreement

NOTE: Data derived based on research from various sources and compiled by the thesis author.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

Purpose

The purpose of this chapter is to provide the answers to the research questions, discuss the major conclusions that this study unveils, and recommend further research that is beyond the scope of this study. The thorough review of United States policies, relevant literature pertaining to CT, UNSC, the UN Charter, commentaries on the United States strategy, joint United States doctrine, and a comparative case study, leads to the conclusion that the circumstances in which to use SOF in the war on terrorism are unlimited. The *NSS* is a proactive, world integrated strategy against terrorism. Preemption is a reactive strategy and more often than not, a misused term. An underlying focus of this research is on the preventive military actions that the United States and regional combatant commands can take to effectively mitigate the use of terrorism against America. The primary question of the research revolves around SOF capabilities and the circumstances to use them, as well as, finding out how they fit into the grand scheme of the war on terrorism.

Conclusions

In order to provide the answer to the primary research question, one must provide the answers to the secondary questions. As explained in the preceding analysis chapters, a firm grasp of the situation is necessary to compile all the factors together to arrive at a logical solution to military action against terrorism. To compile these factors, METT-TC is used to gain full situational understanding and evaluate all the possible circumstances

that could exist. The circumstances are then characterized to follow a logical flow in the decision making process. The first question to answer is, what type of terrorist threat does a state face? This research derived four possible threats that were taken from Dr. Sloan's book *Beating International Terrorism*: the terrorist state, state-sponsored terrorism, terrorist groups without state sponsorship, and terrorists. Categorizing the enemy is an essential starting point in order to develop a plan to apply the correct forces to engage him.

Once the threat is categorized, the question to be answered is, what type of state is the terrorist threat harbored in? Commanders and decision makers must know the terrain and political climate they are going to embark upon. The types of states are also placed into four different categories. These are derived from the *National Strategy for Combating Terrorism* and further analyzed by McMullen's research, "The Bush Doctrine: Power Concepts, Preemption, and Global War on Terror." Those categories identified to gain better situational awareness are: The willing and able state, the reluctant state, the weak but willing state, and the unwilling and rogue state. Within those categories another question to be answered to further the decision process would be to settle the issue of sovereignty. Is sovereignty an issue to the state that is attempting to mitigate the threat? As stated in the analysis, the answer to this question lies within the mitigating country.

The issue of sovereignty leads to gaining the answers to further questions like: Is a burden of proof required to mitigate political risks associated with an attack? And how much risk is acceptable to the mitigating state with regards to: military lives; the political ramifications; the collateral damage; and the repercussions it will face of a war between

states (if target X is destroyed, this will cause country Y to wage war on the attacking state). These questions revolve around the costs that the mitigating country is willing to pay and weighing them against the risks associated with doing nothing about the problem. Proof provided to the international community prior to any operation would surely justify the military action. However, in a large amount of cases, it will take military action to gain the necessary proof for justification; therefore conducting operations without prior approval of the international community.

Another critical factor that is explored in this study is time. How much time does the state have before the threat becomes imminent? This is where the study falls away from the word preemption and reactive and moves into the *NSS* policy's intent of being proactive and preventive. This study uses the proliferation models illustrated in Joint Publication 3-40, *Joint Doctrine for Combating Weapons of Mass Destruction*, and the research conducted by Fish, McCraw, and Reddish, "Fighting in the Gray Zone: A Strategy to Close the Preemption Gap," to illustrate when military action should intervene in the process of combating terrorism. The analysis shows that prevention early in the process leads to higher rates of successful intervention and lower political and military risks.

The final question to answer is what type of forces should be used and should the state mitigate the threat unilaterally or multinationally? The theory of special operations, as presented from McRaven, explains how SOF gains relative superiority over the adversary to achieve success. Using actual military forces on the ground is inherently risky. When it is feasible to do this, a low signature and minimal risk to forces is necessary. By definition, this is how SOF is employed. This study therefore deduces that

if the requirements to mitigate the threat are specialized with minimal risk to force, as well as, to provide no or a small signature, then SOF should be the preferred choice. Through the comparative case study, it is seen that stand off weapons are preferred because they provide little to no risk to friendly forces lives. As to whether to act unilaterally or multinationally depends upon the answer to the sovereignty question. If there are standing agreements of cooperation with regard to the war on terror, then a multinational approach is preferred. This being said, if the host nation state cannot provide any assistance then the action must either be conducted unilaterally or solved by other means.

The comparative case study analysis couple with the classical terrorism-prevention flowchart offers the answer to the primary research question. What are the circumstances in which Special Operations Forces can be used in the WOT? The various chosen military action cases researched are broad enough to allow for exploration of varying views taken against terrorism. The analysis proves that early prevention to mitigate the terrorist threat is essential to fighting the WOT. When the states chose to get involved and use preemptive like military action, essentially reactive to the threat, they had serious political issues to deal with following the operation. The threat was given too much time to develop into the imminent stage.

