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THESIS

**AN EXAMINATION OF OVERT OFFENSIVE MILITARY
OPERATIONS OUTSIDE OF COMBAT ZONES**

by

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December 2006

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**AN EXAMINATION OF OVERT OFFENSIVE MILITARY OPERATIONS
OUTSIDE OF COMBAT ZONES**

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Under the leadership of the United States Special Operations Command (USSOCOM), the military is undergoing transformation to more effectively counter the asymmetric threat of non-state terrorists and extremists in the "long war." After five years, however, one component of national security strategy is visibly unfulfilled: military pursuit of terrorists and extremists outside of Afghanistan and Iraq. The lack of offensive military efforts outside of areas designated as combat zones creates the impression that the long war has stalled. Overt offensive military operations targeting non-state actors may advance the counterterrorism mission and serve as a deterrent.

This thesis identifies and analyzes four major constraints on the conduct of such operations: legal concerns about the use of force, use of the CIA for covert paramilitary activities, limits on USSOCOM and Special Operations Forces, and civilian and military leaders' aversion to risk. It describes the historical, bureaucratic and cultural causes of the constraints, concluding with recommendations to allow the US government and the US military to pursue non-state terrorists and extremists with overt offensive military operations.

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I. INTRODUCTION

In the 2006 *Quadrennial Defense Review* (QDR), the Department of Defense's twenty year strategy to defeat non-state violent extremists, a small but important change was made to the title of the United States' current conflict against terrorists and extremists.¹ The Global War on Terror (GWOT) is now called the "long war." With the new name, the government acknowledges the conflict as a protracted struggle that will last decades.²

The enemy in the long war, besides Al Qaeda, includes all violent extremist groups that cooperate and support the goal of establishing an Islamic caliphate. The *National Military Strategic Plan for the War on Terrorism* (NMSP-WOT) provides an even more general definition of violent extremists:

Extremists are those who (1) oppose—in principle and practice—the right of people to choose how to live and how to organize their societies and (2) support the murder of ordinary people to advance extremist ideological purposes.³

The recognition that the long war is a new type of conflict against a new type of enemy calls for a new strategy.⁴ The purpose of this thesis is to contribute to the policy debate on how to best conduct the long war by examining a neglected but promising component of US military strategy: interdicting non-state terrorist and extremist groups

¹ Department of Defense, *Quadrennial Defense Review* (Washington, DC: Department of Defense, 2006); available from www.defenselink.mil/pubs/qdr2001.pdf; accessed 6 February 2006.

² Although not explicitly stated in the *QDR*, the Department of Defense states elsewhere that the war will likely last for decades. Defenselink; available from http://www.defenselink.mil/news/Jan2006/20060123_3984.html; accessed 2 September 2006.

³ *National Military Strategic Plan for the War on Terrorism* (Washington, DC: Chairman of the Joint Chiefs of Staff, 2006) on page 3 further defines the enemy as "a transnational movement of extremist organizations, networks, and individuals—and their state and non-state supporters—which have in common that they exploit Islam and use terrorism for ideological ends. The Al Qa'ida Associated Movement (AQAM), comprised of al Qa'ida and affiliated extremists, is the most dangerous present manifestation of such extremism. Certain other violent extremist groups also pose a serious and continuing threat."

⁴ Because the US military associates the two types of groups, this thesis considers both terrorists and extremists as enemies, and uses the terms, not interchangeably, but in conjunction with one another. The US government does not currently have a single uniform definition of violent extremism, and departments and agencies vary in their ideas of what exactly constitutes a violent extremist. If and how extremists are connected to terrorists is complicated. The Government Accountability Office treats the groups as having close interconnections in *Information on U.S. Agencies' Efforts to Address Islamic Extremism* (Washington, DC: US General Accountability Office, September 2005); available from www.gao.gov/cgi-bin/getrpt?GAO-05-852; accessed 5 July 2006.

outside of designated combat zones.⁵ The thesis focuses on the option of military pursuit of terrorists and extremists through overt offensive operations in areas where the US military has not begun ground operations, in areas not conceived as "combat zones."⁶

For a nation state to develop an effective new strategy against a symmetric enemy is difficult enough. To find an effective strategy against asymmetric non-state extremist groups is even more challenging. The 2006 *National Security Strategy for Combating Terrorism* discusses countering non-state groups as well as nation states.⁷ After five years of fighting against Al Qaeda and its associated networks, with the President's explicit declaration that the US would attack and destroy terrorists throughout the world, one might ask why, to all appearances, the United States military has not yet pursued overt offensive military operations against extremists outside of combat zones.

This thesis examines what the author considers to be the primary constraints that have thus far prevented such operations from being conducted. It argues that a critical component of the war against non-state terrorists and extremists is the option of using offensive military operations to pursue terrorists in countries where they may feel safe, in areas that are not combat zones. If operations like the ones explored in this thesis were considered acceptable, the US would have more flexibility in targeting and interdicting non-state extremists as a component of national security policy. A long-term offensive strategy against terrorists and extremists, one that follows them wherever they go, would

⁵ For a discussion of the relationship between this work and ongoing plans for the evolution of national security strategy, see the conclusion of Chapter VII.

⁶ What constitutes a "war zone," a "combat zone," a "conflict zone" or a "hazardous duty area" involves distinctions based on various factors, some discussed in Chapter III, others not directly relevant to this thesis. For the sake of simplicity, the term "combat zone" is used to designate all areas of conflict where American military forces are deployed. "Areas other than combat zones" refers to places where the US is not engaged in hostilities with the nation-state government. By this common-sense definition, US troops stationed in Afghanistan and Iraq are in combat zones; those in Germany and Great Britain are not. The basic definition for legal purposes, to include military pay and jurisdiction, is based on Title 10 of the US Code. In the context of this thesis, the focus is on areas that are not considered hazardous duty, combat or war zones.

⁷ *National Security Strategy for Combating Terrorism* (Washington, DC: The White House, 2006): 10. As the fighting continues in Afghanistan and Iraq, Americans continue to debate the appropriate strategy for asymmetric war. Questions include whether the US should continue emphasizing military efforts to target extremist groups directly, or should take a less direct approach based on the belief that that eliminating the underlying causes of terrorism requires something more than military effort. The National Security Strategy for Combating Terrorism incorporates both approaches. The US government struggles to find the right balance between direct and indirect efforts.

ensure continuity in US policy over the course of the long war and might increase the chances of success, just as the strategy of containment during the Cold War led to the demise of the Soviet Union.⁸

A. TERRORIST SAFE HAVENS AS CRITICAL TARGETS IN THE LONG WAR

Political scientists Ray Takeyh and Nikolas K. Gvosdev, who see a slowdown in the trend of fundamentalist Islamist control of governments, suggest that Islamic extremists can only seize power on a small scale, as in remote towns and valleys.⁹ However, they do not consider just how little area an extremist group needs to launch an operation like the attack of 9/11. A town the size of Fallujah or a valley the size of the Pankisi Gorge may be large enough to provide militants with the trainees and resources necessary for a terrorist attack like 9/11.

John Arquilla writes that a protracted war is the wrong strategy for the US because the longer non-state extremists operate freely, the more likely they are to obtain a weapon of mass destruction (WMD).¹⁰ This perspective underlines how important it is for the US government to have a variety of options in pursuing terrorists and extremists. Offensive military operations outside of declared war zones, in the view of this thesis, should be considered among those options.¹¹ Extremist groups' safe havens are a threat to US national security, because the areas under extremists' control may shelter efforts to attack the US or obtain WMDs. These threats may warrant using US military forces against extremist centers of gravity in countries whose national government is unable to interdict or disrupt them.

B. MILITARY OPERATIONS OUTSIDE OF COMBAT ZONES: SOME CHALLENGES AND ADVANTAGES

This section presents a brief introduction to some of the challenges and advantages of overt offensive military operations against terrorists and extremists outside

⁸ See Mark E. Kosnik, "The Military Response to Terrorism," *Naval War College Review* (Spring 2000): 13-34. Kosnik suggests that maintaining continuity throughout a campaign is critical to success.

⁹ Ray Takeyh and Nikolas K. Gvosdev, *The Receding Shadow of the Prophet* (London: Praeger, 2004).

¹⁰ John Arquilla, "In the Fight Against Terrorism, The Long War is the Wrong War," *San Francisco Chronicle*, 16 July 2006.

¹¹ For a description of the direct and indirect dimensions of US strategy, see *National Security Strategy for Combating Terrorism*, 7.

of combat zones as part of the long war. Such offensive military operations are difficult for a variety of reasons. At the international level, an advantage of offensive operations against terrorists and extremists is that such operations, while contributing to US national strategy, might simultaneously support and assist partner governments to engage non state actors more fully on their own. The challenge arises because for the US to engage in such operations, the military and diplomatic corps would need a foundation of agreements between the US and its partner governments.¹²

At the military level, it is hard to counter non-state actors because they operate globally but are loosely structured as a confederation of organizations. Terrorists have no “Moscow center” to control and synchronize their efforts the way the Soviet Union controlled its allies and proxies.¹³ Operations against them must be addressed on a case by case basis. Thus, implementing a comprehensive strategy for offensive military operations outside of designated combat zones is difficult, because the strategy may not uniformly engage all non-state groups or address the concerns of each individual host nation state.¹⁴

In offensive operations, military doctrine and strategy call for overwhelming force.¹⁵ However, for the US to effectively counter non-state actors with offensive military operations outside of combat zones, raids by austere Special Operations Forces (SOF) or conventional forces tailored in a similar fashion may be the best option. Subsequent chapters argue that national security strategy may be better served by more use of a flexible, nimble and extremely responsive force unlike the heavy forces that

12 Proposals for such agreements would require specific and detailed consideration by appropriate experts in diplomacy and international law. The issue is discussed in later chapters, although consideration of the content of such agreements lies outside the scope of this thesis.

13 The use of the cold war term “Moscow Center” in this context seems to originate with Professor Glenn Robinson of the Naval Postgraduate School. Robinson proposes that the main drawback to the world wide caliphate is the lack of a central mechanism (no Moscow Center) to enforce the adherence of other religious leaders who may think themselves better suited to govern.

14 The best known offensive US operation along these lines was Operation Eagle Claw (sometimes referred to as Rice Bowl), the attempted rescue of US embassy personnel from Iran in 1980, discussed in later chapters. Continued offensive operations in multiple countries to interdict and destroy non-state extremist groups would be very different from this single operation. Because each operation to pursue terrorists or extremists would be unique, measurements of operational effectiveness will have to be reassessed. Measures of operational effectiveness may have to be reassessed because they tend to be based on World War II-era symmetric concepts. Whether or not the US is “winning” today is more focused on international public opinion and the support for extremist groups.

15 The Powell doctrine is discussed in Chapter VI.

constitute the bulk of the Army's force structure. If so, a challenge to the military and its civilian leadership will be to direct the shift, both conceptually and practically, to a new form of warfare that in many ways may seem more "primitive" than today's model of large forces using high-tech "stand off" weapons to overwhelm the enemy with "shock and awe."¹⁶

C. PURSUIT OF TERRORISTS AND EXTREMISTS: THE ROLE OF USSOCOM

The Congressional Research Service, in a study of military operations in the GWOT, reports that all operations outside of Afghanistan and Iraq as of 2005 were other than offensive operations.¹⁷ However, news reports of attacks against Al Qaeda senior leaders suggest that the CIA has conducted paramilitary operations outside of combat zones as part of the National Counterterrorism Strategy.¹⁸ In other words, it appears that the US is engaged in covert, offensive pursuit of terrorists by agencies other than the military.

After the 9/11 attacks, the US Special Operations Command (USSOCOM) was designated as the lead DoD organization in the GWOT. Secretary of Defense Donald Rumsfeld believed USSOCOM was a natural choice to head the GWOT. USSOCOM's Special Operations Forces (SOF) have the skills, equipment and established relationships with the CIA and the Department of State to locate, target, track and destroy non-state networks. Perhaps most importantly, USSOCOM is the only transregional command

¹⁶ Stand off weapons are sent to a target while the delivery vehicle remains far distant. They are the opposite of foot soldiers, who must be relatively close to engage their targets.

¹⁷ See Andrew Feickert, *U.S. Military Operations in the Global War on Terrorism: Afghanistan, Africa, the Philippines, and Colombia* (Washington, DC: Congressional Research Service, 2005); available from www.crsdocuments.com; accessed 15 July 2006. Feickert describes these operations as military assistance, civil affairs and information operations. In no case have US military forces, unilaterally or in conjunction with other nation's forces, directly attacked non-state extremists outside of combat zones. US SOF operations in Basilan are considered by many the most successful military operations outside of a combat zone. There the efforts are devoted to training, advising and assisting the Philippine military against non-state extremists.

¹⁸ News reports state that the CIA was instrumental in leading the Northern Alliance prior to the introduction of US SOF personnel. Reports also claim that the CIA attacked Al Qaeda leaders using unmanned aerial vehicles on at least five occasions. The press has not reported any such attacks organized by the military. An excellent account is in Gary C. Schroen, *First In: An Insider's Account of How the CIA Spearheaded the War on Terror in Afghanistan* (New York: Ballantine Books, 2005).

with operational forces.¹⁹ In interviews with DoD officials, the author was told that Rumsfeld chose USSOCOM as the lead command because USSOCOM has both a global reach and control of combat forces. Whatever Rumsfeld's reasoning, his designation of USSOCOM as the lead in the long war put SOF on the front line for missions outside of combat zones.

Since then, USSOCOM has received larger budgets, more personnel and more operational authorities. Nonetheless, to date no offensive military operations have been conducted by USSOCOM or any other Geographical Combatant Command (GCC) outside of Afghanistan and Iraq.²⁰ Five years into what analyst Thomas X. Hammes calls a new type of warfare, military operations are still conducted within the confines of traditional US fights against nation state enemies.²¹

The role of USSOCOM and the Special Operations community in the long war is shifting, but perhaps not quickly enough. In the context of US national security strategy, and given the potential utility of military pursuit of terrorists and extremists in areas outside of combat zones, it would seem important to understand why such operations are not taking place.²² Offensive military operations in pursuit of terrorists conducted outside of combat zones will not in and of themselves end the long war, but they might make a difference. This thesis begins the discussion by offering a detailed assessment of four major constraints on overt offensive operations in areas other than combat zones, suggesting ways of overcoming these constraints and reasons for doing so, in the belief that the concept of such operations should be incorporated, as an option for the military, into national strategy.

¹⁹ The US Strategic Command (USSTRATCOM) has a similar global authority, but it has no forces. Similarly, US Transportation Command (USTRANSCOM) is transregional, but while it does control aircraft, it does not control combat forces.

²⁰ The role of USSOCOM and the Geographical Combatant Commands are discussed in subsequent chapters.

²¹ Thomas X. Hammes, *The Sling and the Stone* (St. Paul: Zenith Press, 2006) describes the current conflict against non-state extremist groups as "fourth generation warfare" and new to the US military.

²² Examination and discussion of locations where it might be appropriate to conduct such operations is the responsibility of the National Command Authority. Although the general concept presented here assumes that such operations would be confined to areas where the nation-state government cannot effectively counter non-state extremist groups, detailed consideration of the appropriate limits of the concept is beyond the scope of this work.

D. METHODOLOGY

The concepts discussed in this thesis emerge from several different sources and methodologies. They originate with the author's experience as a Special Forces Officer assigned to the European Command (EUCOM) between 2001 and 2004, and discussions with Central Intelligence Agency (CIA), Department of State (DoS), Federal Bureau of Investigation (FBI) and other military officers in the course of interagency operations. The major constraints on conducting offensive operations outside of designated combat zones were identified through a survey of the literature on national security, the war on terror, and irregular warfare. The concepts were explored and further solidified in face to face interviews, averaging about an hour each, with 34 military and civilian experts, including officials in the Department of Defense (DoD), the CIA, DoS, and nongovernmental civilian experts, along with numerous telephone interviews and e-mail inquiries. The comments reported in this thesis without attribution come from interview subjects who spoke on the condition of confidentiality. Face to face interview subjects are listed in the Annex.

E. ORGANIZATION OF THE THESIS

The argument is presented in seven chapters. Chapter II presents a brief summary and overview of the four constraints. Chapters III, IV, V and VI examine the four constraints in greater detail, elaborating on each and discussing their root causes. Chapter VII offers recommendations for legal, policy and organizational changes to allow USSOCOM to conduct offensive military operations outside of designated combat zones in the interest of providing policy makers with more options in their prosecution of the long war.

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II. CONSTRAINTS ON OFFENSIVE OPERATIONS: FOUR MAIN FACTORS

“Dead or alive.” “With us or against us.” After the attack of 9/11, the rhetoric of American leaders was fierce. The US invasion of Afghanistan was presented as the first step in a campaign to seek out and destroy Al Qaeda and supporting terrorist networks. The US had the backing of almost the entire world, and the American public was emotionally prepared to respond in an unprecedented way to an unprecedented attack.

A senior DoD official reports in an interview with the author that when Secretary of Defense Rumsfeld asked the USSOCOM commander for a list of terrorist targets to retaliate against on September 25, 2001, General Charles Holland replied that USSOCOM could not retaliate because there was no “actionable” intelligence for them to act upon.²³ The National Military Strategic Plan for the War on Terrorism states that the US will “[a]ttack and disrupt terrorist networks abroad so as to cause the enemies to be incapable or unwilling to attack the U.S. homeland, allies, or interests...”²⁴ Five years later, the lack of overt military efforts against terrorists outside of Iraq and Afghanistan points to a failure to execute this component of the long war. If attacks by non-state actors present such a great threat to America’s national security, why is there such a gap between national policy and military operations?²⁵

This thesis focuses on the four most important constraints that prevent the US military, with USSOCOM as its lead in the war on terrorism, from conducting offensive

23 Interview by the author with Robert Andrews, Principal Assistant to the Undersecretary of Defense for Special Operations/Low Intensity Conflict. The dearth of specific information on Al Qaeda leaders and facilities provides a reasonable explanation for the absence of more strategic attacks against Al Qaeda and related networks. The development of “actionable intelligence” is discussed in Chapter V.

24 Offensive operations are explicitly discussed in the *National Military Strategic Plan for the War on Terrorism*, 6, which would seem to indicate that the military will be responsible for them. However, efforts in nations other than Afghanistan and Iraq appear to involve little more than support and assistance missions to the military and police, along with bomb and missile attacks against Al Qaeda leaders. These attacks, presumably conducted by the CIA, are discussed in Chapter IV.

25 Although terrorism is not explicitly declared America's single greatest threat, terrorist attacks and fear of terrorist control of a weapon of mass destruction are discussed at length in the National Security Strategy and are clearly high priorities for US policymakers. The 2006 *Quadrennial Defense Review* and the 2005 *National Military Strategic Plan for the War on Terrorism* both emphasize asymmetric and non-kinetic means to defeat terrorists and extremists. Because the need for military force has been articulated as part of the national security strategy, the lack of emphasis on direct action against terrorists outside war zones is puzzling.

operations against terrorists and extremists outside of combat zones. This chapter briefly introduces the four constraints, which are examined in further detail in subsequent chapters.

A. THE FIRST CONSTRAINT: LEGAL CONCERNS ABOUT THE USE OF FORCE

There are a variety of legal concerns about operations against non-state actors outside of combat zones. Chief among them is the common but mistaken perception that any use of military force in another sovereign nation constitutes an act of war. Traditionally, because interjected forces were directed at a nation's government, the projection of military force into another sovereign nation has been seen as an act of war. However, the evolution of non-state actors (including state-sponsored and independent groups) creates a new dynamic in how the use of force is affected by international law.

The 9/11 attacks and subsequent attention to terrorism changed expectations of how America should deal with non-state threats. Developing a consensus to use military force against non-state actors is difficult because of the political ramifications of such actions. Although most international agreements, including the UN charter, originated when non-state actors were significantly less capable, there are many precedents and arguments for using military force against non-state actors. Further consideration of relevant international and domestic legal concerns about the use of force is presented in Chapter III.

B. THE SECOND CONSTRAINT: USE OF THE CIA FOR COVERT PARAMILITARY ACTIVITIES

The second constraint on the use of military force to pursue terrorists outside of combat zones comes from the tradition of using the CIA for covert military-type operations as part of US foreign policy. The US legal code (Title 50) allows the President to use the CIA in covert operations by issuing a Presidential finding, called a Presidential Decision Directive (PDD) in which he can direct the CIA (or other agencies)

to conduct activities to achieve American political objectives.²⁶ Reaching consensus domestically and achieving international diplomatic agreements for direct and overt use of the military are slow, complex and exhaustive processes, often easier to forgo in favor of indirect or covert approaches. The government's reticence to incur political and diplomatic repercussions by deploying US military forces overtly lead to reliance on the CIA for covert paramilitary operations, sometimes along with the use of surrogate forces to accomplish US objectives.²⁷

The complex relationship between the Congress and the President when military forces are deployed (discussed in Chapter III), along with the challenges of convincing the international community to support (or at least not oppose) the use of military force, may make an indirect option like a covert CIA operation more appealing to a President. And because the CIA could act more quickly and efficiently than the military, in the last part of the twentieth century, the US executive branch increased its use of covert and military-type actions.²⁸ Furthermore, if covert operations fail, the government can try to maintain "plausible deniability."

Using the CIA against non-state actors may seem a quick and easy solution in bureaucratic terms, but one must also consider the failed states and ungoverned regions where host nation forces and even surrogate forces may be unable to effectively counter

26 See Title 50, Chapter 15, subchapter III, section 413b, "Presidential approval and reporting of covert actions," for guidelines for the authorization of covert operations. Although the President is bound to report these findings in a timely manner to the Congress, the limited scope and secretive nature of the reporting makes approving the use of the CIA for covert paramilitary operations much faster and less visible than the use of the military for a similar operation. See the Cornell Law School Legal Information Institute, available from http://www.law.cornell.edu/uscode/html/uscode50/usc_sec_50_00000413---b000-.html; accessed 20 September 2006. Another reason these operations draw less attention is that Presidential findings are not published in the Federal Register. See Harold C. Relyea, *Presidential Directives: Background and Overview* (Washington, DC: Congressional Research Service, January 7, 2005): 13; available from www.crsdocuments.com; accessed 23 July 2006.

27 On problems with relying on covert operations, a topic discussed in Chapter V, see the so-called Tower Commission Report, *Report of the President's Special Review Board* (Washington, DC: US Government Printing Office, 1987), II-5. On the use of surrogate forces, see below, Chapter IV, fn 80.

28 The efficient and streamlined operations of the CIA in comparison to a military operation were described to the author by a DoD liaison officer to the CIA. In the case of the Iran-Contra affair, the covert operations were run not by the CIA but by the National Security Council.

today's more capable non-state terrorists and extremists.²⁹ The use of the CIA for paramilitary operations and the advantages and disadvantages of covert vs. overt operations against terrorists are elaborated in Chapter IV.

C. THE THIRD CONSTRAINT: LIMITS ON USSOCOM AND SOF FORCES

Because USSOCOM is the lead command in the long war, it makes sense to see Special Operations Forces as the best candidates for overt ground-based operations in pursuit of terrorists and extremists in countries other than Afghanistan and Iraq.³⁰ However, USSOCOM has not been notably active in that regard. A variety of reasons, discussed in Chapter V, have led to an over commitment of SOF forces, both in terms of the type of missions they are assigned and the duration of those missions. The overextension of SOF forces creates a third constraint on offensive military operations against terrorists and extremists.

Since World War II, SOF forces have been used mostly on the periphery of conventional conflicts, in a limited capacity and usually unconnected to the main military effort.³¹ Except in World War II, their most notable contributions were in training and supporting the military forces of countries fighting communism. In some places, like El Salvador in the 1980s and the Philippines today, SOF forces work as military advisors.³² Elsewhere, like Laos, they were supporting elements to the CIA.³³ In combat zones, as force multipliers in Korea and Vietnam, SOF forces trained regular and irregular forces to

²⁹ Mark Mazzetti and Helene Cooper, "Efforts by C.I.A. Fail in Somalia, Officials Charge," *New York Times*, 8 June 2006; available from <http://select.nytimes.com/search/restricted/article?res=F00617FD3E550C7B8CDDAF0894DE404482> ; accessed 20 August 2006. The article discusses purported CIA use of Somali warlords as surrogates against the Islamic government.

³⁰ Special operations are defined as operations "conducted by specially organized, trained, and equipped military and paramilitary forces to achieve military, political, economic, or psychological objectives by unconventional military means in hostile, denied, or politically sensitive areas." Cited in Gordon Nathaniel Lederman, *Reorganizing the Joint Chiefs of Staff: The Goldwater-Nichols Act of 1986* (Westport, CT: Greenwood Press, 1999), 137 fn 20.

³¹ In World War II, the predecessors to today's Special Operations Forces engaged in a variety of operations usually closely tied to the main effort, like the First Special Service Force assault on La Defensa in Italy.

³² For an example of how the judicious use of SOF forces made a notable impact with far reaching consequences, see Lieutenant Colonel Gregory R. Wilson, "Operation Enduring Freedom—Philippines: The Indirect Approach," unpublished paper, U.S. Army War College, Carlisle Barracks, PA, 13 March 2006.

³³ For Special Forces participation in Project White Star, see John Prados, "A Window on The Enemy: Keeping an Eye on The Ho Chi Minh Trail," *The Veteran*, March/April 2003, available from http://www.vva.org/TheVeteran/2003_03/window.htm; accessed 13 March 2006.

fight the communists. Their other mission focus has been as highly trained, well-equipped forces for extremely specialized missions. Commonly-cited examples include the Rangers in Korea and the Son Tay raiders in Vietnam.