The circumstances to intervene are when a threat is recognized or suspected through diplomatic, informational, or economical analysis. To have long-term effects in the war on terrorism, intervention must occur early. This being said, SOF provide the capability to regional combatant commanders to neutralize terrorist threats before they become imminent. The core tasks that SOF perform are illustrated in Joint Publication 3-

05, *Doctrine For Joint Special Operations*. The tasks provide the solution to fighting the long-term threat of terrorism. SOF do this by force multiplication. They train, advise, and assist other state's forces or surrogates to fight against terrorism. They do this through, by, and with indigenous forces as well as through governments as an extension of the United States.

How SOF Fits

FID is most preferred because this task is orchestrated to assist other nations with their internal defense and development program. It is designed to protect their society from subversion, lawlessness, and insurgency, which breeds terrorist acts. The host country asks for assistance with this type of task. Therefore, sovereignty is less of an issue and political risk is significantly reduced. The opposite end of the spectrum is UW, which would be the next choice of intervention. By definition it encompasses a broad spectrum of operations that are conducted through, by and with indigenous or surrogate forces. In UW, the host country may not be informed that these types of operations are being informed. However, mitigation of the political risks associated with preventing terrorism are significantly reduced because the indigenous forces or surrogates must answer to the international community. Ultimately, their cause will be questioned and the United States support to their cause could possibly be denied or be accepted within the international community.

If circumstances exist to further the intelligence needed against a threat, whether it be proof of lawless activity or the creation of WMD/E, then the task to be performed by SOF is SR. This task can be performed in hostile, denied, or politically sensitive environments that would not normally be conducted by conventional forces. SR is

conducted in various ways. It is much broader than the stereotypical hide-site scenario shown in recruitment films. Operators sometimes use civilian clothes in urban environments or specialized equipment to see things from obscure locations. This type of reconnaissance is limited to the imagination of how it is conducted. It is a valuable tool when strategic or operational information is imperative.

The final core task, CT/DA, is the least preferred and the most scrutinized. When the *NSS* was published, the concept of SOF kicking in doors and killing terrorists was at the forefront of everyone's mind. Hence, the criticism of the Bush doctrine and preemption is still being debated today, three to four years after publishing. The capability is essential in the war on terrorism. It is more so a deterrent and threat to terrorists than it is a viable option against terrorism. However, when fighting in a scenario like Iraq or Afghanistan, which is more like a conventional war, then "man-hunting" of terrorists does occur. In this form of warfare, it is acceptable as long as human rights violations are not occurring.

The 11 September attacks on the United States set in motion worldwide participation to fight against terrorism. The international community, the United Nations, as well as the United States public, are monitoring the war on terrorism with a close eye. Acts of terrorism have existed further back in history than in Roman times and it will exist for a long time to come. The best that can be done is to deter, prevent, and neutralize the threat of terrorism. SOF will assist in accomplishing these tasks and provides an exceptional capability. SOF fits into the war on terrorism when any circumstance exists. They provide an unprecedented tool to the combatant commander and serve as force multipliers throughout the world.

Recommendation for Further Study

This research is conducted to answer one specific question. However, there are many other avenues to explore that relate specifically to the war on terrorism and this thesis. Therefore, areas that are beyond the scope of this research and would further the development of this thesis are identified for future study below.

The relationship and cooperation between the United States DoS and the DoD has been mentioned in this study with regard to the right to send military assets into a country without DoS approval. To give this authority to the DoD would open a large amount of issues. What would these issues be and what is the recommended solution to this problem?

Throughout this research, violations of human rights were addressed in much of the literature reviewed for this study. With the war on terrorism going on around the world, many countries are using their own techniques to route out known terrorists. Some techniques are not viewed in a positive way within the international community and could therefore set back efforts to win the WOT. Who are the judging proponents of human rights violations and what are the laws and expectations of this community?

The United Nations Security Council is a key organization in the world court. They must prove their legitimacy and address the war on terrorism with specifics. They have the opportunity to set the precedence in their judgment to progress towards world peace or hinder it. They have yet to address the world tolerance and how to deal with non-state actors and international terrorists. There progress in passing new resolutions that specifically speak to these groups is essential. It would shape future actions against acts of terrorism.

Finally, this research encompassed SOF as one organization. SOF is a mixture of all the separate services; ARSOF, NAVSOF, AFSOF, and now possibly MARSOF. To further this research it would be beneficial to break down SOF to see what circumstances exist and what capabilities each separate service provides to SOF in the WOT. How MARSOF capabilities are best utilized for the TSOC would enhance SOF recommendations to the Regional Combatant Commands.

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