Today, some members of the Special Forces community argue (in interviews with the author) that SOF force missions can be done by conventional forces and do not maximize SOF strategic potential. In fact, much training and advising of the partner nation armies in Iraq and Afghanistan, a traditional Special Forces role, is now conducted by US conventional forces. Indeed, as an Army training manual notes, "General purpose forces are being used extensively in advisory positions, a traditional special operations forces (SOF) mission, without having the advantage of specialized training."³⁴ Meanwhile, the primary mission of SOF forces in Iraq and Afghanistan has become the apprehension of high and mid-level insurgent leaders. Employing a high percentage of the limited number of SOF forces in such specialized roles precludes their use in direct action and other missions, and confining 85 to 90 percent in the Afghan and Iraq theaters precludes their use in countries where they might have greater strategic impact.³⁵

The Center for Strategic and International Studies suggests that the current distribution of SOF forces is the main reason USSOCOM has not developed the capability to conduct offensive operations outside of designated combat zones. Congressman Jim Saxton, Chairman of the House Armed Services Subcommittee on Terrorism and Unconventional Threats, says, "SOCOM has concentrated and performed magnificently in Iraq and Afghanistan, but has had to neglect to some degree other critical areas of the world to execute its urgent combat missions."³⁶ In an interview one

34 "Advising Foreign Forces: Tactics, Techniques, and Procedures," Center for Army Lessons Learned, Ft. Leavenworth, KS (no. 06-01), January 2006, 23.

35 Estimates vary, but two of the most credible come from the testimony of Michael Vickers, who believes that 90 percent of SOF forces were deployed in 2004. See Congressional testimony by Michael Vickers, Hearing of the Defense Review Terrorism and Radical Islam Gap Panel, 26 October 2005; available from <http://72.14.253.104/search?q=cache:3-iOzPrbAIMJ:www.house.gov/hasc/CDR/index.html+Hearing+of+the+Defense+Review+Terrorism+and+Radical+Islam+Gap+Panel&hl=en&gl=us&ct=clnk&cd=1>; accessed 22 February 2006. USSOCOM itself estimates that about 85 percent of SOF forces were deployed in 2005. See United States Special Operations Command, Posture Statement (Washington, DC: Department of Defense, 2006), 5.

36 Representative Jim Saxton, Opening Statement to the US House of Representatives Armed Services Subcommittee on Terrorism and Unconventional Threats, Posture Hearing on the Fiscal Year 2007 Budget Request for the US Special Operations Command, March 8, 2006, available from www.house.gov/hasc/schedules; accessed 22 September 2006.

USSOCOM senior officer warned, “If we are not careful about how we use SOF forces, we can win in Afghanistan and Iraq but lose everywhere else.” These topics and related issues are elaborated in Chapter V.

D. THE FOURTH CONSTRAINT: RISK AVERSION

The fourth constraint derives from civilian and military decision makers' aversion to military risk and failure. Reluctance to use ground forces in offensive operations outside of designated combat zones is tied to the paradigm of relying on large military contingents in hostile settings and the belief that to succeed, the US military must use “overwhelming force” (the Powell doctrine).³⁷

The paradigm of overwhelming force may be appropriate in circumstances like a conventional state to state conflict. The expectation that the US must always strive to minimize its own military casualties and to do so must use overwhelming force magnifies a failed mission's negative impact on the military, on domestic politics, and on US foreign relations. The reliance on overwhelming force and risk aversion reinforce each other.

Overwhelming force is both a stated principle of military planning and a consequence of incorporating large numbers of logistics, support, and contingency forces. The expectation that risk will be minimized also affects selection of forces for a mission. A mission that is an extremely good fit for SOF forces may entail so much risk that military leaders will instead recommend a higher tech but less effective option that does not put forces on the ground. Such was the decision to launch a tomahawk missile attack on Afghanistan after Al Qaeda operatives attacked the US embassies in Kenya and Tanzania.³⁸

Hesitation to engage in overt military operations against non-state actors outside of combat zones may reflect doubts about US military competence, which prevents

³⁷ Colin L. Powell, "U.S. Forces: Challenges Ahead," *Foreign Affairs* vol. 71, no. 5 (1 December 1992), 32.

³⁸ See the discussion in Chapter VI of President Clinton's recent revelation that military leaders opposed his request to send SOF forces into Afghanistan as a response to the attacks. Fox News Sunday website, 24 September 2006, available at <http://www.foxnews.com/story/0,2933,215397,00.html>; accessed 24 September 2006.

approval of missions considered militarily or politically high risk.³⁹ Operation Eagle Claw, the unsuccessful ground mission to rescue American hostages from Iranian radicals in 1980, damaged military pride, shook up the Department of Defense and galvanized political determination to implement unwelcome structural changes in DoD, resulting in the 1986 Goldwater-Nichols Defense Reorganization Act.⁴⁰ The failed mission and ensuing US-Iranian stalemate probably caused President Carter's 1980 reelection defeat.

In American society's zero sum perspective, the repercussions of overt failed military missions against Al Qaeda operatives outside of combat zones would reflect poorly on the military and might well result in unpleasant internal investigations and discomfiting Congressional inquiries. Strategically, attempting and failing such missions would demonstrate to the world that the US cannot implement the Bush doctrine. A failure might also give the impression that non-state terrorists are safe anywhere that the US is unwilling to invade for reasons short of regime change or occupation.

Ironically, the world's most powerful military has difficulty with small scale special operations and a history of failure in these missions.⁴¹ Because of failed attempts, SOF missions outside of combat zones have a poor reputation. Military and civilian

39 Richard H. Shultz Jr., "Showstoppers," *Weekly Standard*, 26 January 2004; available from <http://www.weeklystandard.com/Content/Public/Articles/000/000/003/613twavk.asp>; retrieved 9 August 2006. Schultz discusses how some view SOF forces as pariah cowboys.

40 James R. Locher, *Victory on the Potomac* (College Station: Texas A & M University Press, 2002) has an extremely detailed description of the multi-sided Congressional battle for military reform that began in earnest in 1981. The impact of Goldwater-Nichols is discussed at length in Chapter V. The military was put under extreme scrutiny after the 1980 rescue failure, initially in an investigation directed by the Chairman of the Joint Chiefs of Staff. The Congress used the so-called "Holloway Report" to justify reforming the military. Chairman of the Joint Chiefs of Staff, *Rescue Mission Report* (Washington, DC.: Department of Defense, Special Operations Review Group, 1980); available from <http://bosun.nps.edu/uhtbin/cgisirsi.exe/UNQg3Bzfft/x/146370007/123>; accessed 6 October 2006.

41 There are various reasons for these failures. In the Son Tay raid, there were no prisoners to rescue. In the cases of the USS Mayaguez and the attempted Iranian hostage rescue, the missions were poorly planned and executed. There are many accounts of these missions. A good single source is Lucien S. Vandenberg, *Perilous Options: Special Operations as an Instrument of US Foreign Policy* (New York: Oxford University Press, 1993).

leaders are reluctant to approve them, fearing the fallout from yet another failure—what Richard H. Schultz, Jr., calls the "Somalia syndrome."⁴²

E. SUMMARY

Concerns and misconceptions about the moral and legal use of military forces, use of the CIA for covert military-type operations, constraints on USSOCCOM and the current use of SOF forces, and risk-averse civilian and military leadership: these obstacles impede and prevent the US from offensive pursuit of terrorists and extremists outside of combat zones and limits the options of policy makers in the long war. Better understanding these constraints on offensive operations outside combat zones is more than an academic pursuit. It is a step in transforming the military to meet the challenges of the 21st century. The following four chapters examines in more detail the causes and nature of the four primary constraints on the execution of offensive operations.⁴³

⁴² The "Somalia Syndrome" is where the administration, fearing an embarrassment like the battle of Mogadishu, is wary of preemptive special operations. "Showstoppers" presents a different view on why SOF forces have not conducted offensive operations. See Shultz. The analysis in this thesis borrows from some of Schultz's points, including the discussion of risk aversion, and differs on other points.

⁴³ Other factors contribute to the government's reticence to conduct overt offensive operations outside of combat zones, but these four appear most critical. If all four were rectified, there would be no serious constraints on overt offensive military operations in areas other than combat zones. Not discussed in this paper, but obviously important, is the question of budgeting for such missions, neglected here because it is assumed that a decision to conduct operations would produce the necessary funding. Similarly, concerns about international diplomatic relationships fall outside the scope of this thesis.

III. LEGAL CONCERNS ABOUT THE USE OF FORCE

Overcoming misconceptions that any use of military force in another country is an act of war requires examining several distinct but related topics, including aspects of international law and the just war tradition and the means of authorizing the use of force in the United States. This chapter also presents precedents for the use of force in other countries, including historical examples of the use of US military force against non-state actors.

A. JUST WAR TRADITION AND INTERNATIONAL LAW

The projection of military force into another sovereign nation is considered an act of war because the force is usually directed at that nation's government or seen as a violation of state sovereignty. Military force has been used many times as a means of preventing or punishing attacks by non-state actors. The legal basis for military operations of this nature is complicated and subject to widely different interpretations. An examination of international law and precedent shows sufficient justification for offensive military operations outside of combat zones to destroy or disrupt the activities of enemy non-state actors.

The legal framework for employing military force is based upon the conventions, traditions, treaties and agreements of international law. Some of the most important legal conventions comes from the tradition of "just war," *jus ad bellum*, which is the moral justification supporting a ruler's use of military force. The tradition has its roots in the fifth century with the writings of St. Augustine.⁴⁴ The tradition of just war gained importance after World War I, when structured international bodies of nation states like the League of Nations and the United Nations wielded more influence with acknowledged authority to punish violators. The concept of *jus ad bellum* is important to the discussion of offensive operations against terrorists because it is based in self-

⁴⁴ There is a large literature on Just War theory. For a brief summary, see Douglas P. Lackey, "The Ethics of War and Peace," in *The Right Thing to Do: Basic Readings in Moral Philosophy*, edited by James Rachels and Stuart Rachels (Boston: McGraw Hill, 2007), 221-229.

defense.⁴⁵ Essentially, in the just war tradition, a nation is justified in going to war only if war is necessary, and self-defense (of one's own state, or of allies) defines necessity.

Whereas *jus ad bellum* is the tradition to justify going to war, *jus in bello* is the tradition of using force in an amount proportional to the cause of the war and of making appropriate discriminations in the conduct of warfare between legitimate and illegitimate targets (typically, between soldiers and civilians). Both traditions have been incorporated into and serve as the basis of the US military's law of land warfare. Most military officers are more familiar with the concept of *jus in bello*, because it affects the treatment of enemy combatants and civilians.

The concepts of just war and a nation's right to self defense are embodied in the United Nations charter, a normative framework that acknowledges a nation's right to use force in self defense and the UN's responsibility to intervene and restore order. Article 51 of the UN charter determines under what conditions a nation should use military force in the context of the international community.⁴⁶ The use of force in self defense is supported by additional United Nations Security Council resolutions. In this context, the three most pertinent were passed after the 9/11 attack. They declare the right to use military force in self defense and in opposition to non-state groups like Al Qaeda. Resolution 1378 supports international efforts to root out terrorism and opposition to the Taliban.⁴⁷ Resolution 1368 recognizes nation states' inherent right to self-defense in accordance with the UN charter, while condemning the 9/11 attacks and urging all

⁴⁵ Michael N. Schmitt, *Counter-Terrorism and the Use of Force in International Law*, Marshall Center Papers, No. 5 (Garmisch-Partenkirchen, Germany: George C. Marshall European Center for Security Studies, 2002), 21.

⁴⁶ Article 51 of Chapter VII of the UN Charter states, "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security." Available from <http://www.un.org/aboutun/charter/>; accessed 6 August 2006.

⁴⁷ UN Resolution 1378, "Supporting international efforts to root out terrorism," available from <http://www.un.org/Docs/scres/2001/sc2001.htm>; accessed 6 August 2006.

nations to bring the perpetrators to justice.⁴⁸ Resolution 1373 reaffirms the inherent right of individual or collective self-defense as recognized by the UN Charter and Resolution 1368.⁴⁹

Agreements by the regional organizations for collective defense also support the use of force, including Article 5 of the North Atlantic Treaty Organization (NATO) Charter. The language and concept of national self-defense and mutual support is found also in the Organization of American States (OAS)⁵⁰ and the Australia, New Zealand and United States (ANZUS) treaties.⁵¹

The main moral and diplomatic issues revolve around what types of actions justify the use of preemptive military force against terrorists.⁵² With the right of self defense clearly established, there should be no major moral or legal obstacles to a nation state responding militarily to a terrorist group that attacked it.

The more controversial topic of pursuing or retaliating against attacks conducted by one party who take refuge in a third party's territory has also been addressed. According to Michael N. Schmitt of the George C. Marshall European Center for Security Studies, US attacks on Al Qaeda in Afghanistan were necessary and proportional, in accordance with Just War Theory, because the Taliban government defied UN demands that Al Qaeda operatives be turned over. However, according to

⁴⁸UN Resolution 1368, "A nation states' inherent right to self-defense in accordance with the UN charter," available from <http://www.un.org/Docs/scres/2001/sc2001.htm>; accessed 6 August 2006.

⁴⁹ UN Resolution 1373, "Reaffirms the inherent right of individual or collective self-defense as recognized by the UN Charter," available from <http://www.un.org/Docs/scres/2001/sc2001.htm>; accessed on 6 August 2006.

⁵⁰ The Organization of American States Charter, Article 28 states, "Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States." Available from <http://www.oas.org/juridico/english/charter.html>; accessed 6 August 2006.

⁵¹ The ANZUS treaty article IV states, "For the purpose of Article IV, an armed attack on any of the Parties is deemed to include an armed attack on the metropolitan territory of any of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific." Available from <http://www.australianpolitics.com/foreign/anzus/anzus-treaty.shtml>; accessed on 6 August 2006.

⁵² Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), 22. Under appropriate conditions, preemptive attacks are permitted in the just war tradition, but so-called "preventative" attacks are generally not. Preemption is based on evidence that an enemy intends to attack and that attack is imminent, whereas "prevention" could apply to just the suspicion that the enemy intends to do harm. The reason is that just war theory requires that war be the "last resort," and a "preventative" attack does not meet that *jus ad bellum* criterion. In the eyes of the US administration and its critics as well, the US invasion of Iraq was "preventative" but not "preemptive."

Schmitt, the general question of pursuing enemies into other nations' territories is less well-grounded in international law and tradition.⁵³ For this reason, offensive operations with the limited purpose of pursuing independent groups of non-state actors in the territory of other nations will require caution and diplomacy. To avoid the perception of invading another country's territory will probably require bilateral agreements with the partner government.

B. EXAMPLES OF THE USE OF MILITARY FORCE AGAINST NON-STATE ACTORS

Examples of *jus ad bellum* in practice provide insights about the use of military force against non-state actors. Historically, military force has been used against non-state actors with mixed results. Non-state groups are generally disrupted by force and then either dispersed or eliminated by the nation in which they operate. In some cases the use of force increases legal and diplomatic cooperation among the states arrayed against the threats.⁵⁴ In modern history, the use of military force against non-state actors is surprisingly common. The cases described here illustrate US responses to threats that parallel those today: threats from a non-state actor, with a proven capacity for harm, operating in another sovereign country.⁵⁵

1. The Caroline Case

The Caroline case exemplifies an asymmetric attack by a sovereign nation against non-state rebels based in another country. The sovereign nation was Britain, which in 1837 launched troops from Canada into the US to attack the Caroline, a rebel ship used to conduct attacks in Canada.⁵⁶ The British attack outraged the US, but was later determined by both governments to be legal, as the rebels had attacked British interests first and the British had asked unsuccessfully for America's aid in stopping them. It is not clear whether the US government was unable or unwilling to end the rebel assaults. A

⁵³ Schmitt, especially 31-41.

⁵⁴ Kosnik discusses how legal actions by partner nations against terrorists increased after the US operation Eldorado Canyon against Libya in 1986.

⁵⁵ The Caroline Case and the hunt for Pancho Villa are widely recognized as examples of nation state pursuit of non-state actors into foreign territory. The pirates of the Caribbean, however, provide a less well-known example.

⁵⁶ Schmitt 36.

treaty between Britain and the US settling the incident helped establish the precedent of "anticipatory self-defense" in international law.⁵⁷

2. Pirates in the Caribbean

Caribbean pirates of the early 1800s are in some ways similar to the networked non-state terrorist groups of today. The toll on commercial shipping from pirate attacks reached an unacceptable level shortly after the turn of the 19th century. The US used a robust naval force to counter the threat to commerce. Most of the pirates were not state sponsored but received safe haven, often in exchange for payment, from nation states that controlled Caribbean islands. The US Navy attacked the pirates on their ships at sea and while harbored in the territories controlled by other nations. Pirate raiding was ended by military pressure and declining support from other nations in response to American diplomatic efforts.⁵⁸ It is interesting to note that the US attacked and destroyed suspected pirate ships without concern about whether that particular ship had attacked American interests. The response to the pirates in the Caribbean is a strong example of destroying threats to national interests because of the targets' previous actions, potential threat, and possible connection to other known threats.⁵⁹

3. The Hunt for Pancho Villa

In 1915, revolutionary leader Venustiano Carranza seized power in Mexico. A former supporter, Francisco "Pancho" Villa, turned against him and began conducting raids in US territory along the Mexican border in retaliation for the US recognition and support of Carranza's regime. The US military began patrolling the border in an attempt to interrupt Villa's raids. A particularly violent raid in 1916 caused the US to take serious action; later that year, Brigadier General Pershing was ordered on a punitive expedition

⁵⁷ Schmitt, 22. The issue of "anticipatory self-defense" is legally related to preemption and prevention, both, as noted above, beyond the scope of this thesis. Eventually the threat to Britain was eliminated by the movement's own failure and by efforts of the American government, which saw the rebels as threats to the US. See Schmitt, 36.

⁵⁸ This case differs from the more well-known Barbary Wars of roughly the same period, because the Barbary Wars involved military actions against recognized states in Africa. See C. S. Forester, *The Barbary Pirates* (New York: Random House, 1953). Foster chronicles US involvement with the Barbary Coast pirates and the use of military force when diplomacy failed.

⁵⁹ Richard Wheeler, *In Pirate Waters* (New York: Thomas Y. Crowell Company, 1969). Wheeler describes the naval campaign against the Caribbean pirates in detail.

into Mexico to capture or kill Villa.⁶⁰ The expedition failed and Villa eluded Pershing, but he never again threatened the US. Although Pershing's expedition was unsuccessful, it is a clear example of projecting military force into another sovereign nation against a non-state actor, much like the current hunt for Osama Bin Laden.⁶¹

4. Modern Offensive Operations

The use of military force against non-state actors continued through the last half of the 20th century. During the 1970s, when hostage-taking became more common, two cases of nation states using military force against non-state groups stand out as distinct precedents: the Israeli raid on Entebbe, and the US attempt to rescue hostages in Iran.⁶²

Operation Jonathan, the raid on Entebbe, was conducted by Israeli Special Forces at the international airport in Uganda to rescue Israeli citizens taken hostage by two Baader-Meinhof Gang and two Palestinian terrorists.⁶³ Uganda's president gave the terrorists minor assistance (permission to land, food, water and communications), but they were not state supported by Uganda or any other nation state. The Israeli raid succeeded with minimal casualties. In 1980, a joint US military force tried to rescue members of the American embassy held hostage by followers of Ayatollah Khomeini.⁶⁴ The mission ended prematurely and disastrously; the president aborted the mission after rescuers died in an aircraft collision at a remote staging area in Iran.

These two examples differ from the three older cases in that the more recent operations were hostage rescue rather than punitive expeditions.⁶⁵ But all provide

⁶⁰ Carlo D'Este, *Patton: A Genius for War* (New York: Harper Collins, 1995). D'Este gives a compelling description of the events that lead to, and Patton's experiences in, Pershing's campaign.

⁶¹ In Pershing's case, the US informed the Carranza government of its intent to conduct the expedition and received "reluctant approval." See Joe Griffith, "In Pursuit of Pancho Villa 1916-1917," *Journal of the Historical Society of the Georgia National Guard*, available from <http://www.hsgng.org/pages/pancho.htm>; accessed 2 June 2006.

⁶² The use of bombs and missiles rather than ground troops against terrorist organizations, such as the reprisal attack against Libya in 1986 and the use of tomahawk missiles in Afghanistan after the 1998 US embassy bombings, is discussed in Chapter VI.

⁶³ William H. McRaven, *Spec Ops: Case Studies in Special Operations Warfare Theory and Practice* (Navato, CA: Presidio Press, 1996), 333.

⁶⁴ Susan L. Marquis, *Unconventional Warfare: Rebuilding U.S. Special Operations Forces* (Washington, DC: Brookings Institution, 1997), 1.

⁶⁵ In the raid on Entebbe, the Israelis did target and destroy Ugandan military fighter planes on the airfield at Entebbe. The purpose was to prevent the Ugandans from shooting down the rescue force, not as an act of provocation against the Ugandan government. McRaven, 333-380.

historical precedents for the use of military force against non-state actors and help justify a doctrine of military response to non-state threats.

C. AUTHORIZATION OF MILITARY FORCE

The US has used force throughout its history to achieve national objectives. Use of force may be based on a formal declaration of war, Congressional authorization without a declaration of war, or on orders by the President as Commander in Chief.⁶⁶ There have been eleven declarations of war issued by Congress at the request of the President. Most American military actions have been Congressionally authorized without a formal declaration of war.⁶⁷

The use of force became complicated after World War II, when US presidents deployed troops for various purposes and the nation found itself in long, drawn out conflicts without Congressional authorization or oversight. An attempt by Congress to regain its authority came at the end of the Vietnam conflict, in 1973, with passage of the War Powers Resolution (also called the War Powers Act of 1973).⁶⁸ The War Powers Resolution attempts to forbid the President from dispatching military forces for long duration involvements without consent of the Congress. The resolution's mandates include a requirement that the President report to Congress within 48 hours after the deployment of military forces and limits on how long troops can remain engaged without Congressional approval. The War Powers Resolution has not been subject to judicial review by the US Supreme Court, and its constitutionality is open to interpretation. Presidents interpret the various provisions of the Resolution as unconstitutional limitations on their authority. However, by allowing the President to commit troops without prior Congressional approval, the War Powers Resolution tacitly acknowledges the President's authority to deploy troops. By allowing the deployment of troops without

⁶⁶ See the discussion of the War Powers Resolution, below.

⁶⁷ The declaration of war brings with it changes in the powers of the President; Congress is therefore hesitant to issue formal declarations of war. See Jennifer K. Elsea and Richard F. Grimmett, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications* (Washington, DC: Congressional Research Service, 11 August 2006), 29; available from www.crsdocuments.com; accessed 22 August 2006.

⁶⁸ An online version of the resolution is available at <http://www.yale.edu/lawweb/avalon/warpower.htm>, accessed 3 October 2006. For a detailed analysis of the resolution's mechanics see Elsea and Grimmett, 30. For an evaluation of how the War Powers Resolution has been used or avoided by the President see Richard F. Grimmett, *War Powers Resolution: Presidential Compliance* (Washington, DC: Congressional Research Service, November 15, 2004); available from www.crsdocuments.com; accessed 29 August 2006.

a formal declaration of war or prior Congressional authorization, the War Powers Resolution permits short-duration operations in the national interest.

The War Powers Resolution was not called into play for the invasions of Afghanistan or Iraq because these invasions were conducted with Congressional authorization: PL-107-40, "Authorization to Use Force Against Those Responsible for 9/11"⁶⁹ and PL-107-243, "Authorization For Use of Military Force Against Iraq Resolution of 2002."⁷⁰ The first measure, calling for the use of military force against Afghanistan, departs from America's previous declarations of force. It is the first time since World War II that the US identified individuals and a non-state group as military targets.⁷¹

Controversy over using military force against non-state actors is nothing new. The Congressional Research Service report, "Terrorism: U. S. Response to Bombings in Kenya and Tanzania: A New Policy Direction?" concisely sums up the pros and cons of some such uses of military force. Although evaluation of such arguments is beyond the scope of this thesis, it is appropriate to note them here:

Arguments in favor of a proactive deterrent policy. Such a policy: (1) shows strength and world leadership--*i.e.*, other nations are less inclined to support leaders that look weak and act ineffectively; (2) provides disincentives for other would be terrorists; (3) is more cost-effective by thwarting enemy actions rather than trying to harden all potential targets, waiting for the enemy to strike, and suffering damage; (4) may truly damage or disrupt the enemy--dry up his safehavens--sources of funds and weapons and limit his ability to operate, and (5) provides governments unhappy with the U.S. response an incentive to pursue bilateral and multilateral diplomatic and law enforcement remedies to remain active players.

⁶⁹Public Law 107-40—SEPT. 18, 2001 "To authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States." Available from http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ040.107.pdf; accessed 8 August 2006.

⁷⁰ Public Law 107-243—OCT. 16, 2002 "To authorize the use of United States Armed Forces against Iraq." Available from http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ243.107.pdf; accessed 8 August 2006.

⁷¹ Richard F. Grimmer, *Authorization for Use of Military Force in Response to the 9/11 Attacks (P.L. 107-40): Legislative History* (Washington, DC: Congressional Research Service, 4 January 2006), 6; available from www.crsdocuments.com; accessed 29 August 2006.

Arguments against a proactive military/covert operations oriented deterrent terrorism policy. Such a policy: (1) undermines the rule of law, violating the sovereignty of nations with whom we are not at war ; (2) could increase, rather than decrease, incidents of terrorism at least in the short run; (3) leaves allies and other nations feeling left out, or endangered--damaging future prospects for international cooperation; (4) may be characterized as anti-Islamic, and (5) may radicalize some elements of populations and aid terrorist recruitment; and (6) may result in regrettable and embarrassing consequences of mistaken targeting or loss of innocent life.⁷²

To summarize, not all military incursions are acts of war. International law and the precedents of previous military actions against non-state actors should form the foundation of America's military response to terrorism. It appears that military operations in self defense or retaliation against non-state terrorists in countries where the national government is unable or unwilling to pursue them is within US national right and consistent with international law, although certainty on these matters would require extensive review by a variety of experts in international law and diplomacy.

⁷² Raphael F. Perl, *Terrorism: US Response to Bombings in Kenya and Tanzania: A New Policy Direction?* (Washington, DC: CRS Report for Congress, 1 September 1998).

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IV. THE USE OF THE CIA AND COVERT OPERATIONS

The National Security Act of 1947 radically restructured the departments and agencies of the US government and created the CIA as an intelligence collection and analysis organization.⁷³ The CIA was composed of various previously-existing organizations. The most famous, the legendary Office of Strategic Services (OSS), had conducted activities as part of the military in WWII ranging from intelligence collection and analysis to covert and commando operations. The CIA's supporters believed that while "operations" took place during war, the intelligence function should be conducted in war and peace.⁷⁴

Although its charter mandated collection and analysis of intelligence, the CIA later developed a covert operations capability. This seems to have been by default rather than by design, as the State Department and the military both lacked the desire and capability to conduct covert operations.⁷⁵ Ever since the CIA developed its paramilitary capability, decision makers have had the option of bypassing the legal and bureaucratic protocols for using the military and calling instead on the CIA for military-type operations.⁷⁶ This chapter presents various concerns about US reliance on the CIA and covert operations. As CIA operations are covert, information about them is hard to come by, and much of it is classified. This chapter is based on news reports and other information in the public domain which may not provide a comprehensive view of the situation.

A. CIA DEVELOPMENT OF COVERT CAPABILITY

Reliance on the CIA for military-type missions is an arrangement resulting from the laws and authorities governing the CIA and the military. The parameters regulating

⁷³ For a good history of the CIA, see John Ranelagh, *The Agency: The Rise and Decline of the CIA* (New York: Touchstone, 1987). See also Victor Marchetti and John D. Marks, *The CIA and the Cult of Intelligence* (New York: Knopf, 1974) and Thomas Powers, *The Man Who Kept the Secrets: Richard Helms and the CIA* (New York: Pocket Books, 1983).

⁷⁴ Ranelagh, 109.

⁷⁵ Ranelagh, 116.

⁷⁶ An example, discussed below, is the Bay of Pigs invasion. The CIA role in the Iran-Contra affair is less clear, but the affair overall illustrates problems with covert operations, in this case directed by members of the National Security Council staff. See the *Report of the President's Special Review Board* (the Tower Commission Report).

how each is employed are based in the United States Code; the military is governed primarily by Title 10, "Armed Forces," and the CIA by Title 50, "War and National Defense."⁷⁷ There are many differences between the two, but the crux of the matter is that the use of the military is subject to more Congressional involvement and oversight. Although the President is supposed to notify the Congressional intelligence committees when he directs the CIA to conduct operations, in comparison with the CIA, the military is employed in a more rigorous and transparent process.⁷⁸ The three methods of authorizing military use of force all involve mechanisms for Congressional approval (or disapproval) and, in the case of the War Powers Resolution, limits on the duration of operations. Under the provisions of Title 50 in the US Code, Congress has a less direct role in authorizing or rejecting the President's use of the CIA for covert operations.

Another reason for the paradigm of using the CIA instead of the military is the former's flexibility in conducting operations. By design, the CIA is a leaner, more vertically integrated organization that communicates and makes decisions faster than the military. This, combined with the CIA's use of surrogates, lets it move quickly and tailor the organization and the force to suit each particular operation. In contrast, the military approach is to assign an existing organization or group of organizations to a mission and to operate under an existing doctrine that may or may not be the best match for the problem. In confidential interviews with the author, CIA officials point out that because the CIA is flexible, uses a much smaller organization than the military, maintains a low profile, and has demonstrated competence in covert paramilitary operations, the CIA has developed a reputation in operations that generally inspires confidence. The CIA came under fire from all directions for its Cold War intelligence failures, most notably the failure to see that the USSR was on the brink of collapse. The choice of the CIA to lead

⁷⁷ An updated electronic version of the US Code is available from <http://www.law.cornell.edu/uscode/>; accessed 18 April 2005.

⁷⁸ Since 1974, Congress has required that the President issue a "finding" that "each such operation is important to the national security of the United States and report[ing] in a timely fashion a description and scope of such operation [sic] to the appropriate committees of Congress." Classified Presidential findings "are to be reported to the [Congressional] Intelligence Committees as soon as possible after being approved and before the initiation of the covert action authorized by the finding." Relyea, 12-13.

the US invasion of Afghanistan demonstrates that despite those problems, the agency still is seen as the force of choice, even in comparison to elite military units.⁷⁹

B. INCREASED DEPENDENCE ON COVERT ACTION

The US attempt to overthrow the fledgling Castro regime, commonly known as the Bay of Pigs, exemplifies a CIA operation that would likely have been a better fit for the military. In that case, the military determined that operational success would take hundreds of thousands of troops. The CIA convinced the Kennedy administration that they could do the mission with 1,800 men formed into a surrogate force.⁸⁰ Accounts of

⁷⁹The development of similar capabilities in the CIA and special DOD units tends to focus attention on questions of which units might be more competent. This obscures the larger question of the ease of authorizing deployments for each type of unit. In short, it is more difficult to send special units on a mission than it is to get the CIA to do it. See Douglas C. Waller, *The Commandos: The Inside Story of America's Secret Soldiers* (New York: Simon and Schuster, 1994), 201-224.

⁸⁰ Although consideration of surrogate forces is beyond the scope of this thesis, a few comments on the topic are in order. In states where terrorists or extremists are based, the CIA's use of covert operations and surrogate forces differs from overt cooperation between the US government and a partner nation's government insofar as the CIA generally conducts surrogate operations through militias or other unofficial paramilitary groups. See Colonel Kathryn Stone, *"All Necessary Means": Employing CIA Operatives in a Warfighting Role Alongside Special Operations Forces* (Carlisle Barracks, PA: US Army War College, 2003) and International Crisis Group, "Counter-Terrorism in Somalia: Losing Hearts and Minds?" *Africa Report*, 95, 11 July 2005. Available from www.crisisgroup.org/library/documents/africa/horn_of_africa/095_counter_terrorism_in_somalia.pdf; accessed 22 September 2005.

At times the US will supplement American military forces with surrogate forces to prevent a seemingly weak host nation from appearing overrun, thus averting awkward questions about national sovereignty. A well-known example is the use of irregular and surrogate forces in Vietnam. The cooperation between the military and the CIA and the similarity of their missions can cause confusion about which organization is conducting which mission under what authorities. US operations in Vietnam and Laos exemplify the blurred line between overt US military and covert CIA-backed surrogate forces. See Neil Sheehan, *The Pentagon Papers* (New York: Quadrangle Books, 1971), 79.

CIA covert operations with surrogate forces is problematic for numerous reasons, including inadequate secrecy, the difficulty synchronizing surrogate forces with conventional forces, and problems resulting from a lack of legal authority over them. As an example of some unintended effects of using surrogate forces, shortly after the 1993 battle of Mogadishu, a Special Forces Master Sergeant told this author that SF soldiers should not be surprised that Somalis could down a helicopter with a rocket propelled grenade, because 5th Special Forces Group had taught irregular forces that technique in the 1980s. Exemplifying lack of discipline are problems with the Contras in Nicaragua, who were accused of human rights violations and drug trafficking. While these charges were neither fully confirmed nor fully dismissed, the suspicions cut into American public support for the Contras. See *The Contras, Cocaine, and Covert Operations*, National Security Archive Electronic Briefing Book No. 2, available from <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB2/nsaebb2.htm>; accessed 21 August 2006.

Similarly, developing a host nation's ability to oppose non-state actors within its borders has mixed results. In countries like Pakistan and Columbia, successes are often counteracted by the local government's inability to capture or eliminate non-state terrorist or extremist groups. In Pakistan, a recent agreement between the central government and the tribal leaders in Waziristan giving the western provinces semi-autonomy has many critics believing that Al Qaeda and the Taliban have immunity there. See David Rohde, "Al Qaeda Finds its Center of Gravity," *New York Times*, 10 September 2006. Available from <http://select.nytimes.com/gst/abstract.html?res=F00812FD3F550C738DDDA00894DE404482>; accessed 10 September 2006.

decision making in the Bay of Pigs operation indicate that the administration and the military found the use of covert force much more palatable than anticipated international repercussions of an American military invasion of the island.⁸¹ The Bay of Pigs failure did not stop the CIA's covert paramilitary activities, but rather inspired them to work out some of the organization's operational issues.⁸²

After the Bay of Pigs fiasco, the CIA continued covert paramilitary operations deemed too risky for overt military involvement. The growth of the CIA's covert capabilities gave the military a reason to avoid developing a clandestine capability that they did not want in the first place. Concentrating covert programs inside the veiled world of the CIA also helped prevent public embarrassment and Congressional battles that might impede administration objectives. The CIA attempts to keep a low profile sometimes backfire. Recently, for example, the Italian government issued arrest warrants for CIA operatives suspected of abducting a Muslim cleric.⁸³

The government's continued dependence on the CIA for offensive operations outside of declared war zones was demonstrated at the beginning of Operation Enduring Freedom when, despite Congressional authorization and widespread public sympathy for the use of military force, the administration had the CIA conduct the first organizing and support operations for the Northern Alliance fight against Al Qaeda and the Taliban. One reason that the CIA was desirable is their prior history in Afghanistan supporting the Mujahadeen against the Soviet Union. Congress authorized use of military force for overt actions against Osama Bin Laden, Al Qaeda, and the Taliban, but only after the CIA was already operating in Afghanistan was the military directed to deploy Army Special Forces for operations there.⁸⁴

⁸¹ Graham Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis* (New York: Addison-Wesley, 1999), 330. A good overall discussion of the Bay of Pigs can be found in Vandenbroucke.

⁸² Amy B. Zegart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC* (Stanford, CA: Stanford University Press, 1999).

⁸³ Craig Whitlock, "Europeans Investigate CIA Role in Abductions: Suspects Possibly Taken to Nations that Torture," *Washington Post*, 13 March 2005, available from www.washingtonpost.com/wp-dyn/articles/A30275-2005Mar12.html; accessed 29 September 2006.

⁸⁴ Schroen discusses the preliminary operations of Operation Enduring Freedom as well as the background of CIA involvement in Afghanistan.

C. CIA-DOD RELATIONS

The decision to use the CIA first in the war against Al Qaeda seems to continue the general national security paradigm of using the CIA for small scale direct action interventions and using the military for air strikes and large conventional operations. Ironically, the CIA's limited operational capability has been bolstered by military personnel detailed to the CIA to conduct or support paramilitary operations.⁸⁵ The predator missile attacks against Al Qaeda in the horn of Africa, covert operations purportedly conducted by the CIA, seem to confirm other claims of a working relationship between the CIA and the military.⁸⁶ Detailing personnel from the military to the CIA for various duties has been common practice.⁸⁷ Interviews with a variety of sources, including retired high-ranking Special Forces and Special Operations officers and CIA officials, indicate that the arrangement works well, providing the CIA with capabilities it needed and allowing the military to use its special operations capabilities, with the added benefit of increasing DoD-CIA collaboration.

D. COVERT VERSUS OVERT OPERATIONS

Focusing on the use of covert operations, the question arises whether covert or overt operations against non-state terrorist groups like Al Qaeda are the most productive, in the broader strategic sense. Covert and clandestine operations are valuable tools to achieve US national objectives. Covert techniques to gather intelligence and to locate, track and target non-state actors are a necessity. In fact, the US military is increasing its capabilities for covert and clandestine operations at a pace some critics find unwarranted.⁸⁸

⁸⁵ Thom Shanker and Eric Schmitt, "Pentagon Says a Covert Force Hunts Hussein," *New York Times*, 7 November 2003. The article discusses the close relationship between the CIA and SOF. It is very likely that there is a much larger program of collaborative effort between SOF and the CIA that involves detailing SOF forces to the CIA, as Schroen writes in *First In*.

⁸⁶ Richard A. Clarke, *Against All Enemies: Inside America's War on Terror* (New York: Free Press, 2004), 220-222. Clarke discusses the collaboration between the military and the CIA in the CIA's use of military predators.

⁸⁷ The subject of military personnel detailed to the CIA for operations is discussed in many books and articles. The process of being assigned to the CIA, described by Schroen, is confirmed by retired Special Forces officers interviewed by the author. See *First In*, 215.

⁸⁸ William Arkin, "The Secret War: Frustrated by Intelligence Failures, the Defense Department is Dramatically Expanding its 'Black World' of Covert Operations," *Los Angeles Times*, 27 October 2002.

The key is finding the correct balance of overt and covert operations. While there are many benefits to pursuing US objectives with covert operations and paramilitary surrogate forces, CIA covert operations may not be the primary tactic of choice for the engagement of non-state actors in every phase of the long war. In the long war, sometimes called a "war of ideas," the use of overt military force may better promote the impression of US resolve than covert activity in which the responsible party remains at best a matter of speculation. A war of ideas requires using "soft power" to influence people's attitudes to reject violent extremism; soft power refers to cultural exchange, diplomacy, economic initiatives, information operations, and the like.⁸⁹ Ironically, in a war of ideas, overt use of force may be more persuasive and do more to influence international public opinion than covert operations. The details of whether in any particular instance covert or overt activities are preferable would require examination of each case by experts in strategy and foreign policy. This thesis argues that using the US military in overt operations outside of combat zones is an appropriate weapon to be included in the arsenal for the long war, and it should not be automatically assumed that in areas outside of combat zones, nonmilitary covert operations are the only or the best option.

⁸⁹ The long war is called a "war of ideas" in a variety of sources, including the Heritage Foundation, the BBC and DefenseLink news. The emphasis on indirect means to counter terrorism in the *National Security Strategy for Combating Terrorism* is consistent with the "war of ideas" approach.

V. THE USE OF SOF FORCES AND THE ROLE OF USSOCOM

Offensive operations of the sort under consideration in this thesis are not conducted partly, it seems, because there are not enough SOF forces to satisfy all requirements.⁹⁰ To fully understand how and why SOF forces are employed, one must examine the system that governs their operation. This chapter describes the current use of SOF forces, the changing role of USSOCOM in the context of Title 10, the *Unified Campaign Plan* and other policies, and other challenges facing USSOCOM as lead in the global war.

A. TITLE 10 AND THE UNIFIED COMMAND PLAN

Sources estimate that 85 to 90 percent of SOF forces are committed to Iraq and Afghanistan, raising the question whether their current use maximizes their strategic value in the long war.⁹¹ Such a high percentage of the military's SOF forces are dedicated to Iraq and Afghanistan because the Central Command (CENTCOM) commander has been apportioned these forces, with complete control over their use as well as the duration of their stay in the theater.

It is a misconception that the USSOCOM has full control over SOF forces in combat. In reality, USSOCOM does not command and control the employment of SOF forces except in extraordinary circumstances. (The exception would be a special mission directed by the President or the Secretary of Defense as identified in Title 10). In fact, USSOCOM does not have the legal authority to transfer and reemploy forces as it determines necessary, and has no command responsibility over the missions SOF forces receive once they deploy from the US into a particular theater.

The distribution of forces is approved by the Secretary of Defense, reflecting national military priorities. The CENTCOM commander's authority and control is based in Title 10 of the US Code, which establishes the legal chain of command from the President through the Secretary of Defense to the regional Geographical Combatant

⁹⁰ *Special Operations Forces: Several Human Capital Challenges Must Be Addressed to Meet Expanded Role* (Washington, DC: US Government Accountability Office, July 2006), 15. Available from www.gao.gov/cgi-bin/getrpt?GAO-06-812; accessed 14 September 2006. The report discusses issues leading to the authorization of four additional Special Forces battalions.

⁹¹ The estimates of troop deployments are reported in *United States Special Operations Command, Posture Statement* (Washington, DC: Department of Defense, 2006), 5.

Command (GCC), as described in the Unified Command Plan (UCP).⁹² This system effectively makes the GCC a separate and distinct entity that essentially answers to the Secretary of Defense and no other military officer.⁹³

The US National Military Strategy divides the globe into geographic regions, each controlled by a single military commander with supreme control over all military forces in that region. The design is intended to unify activities under one commander to ensure that all military efforts are synchronized.⁹⁴ Its primary shortcoming, discussed below, is that it does not address non-state threats that operate in more than one region or move across regions. The regional system, which the military has embraced for the last half of the 20th century, is not designed to allow one combatant command to manage and execute a unified global strategy.

B. ORIGINS OF USSOCOM AND THE IMPORTANCE OF THE GCCS

USSOCOM was created in 1986 by the Nunn-Cohen amendment to the 1987 Defense Reorganization Act, Public Law 99-661, commonly known as the Goldwater-Nichols Act. It was established not as a war fighting command but rather as an administrative command, to ensure that skills, equipment and training needed by SOF forces would be kept up to date.⁹⁵ In the twenty years since its creation, USSOCOM has played a relatively minor role in national security strategy.

The original intent of USSOCOM made it the focal point for issues relating to military special operations. Originally, USSOCOM oversaw matters specific to special operations, including equipment procurement, training standards and allocation of the

⁹² See the *Unified Command Plan* (Washington, DC: The White House, 1 March 2005); see also the Joint The History of the Unified Command Plan 1946-1993 (Washington, DC: History Office, Office of the Joint Chiefs of Staff); available from <http://www.dtic.mil/doctrine/jel/history/ucp.pdf>; accessed 4 September 2006. This author is not alone in questioning the UCP reliance on GCCs. See Kelly Houlgate, "A Unified Command Plan for a New Era," *Naval Institute Proceedings*, September 2005; available from http://www.military.com/NewContent/0,13190,NI_0905_Uni,00.html; accessed 2 August 2006.

⁹³ Title 10, Subtitle A, Part 1, Chapter 6, Paragraph 161 establishes the chain of command while paragraph 167 dictates the circumstances in which the USSOCOM commander commands an operation. The exception is discussed above.

⁹⁴ In *Victory on the Potomac*, Locher details the European Command (EUCOM) chain of command structure in 1983 when terrorists bombed the US embassy in Lebanon, pointing to the EUCOM commander's lack of control over units entering his theater and their operations there. On this example Locher writes, "Washington was bypassing EUCOM to a much greater extent than either [then-Commander of EUCOM] Rogers or [Admiral] Long imagined. An investigation uncovered thirty-one units in Beirut that reported directly to the Pentagon." Locher, 158.

⁹⁵ Marquis, 145.

SOF specific budget for all of the armed services. The command prepared and equipped the services' special operations forces, which were then incorporated into the regional commanders' engagement strategies and war plans. The system worked well, as USSOCOM provided subordinate functions in support of the services and the other GCCs. When issues arose with the employment or stationing of SOF units, USSOCOM, lacking direct control over SOF forces in the GCC regions and without budget powers to influence the situation, could only make recommendations to the GCCs.

The geographic approach embodied in the GCC is so strong because of changes to the military's command system engineered by the Goldwater-Nichols Act.⁹⁶ Historically, the military prefers to change its structure incrementally, with relatively minor adjustments to the existing structure.⁹⁷ Goldwater-Nichols produced the most widespread and influential changes to the military since the National Security Act of 1947. Goldwater-Nichols did much to overhaul the organization and regulations governing the military and DoD, including reforms to integrate the services into joint force commands for interservice operations and the strengthening of GCC authorities and responsibilities. The following year, the Cohen-Nunn amendment to the DoD Authorization Act of 1987 created USSOCOM.

As the Gulf War and Operation Iraqi Freedom demonstrate, the revised command system works well for conventional symmetric state-based conflicts. It is a good way to manage large complex conflicts incorporating the full spectrum of military forces. Most conventional conflicts involving the US have not crossed geographic regions, so there have been few issues with synchronizing between regions. Were a conventional conflict to spread from one region to another, as in WWII, each GCC would handle the military aspects of the conflict in his particular region as he saw fit.

Despite its strengths, the current UCP system is ill-equipped to address non-state enemies that are networked and connected in subtle, obscure yet effective ways for

⁹⁶ The military has resisted external change throughout its history, and including various reform attempts prior to the Goldwater-Nichols Act. Congress began to raise questions soon after the failed American hostage rescue in Iran, but changes to the GCC command structure took six years. The delay was due partly to Congressional slowness and partly to military resistance to externally-mandated change.

⁹⁷ Marquis, 73. She provides a thorough description of the process of examining and revitalizing SOF from the failed Iranian hostage rescue through the Goldwater-Nichols reforms.

worldwide operations.⁹⁸ Non-state organizations are not big, highly-visible armies. They are typically small, tight-knit cells with good operational security that makes infiltrating and surveilling them extremely difficult.⁹⁹ Locating and tracking small groups and individuals on a global scale is difficult for the US intelligence community. Because US military strategy fails to address the geographic interconnectivity of non-state extremist networks, it fails to deal with them on a global level. For the military to fulfill the concept of a synchronized global campaign against terrorists and extremist groups, it will need to improve organizational mechanisms for USSOCOM to conduct global operations.¹⁰⁰

C. CHALLENGES TO USSOCOM IN THE LONG WAR

The administration envisioned USSOCOM as a global command to counter a global enemy.¹⁰¹ However, the mandate for USSOCOM runs counter to a half century of military operation and organization and especially to the trend of the past twenty years. The 2001 transformation of USSOCOM from a support command to a combatant command is inconsistent with its core organizational functions, and Rumsfeld's intent that USSOCOM "find, fix and finish" terrorists on a global scale puts the organization at

⁹⁸ *National Strategy for Combating Terrorism*, 8.

⁹⁹ Sageman discusses extremist and terrorist groups' tight networks and difficulty of penetrating and monitoring them. See Marc Sageman, *Understanding Terrorist Networks* (Guilford, CN: McGraw-Hill, 2004), 152.

¹⁰⁰ Directives allowing USSOCOM to conduct global operations by the President or the Secretary of Defense are unusual, historically confined to a limited set of clandestine missions. Since the early 1980s, sources outside the government claim that a small subset of SOF operatives has been responsible for hostage rescue, counterterrorism and counter proliferation when the latter two missions were a relatively small part of US defense policy. According to independent sources these units operate outside the GCC system at the will of the President or the Secretary of Defense for these missions. See Stephen Emerson, *Secret Warriors: Inside the Covert Military Operations of the Reagan Era* (New York: Putman's Sons, 1988), 26 and Waller, 228.

¹⁰¹ Bradley Graham, "Shortfalls of Special Operations Command are Cited," *Washington Post*, 17 November 2005.

odds with its original Title 10 administrative responsibilities.¹⁰² The difficulty of the transformation explains why USSOCOM has taken some time to fully embrace its new mandate.¹⁰³

Three main issues with the current regional system prevent USSOCOM, as a single command, from effectively managing a global campaign. First, the regional GCCs report to, and receive orders from, the President, through the Secretary of Defense. Because of the GCCs' autonomy, USSOCOM cannot order a GCC to conduct operations in his theater.¹⁰⁴ The chain of command, legal framework, and traditional military culture all prevent one GCC from being subordinate to another. This "separate and equal" GCC approach, appropriate for symmetric fights against other nation states, slows execution of missions against non-state actors. Second, SOF forces stationed in or deployed to a particular geographic region fall under the exclusive control of the GCC.¹⁰⁵ Even if all GCCs agreed that USSOCOM should conduct unilateral operations, those agreements would be temporary at best and could be dissolved in an instant, as they would be subordinate to the provisions of Title 10. The use of temporary agreements is not conducive to long term planning. Finally, current and former military planners note that additional complications arise over which command should be responsible for support and logistics functions and who would have legal authority over the forces.¹⁰⁶

The complex give and take between USSOCOM and the GCCs provides no solution to these problems. There have been proposals that USSOCOM become a fifth service, or leave the military all together and become an independent agency like the CIA. One of the most credible critics of the current interagency efforts against non-state

¹⁰² Zegart, 223. In Chapter 8, she discusses the evolution of agencies and the issues they face when they are redirected from their original focus. See also James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (New York: Basic Books, 1991), 95.

¹⁰³ According to the Principal Assistant to the Undersecretary of Defense for Special Operations/Low Intensity Conflict, Robert Andrews, when General Holland, USSOCOM Commander, learned of his command's new responsibilities, said that USSOCOM "was not ready for this." The reason is that USSOCOM lacked actionable intelligence; see fn 20 above. See also Linda Robinson, "Walking Point: The Commandos Taking the Lead in the War on Terrorism Suddenly Have Some New Rules," *U.S. News and World Report*, 18 October 2004, 46-50.

¹⁰⁴ Public Law 99-433, October 1, 1986, Goldwater-Nichols Department of Defense Reorganization Act of 1986, page 1012.

¹⁰⁵ Public Law 99-433, page 1013.

¹⁰⁶ These concerns were presented by active-duty and retired military officers in interviews with the author.

actors, Michael Vickers, suggests that all efforts to combat non-state organizations should be lumped together under one interagency clandestine service command.¹⁰⁷ These proposals ignore the requirement that SOF forces integrate with the rest of the military during major conflicts. SOF nests into the larger military strategy and plays an integral part in the force which a regional commander has at his disposal. The difficulty comes in creating a "dual use" system which would allow SOF to operate independently for special missions against non-state actors and also seamlessly integrate with the rest of the military during conventional conflicts with nation states.

D. CURRENT SOF MISSIONS

The US military has proven itself the most effective fighting force in history, but in small scale asymmetric or SOF-focused operations, improvements are necessary. Reducing the number of SOF forces committed to Iraq and Afghanistan so they are available for deployment elsewhere would be a first step in empowering USSOCOM to conduct global offensive counterterrorist operations.¹⁰⁸ As one Special Forces officer said of the over commitment of Army Special Forces, "Something needs to be done to quench the conventional commanders' thirst for A-teams."¹⁰⁹

Treating a non-state enemy as a regional rather than a global threat provides an excuse for a GCC to keep SOF forces in his theater as a contingency, held in reserve or used for missions that could be performed by conventional forces. The GCC system prevents USSOCOM from evaluating the need for SOF forces and distributing them where they may be better used in irregular warfare, unconventional warfare, or direct action missions.¹¹⁰

¹⁰⁷ Michael Vickers, "Implementing GWOT Strategy: Overcoming Interagency Problems," Congressional testimony; available from <http://www.csbaonline.org/4Publications/Archive/T.20060315.ImplementingGWOT/T.20060315.ImplementingGWOT.pdf>; accessed on 26 May 2006.

¹⁰⁸ The concept of a unit's commitment to Iraq or Afghanistan does not refer only to the time the unit is in theater. It includes also the time required to prepare for deployment and to recover upon return. During the cycle, a unit cannot be used for other requirements.

¹⁰⁹ The quote is from a USASOC Special Forces officer interviewed at Fort Bragg.

¹¹⁰ The author was told that 1st Battalion 10th Special Forces Group (Airborne) did not participate in Operation Iraqi Freedom because when the CENTCOM commander requested 1/10 SFG(A), the EUCOM commander replied that EUCOM needed an SF battalion in Europe as a contingency, and would not release them. The CENTCOM commander eventually took 3rd Battalion 3rd Special Forces Group (A) to supplement the 10th SFG(A), which had already been apportioned to him. This incident was related by an appropriately-placed Special Forces officer in an interview.

The primary missions for SOF forces in Afghanistan and Iraq focus on capturing or killing insurgent leaders (High Value Targets, or HVTs), along with related activities to facilitate these missions.¹¹¹ Conventional units' experience and capabilities after five years of combat should allow them to assume at least some SOF missions in Afghanistan and Iraq.¹¹² At the same time, a transition of this nature would be in keeping with DoD senior leadership's desire to transform the military and make it more SOF-like. Relieving SOF forces from their current responsibilities would permit SOF "combat multipliers" to pursue terrorist networks outside of Afghanistan, Iraq and the CENTCOM region, and SOF forces could be positioned to conduct offensive operations against terrorist targets if appropriate.

E. CURRENT USSOCOM PRIORITIES

Secretary Rumsfeld's decision to make USSOCOM the global command for countering non-state enemies seemed appropriate immediately following the 9/11 attack.¹¹³ Since receiving its new mandate, USSOCOM has been evolving to focus on targeting and tracking HVTs.¹¹⁴ USSOCOM activities outside of Afghanistan and Iraq now emphasize developing "actionable intelligence" with enough detail so the USSOCOM commander can develop a plan, synchronize its execution and initiate an operation against a time-sensitive target to interdict an individual or disrupt an operation.¹¹⁵ Interviews with both Pentagon and USSOCOM officials suggest that the regional GCCs are comfortable with allowing USSOCOM to take the lead in this activity.

¹¹¹ Seymour M. Hersh, "Moving Targets," *New Yorker*, 15 December 2003; available from http://www.newyorker.com/fact/content/031215fa_fact; accessed 25 September 2005.

¹¹² See the interview with Major General James W. Parker, Commander, JFK Special Warfare Center and School, in Jeff McKaughan, "Training Transformer," *Special Operations Technology*, 12 September 2005; available from <http://www.special-operations-technology.com/article.cfm?DocID=1125>; accessed 2 March 2006. See also *National Security Strategy for Combating Terrorism*, Section IX, which discusses transforming both Special Operations and conventional forces to better confront and deter military competitors.

¹¹³ Author interview with Robert Andrews, Principal Assistant to the Undersecretary of Defense for Special Operations/Low Intensity Conflict.

¹¹⁴ George A. Crawford, *Manhunting: Reversing the Polarity of Warfare* (unpublished book manuscript) describes the evolution of manhunts and their importance to USSOCOM as a future priority.

¹¹⁵ Ann Scott Tyson, "New Plans Foresee Fighting Terrorism Beyond War Zones; Pentagon to Rely on Special Operations," *Washington Post*, 23 April 2006. Tyson discusses how USSOCOM increased its intelligence gathering capabilities following the 9/11 attack.

This might be crucial for an issue apparently neglected in the UCP and the GCC strategies: the command relationship and the linkage between information collection and operations.¹¹⁶

There is a gap between USSOCOM's mission to plan and synchronize the long war and its power to direct forces to execute operations, because USSOCOM must leave the execution of most operations to the regional GCCs. Conversely, SOF forces are not controlled by those who can most capably direct their operations with actionable intelligence. The principle of unity of command is violated when a GCC commands SOF forces in his theater against a terrorist target on which the actionable intelligence has been collected by USSOCOM. Because the elements who locate targets and those who interdict them are not in the same command, the situation presents a high probability of communications and synchronization problems.¹¹⁷ If the linkage between actionable intelligence and operations were tighter—if USSOCOM controlled its own forces—the long war could be pursued more efficiently.

¹¹⁶ The 2007 House Defense Authorization Act would require that USSOCOM produce a detailed description of how operations would be conducted and specify the chain of command during a mission. See US House of Representatives, *Title X—General Provisions Items of Special Interest. National Defense Authorization Act for Fiscal Year 2007. Report to Accompany H.R. 5122* (Washington, DC: US Government Printing Office, 2006), 371. Available from http://a257.g.akamaitech.net/7/257/2422/15may20061514/www.gpoaccess.gov/serialset/creports/pdf/hr_109-452/title10.pdf; accessed 14 August 2006.

¹¹⁷ Despite General Doug Brown's claim that USSOCOM is in charge of the war on terror, USSOCOM seems to lack authority to order the other GCCs to conduct operations against their wishes. See Tyson; for more on these problems, see Jim Saxton, *Posture Hearing on the Fiscal Year 2007 Budget Request for the U.S. Special Operations Command*, House Armed Services Subcommittee on Terrorism and Unconventional Threats (press release, 8 March 2006); available from <http://www.house.gov/hasc/schedules/>; accessed 22 September 2006.

VI. RISK AVERSION

In September 2006, in a television interview, President Clinton asserted that he had wanted to send Special Forces into Afghanistan to capture or kill Osama Bin Laden after the 1998 embassy bombings. According to the President, US military commanders opposed it. “The entire military was against sending Special Forces into Afghanistan and refueling by helicopter,” Clinton stated. “And no one thought we could do it otherwise, because we could not get the CIA and the FBI to certify that Al Qaeda was responsible while I was President.”¹¹⁸

Why would military leaders resist such a mission? Opposition to the use of SOF or conventional ground troops for offensive operations against non-state actors outside of combat zones seems based on more than just concerns about possible international repercussions. This chapter considers a contentious issue: aversion to military risk and failure.¹¹⁹

A. LEGACY OF THE IRANIAN HOSTAGE RESCUE FAILURE

On November 4, 1979, as the US-backed regime of Shah Mohammad Reza Pahlavi was coming to an end, masses of Iranian civilians overran the US embassy in Tehran, taking 63 embassy personnel hostage.¹²⁰ The US began diplomatic and political efforts to secure their release. The world watched as the crisis dragged on, until six months later the military notified the President that they were ready for a rescue mission and President Carter authorized American SOF forces to rescue the embassy personnel with Operation Eagle Claw.¹²¹

A long-range rescue mission conducted by the foremost military in the world seemed a logical option in light of the Israeli commandos' successful rescue of Israeli civilians at Entebbe four years earlier. The US mission met with problems from the start,

¹¹⁸ Fox News Sunday, 24 September 2006. A transcript is available from <http://www.foxnews.com/story/0,2933,215397,00.html>; accessed 25 September 2006.

¹¹⁹ Considerations raised here, while necessarily somewhat speculative, are grounded in the author's interviews with military officials and experience in the Special Operations community.

¹²⁰ The Shah had gained power with the aid of the CIA, which used covert operations to engineer a royalist coup against Mohammad Mosaddeq. As an aside, options might have been different if the attack on the embassy had been conducted by the military (representing the nation state) rather than by civilians.

¹²¹ See Vandenbroucke.

and the commander was forced to abort the mission when a helicopter broke down at the Iranian desert staging area known as Desert One, leaving the rescue force unable to get the hostages out of the embassy. As the rescue force prepared to depart, two aircraft collided, killing eight crewmembers. The US rescue forces departed the chaos of Desert One in disarray, leaving behind classified information, the wreckage of several aircraft and, most importantly, the bodies of American servicemen. The raid, known as Desert One, was an extreme embarrassment for the US and the military. As Mark Bowden writes of the affair, "It was a debacle. It defined the word 'debacle.'"¹²²

The failed mission caused international humiliation for the US, led to Carter's defeat in the 1980 election, and deepened the conventional military's mistrust of SOF forces.¹²³ The military prepared for a second Iranian hostage rescue mission, but it was never seriously considered by civilian leaders. The hostage rescue failure dramatically reduced the chances that SOF would be approved for another such raid in any context.¹²⁴

Aversion to risk and fear of failure, destruction and death have always been part of modern military culture. These values became more salient to Americans after the Iranian hostage disaster. Risk aversion and cautiousness are reflected in the military's "zero defects" attitude and the Powell doctrine.

B. ZERO DEFECTS MENTALITY

The concept of "zero defects" originated in business. It was originally intended to enforce high standards but was revealed to be counterproductive. The military became especially focused on quality control in the 1970s, when there were concerns about the quality of the individuals in the force. During the post-Vietnam drawdown, the military needed to cut its ranks. The approach was simple: keep the best and let the rest go. The "only the best" mentality led to excessive pressure on service members. They strove for the top, but problems developed because to protect service members' careers,

¹²² Mark Bowden, "The Desert One Debacle," *The Atlantic Monthly*, May 2006, 62.

¹²³ Marquis describes the resentment against Army Special Forces during a closed door hearing on military reform after Operation Eagle Claw. "During the course of his testimony, the [unidentified] general stunned panel members with repeated references to Special Forces Operational Detachment-D (Delta) as 'trained assassins' and 'trigger happy.' The general expressed his concern that Delta might 'freelance' a coup d'etat in a nation friendly to the United States." Marquis, 117.

¹²⁴ Charles Cogan, "Desert One and its Disorders," *Journal of Military History* 67 (2003); available from http://muse.jhu.edu/demo/journal_of_military_history/v067/67.1cogan.html; accessed 23 February 2005.

performance ratings were inflated, and problems and mistakes were not reported.¹²⁵ The term "zero defects mentality" is now used more generally, to indicate unwillingness to tolerate any errors or inadequacies in any aspect of the military.

Some of the military's difficulties in dealing with non-state actors and smaller targets may result from military leaders' fear of repeating a humiliating failure like Desert One. The zero defects mentality seems to reinforce the military's reticence to use SOF forces for risky, high-profile combat operations of the sort discussed in this thesis.¹²⁶

The caution in committing military forces is further complicated by how the military views combat attrition. Military planners project casualty and loss rates on based on historical data. Most of the data originated with WWII. It generally indicates that smaller forces have higher casualty rates, which reinforces the military's dependence on large contingents of troops to insure victory.¹²⁷ Stories about the planning for Operation Iraqi Freedom are filled with struggles between the Office of the Secretary of Defense's desire to use the smallest number of forces possible and the CENTCOM commander and the Joint Chiefs wanting a large force to ensure victory with a safe margin of error.¹²⁸ The Project on Defense Alternatives reports that CENTCOM commander General Tommy Franks rejected a proposal that SOF forces initiate the military attack on Iraq, as had been done in Afghanistan.¹²⁹ It is unclear if this was due to concerns about SOF forces in particular, or doubts that a small force could defeat the Iraqis' larger and better equipped conventional army.

One planner for Operation Iraqi Freedom, LTC Douglas Macgregor, proposed extremely small force compositions. His suggestions were rejected out of hand by the

¹²⁵ Bethany Craft, "End the Zero-defects Mentality," *US Naval Institute Proceedings Magazine* 124, (July 1998), 65.

¹²⁶ On zero defects, see also Vandenbroucke, 153-181.

¹²⁷ Trevor N. Dupuy, *Attrition: Forecasting Battle Casualties and Equipment in Modern War* (Fairfax, VA: Hero Books, 1990).

¹²⁸ Many interesting examples can be found in Cobra II. Although General Tommy Franks, the CENTCOM commander, wanted a smaller force, he did not want to use SOF forces to initiate the operation and did not want as small a force as the Office of the Secretary of Defense. Michael R. Gordon and Bernard E. Trainor, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq* (New York: Pantheon, 2006).

¹²⁹ General Franks' desire for a large number of troops and opposition to using SOF forces for the mission are reported by the Project on Defense Alternatives in April/May 2002; available from <http://www.comw.org/pda/widerwarwatch/02aprilmay.html>; accessed 2 September 2006.

CENTCOM commander and staff.¹³⁰ Macgregor, known for his theory on reducing the size of land forces, believes military dependence on large heavy forces is a remnant of industrial age thinking and strategy. In his view, new technological developments that might reduce dependence on large forces in the 21st century have not yet been fully integrated by the Army.¹³¹ Macgregor suggests that the military can conduct conventional missions with smaller forces because of improved weapons and information systems. In his view, the Army has the right technology, but is overcautious in requiring large numbers of troops for conventional engagements.

C. THE POWELL DOCTRINE

The military's hesitance to deploy forces is not based solely on concerns for failure or defeat. It also involves questions about the proper employment of the military—the use of the services in ways appropriate to their capabilities. In 1992, General Colin Powell, then Chairman of the Joint Chiefs of Staff, articulated his view on using military force. The evolving philosophy, the Powell doctrine, is basically a series of considerations to determine if the use of military force is appropriate.¹³² The Powell doctrine seeks to provide clarity to civilian and military leaders, so they can employ forces against a clear and distinct enemy, and with a clear and distinct mission, to prevent long, drawn out military involvements like Vietnam or questionable employments like Somalia.¹³³

D. BIAS FAVORING AIR ATTACKS OVER GROUND OPERATIONS

For the reasons outlined above, the military is unenthusiastic about using military force for anything other than its core missions in the context of conventional symmetric nation state warfare. There also seems to be a distinct imbalance in military perception of the use of ground versus air forces. The use of ground forces denotes a higher level of

¹³⁰ Gordon and Trainor, 35.

¹³¹ Douglas A. Macgregor, *Breaking the Phalanx: A New Design for Landpower in the 21st Century* (Westport, CT: Praeger, 1997), 6.

¹³² Powell, 32. The Powell doctrine extends the doctrine formulated by Caspar Weinberger. In an extremely systematic statement, Weinberger, then-Secretary of Defense, outlines "six major tests to be applied when ... weighing the use of U.S. combat forces abroad." See Caspar W. Weinberger, "The Uses of Military Power," remarks prepared for delivery to the National Press Club, Washington, DC, 28 November 1984, available from <http://www.pbs.org/wgbh/pages/frontline/shows/military/force/weinberger.html>; accessed 26 October 2006.

¹³³ Despite Powell's efforts, the US engaged in some ambiguous long-duration missions, such as the peacekeeping efforts in Bosnia and Kosovo.

commitment and risk. It is more likely to be interpreted as a zero-sum proposal than is the use of air forces.¹³⁴ If ground forces are used and fail, the investment and risk appear to be greater, and the mission is more easily deemed a failure. When air forces or missiles are used, some possible outcomes—the failure to destroy the target, or the production of collateral damage—are deemed undesirable but nonetheless acceptable. The failure to kill Muammar Gaddafi in Libya in 1986, the mistaken bombing of the Chinese embassy in Serbia in 1999, and the failure to kill Osama Bin Laden in 1998 with tomahawk missiles fired into Afghanistan received minor notice compared with the Iranian hostage rescue and the battle of Mogadishu.

Although the 1986 attack on Libya, Operation Eldorado Canyon, was heralded publicly as a military success, it was not very effective in military terms. "Apparently only four of the eighteen aircraft actually hit their assigned targets," writes one author. "Additionally, one Air Force aircraft was lost in the raid (presumably shot down), and both crewmen were killed."¹³⁵ Yet the poor performance of the air attack did not trigger negative consequences as had the deaths of SOF personnel in the battle of Mogadishu. Reliance on high tech weaponry appears to make failure more acceptable to civilian decision makers and military leaders.

E. SUMMARY

Unless there is a sense of extreme peril or urgency, the small force composition, short duration and high risk of SOF operations makes them seem undesirable. Military leaders hesitate to recommend them, and civilian decision makers are reluctant to approve them. Limited, short-duration counterterrorist attacks by ground forces are likely to be perceived as isolated stand-alone operations and thus judged as successes or failures individually, rather than as components of a larger strategy and long term campaign.¹³⁶ This phenomenon is demonstrated clearly in the events and aftermath of the battle of Mogadishu. US forces had conducted half a dozen successful raids, but when American soldiers were killed, the entire mission was deemed a failure and halted without having accomplished the capture of its primary target, Mohammad Farah Adid.

¹³⁴ Vandenbroucke, 4.

¹³⁵ Kosnik, 16.

¹³⁶ For an excellent description of the campaign see Mark Bowden, *Blackhawk Down* (New York: Atlantic Monthly Press, 1999).

Part of the reason may be that with covert operations that are revealed only after failure, the public does not see how the one single disastrous operation fits in to the larger campaign.

Furthermore, SOF operations are more dependent on individual service members to accomplish the mission in comparison to conventional missions using high tech weapons like missiles and bombs. In essence, SOF operations are more "personal." The use of SOF ground forces to "close with and destroy the enemy" may have a higher probability of success than a missile strike, but employing these forces is contrary to the military's increasing trend to prefer high tech weapons whenever possible. Since the US military has evolved into the most technologically sophisticated force, in part to reduce the risk to individuals, using ground forces to accomplish a mission that might theoretically be achieved by a missile or a bomb may appear anachronistic.¹³⁷

The logic of using high tech, stand off approaches to warfare may apply to symmetric conflicts, where the destruction of the enemy's military or infrastructure will eliminate their ability to fight and force them to surrender. But the challenges of asymmetric warfare are due in part to terrorists' and extremists' networks, to their personal connections to each other and to local people, as well as their willingness to conduct attacks despite overwhelming odds, and, in the case of suicide missions, despite deliberate self-sacrifice. In order to succeed against this mentality, the US military may have to change its own mentality, and reject the "risk averse" trend that has confined its operations in the long war to Afghanistan and Iraq.

¹³⁷ The trend to use technology to maximize destruction and minimize casualties is not limited to the military. It is also evident in the dependence on nuclear weapons technology as a panacea to conventional combat and the attitude that nuclear weapons prevent casualties. Debra Rosenthal, *At the Heart of the Bomb: The Dangerous Allure of Weapons Work* (Reading, MA: Addison-Wesley, 1990), 91.

VII. RECOMMENDATIONS AND CONCLUSION

This thesis explores four major constraints that make it difficult for the United States to conduct overt offensive operations against terrorists and extremists outside of combat zones. On the assumption that such operations could be valuable additions to military strategy, it is appropriate to suggest changes to remove the barriers to conducting them. This chapter considers how each constraint might be mitigated or lessened. If the barriers against such operations were lowered, USSOCOM, as lead command in the long war, could conduct a broader range of operations against terrorist and extremist non-state actors.

The discussion that follows suggests how each recommendation would impact or resolve the constraints. Of course, each recommendation warrants further study and development before implementation.¹³⁸ For each constraint, the recommendations presented first lie outside the military's authority. They would require approval or implementation by other actors in government. The general recommendations are followed by military-specific recommendations for change applicable to the Department of Defense (in some cases, requiring Congressional or Presidential authorization).

A. LEGAL CONSTRAINTS

The legal constraints on conducting offensive operations outside of declared war zones, described in Chapter III, stem mainly from misconceptions about international law and the use of force. One approach to overcoming such misconceptions is to confront them head-on, with information and education. Another approach is to bypass the misconception completely, through elaborated or new legal agreements explicit enough to overcome any potential misunderstanding. Both approaches are advocated in the following recommendations.

1. General Recommendations

(a) To provide governmental transparency to the public, the US Congress should consider creating an authority (or amending the War Powers Resolution) to allow the President to deploy forces to conduct specific short duration offensive operations against

¹³⁸ A more detailed discussion is beyond the scope of this thesis, as a thorough treatment would require several separate analyses.

non-state terrorists and extremists outside of designated combat zones. Although such an explicit legal authority may not be strictly necessary, it has the potential to clarify US policy and increase public and institutional support for such missions.¹³⁹

(b) The Department of State should consider diplomatic initiatives to secure bilateral agreements for US forces to conduct offensive operations against non-state actors in coalition with partner nations. If cross-border operations become necessary, such agreements could be expanded to include more countries in order to secure approvals for flyover or basing rights.

(c) Civil-military security cooperation in selected partner countries should be improved to better target asymmetric non-state threats. Improved coordination and assistance would help partner nations develop their counterterrorist abilities and might therefore deter non-state terrorists from operating in those locations.¹⁴⁰ Additionally, with good preparation and strong ties to the US, partner nations might be more open to the types of bilateral agreements proposed above.

2. Recommendations for DoD

(a) DoD should enhance and emphasize, as a component of the Professional Military Education system (PME) for mid- and senior-level officers, a unit focusing on the use of force in international law and its foundation in the literature on just war. To give staff officers, advisors and commanders a thorough understanding of the legal and moral foundations for the use of force, the program of instruction should include significant attention to non-state actors. It might be best incorporated into the Intermediate Level Education for conventional military officers at the field grade level, with refinement and reiteration of the subject in all PME for the rest of their careers.

(b) For SOF officers in particular, USSOCOM should use the improved PME curriculum to prepare personnel to negotiate with partner nation military forces as part of larger US negotiation teams seeking agreements to conduct offensive operations. A SOF-specific program on the legal and moral aspects of war would help with irregular

¹³⁹ As with the War Powers Resolution, a measure like this would likely incite controversy about its Constitutionality, especially with regard to the relative powers of the Congress and the President.

¹⁴⁰ See Lawrence O. Basha, "The United States Special Operations Command and the Long War: Using Special Operations in Stabilization, Security, Transition and Reconstruction Missions," Air Force Institute of National Security Studies (USAFA, CO: US Air Force Academy, 2006), in which the author discusses improving the connection between USSOCOM and the GCCs in developing theater security cooperation plans.

warfare campaign planning. In addition, well-prepared SOF officers would more competently discuss legal and political considerations with both civilian leaders and military commanders.

B. RELIANCE ON THE CIA FOR PARAMILITARY OPERATIONS

Use of the CIA for covert operations against terrorists and extremists has been due to the CIA's speed and flexibility in comparison to the military, described in Chapter IV. The issue is not just the use of the CIA versus the use of US military forces. A complicating factor is the difficulty of calculating the costs and benefits of covert versus overt operations against non-state extremists.

1. General Recommendation

The US government should explore using a variety of overt military options, including ground forces, against non-state terrorists and extremists outside of combat zones. After almost fifty years with the CIA as the force of choice, it is difficult to predict how civilian decision makers might gain a more positive attitude toward overt military operations. At the very least, a policy allowing use of the military for overt offensive operations in areas other than combat zones would provide an alternative to CIA covert operations. Although there are pros and cons to both overt and covert operations, the ability to connect the strategic communications message (American resolve, deterrence, etc.) with the use of overt military force might have more benefits than continued reliance on covert operations.¹⁴¹

2. Recommendation for DoD

USSOCOM should insure that the training and evaluation exercises for SOF forces are realistic and rigorous to insure individual proficiency and keep troops focused on tasks relevant to the types of missions discussed in this thesis. Enhancing training protocols to counter the perception that some SOF forces are under prepared might improve the reputation of all SOF units among GCCs, the JCS and civilian decision makers. Backed by favorable attitudes toward SOF forces, USSOCOM might more easily

¹⁴¹ For a discussion of the psychological impact of military operations on terrorists, their supporters and the states where they operate, see Ronald D. Crelinsten and Alex P. Schmid, "Western Responses to Terrorism: A Twenty-five Year Balance Sheet," *Terrorism and Political Violence* 4 (Winter 1992), 316. According to the authors, military operations do have a demoralizing effect (albeit limited) on terrorists. For the purpose of influencing world public opinion, overt operations, in the view of this author, may be superior to covert or clandestine operations.

overcome senior military commanders' and civilian decision makers' hesitation to approve offensive counter terrorist missions.¹⁴²

C. USSOCOM AND THE USE OF SPECIAL OPERATIONS FORCES

A complicated command structure designed for regional engagements against nation states interferes with the military's ability to deploy forces rapidly and in a flexible fashion against non-state actors in areas outside of combat zones, as described in Chapter V. Because USSOCOM is the lead command in the long war, the following recommendations focus on empowering the command so it may better pursue its mandate.

1. General Recommendation

Congress should consider reinstating the five star rank "General of the Armies" and should promote the USSOCOM commander to that rank.¹⁴³ Making the USSOCOM commander a five star general would communicate the importance of the effort to prosecute the long war in the eyes of DoD and the US government. A higher rank would give the USSOCOM commander the power to compel other GCCs to conduct operations, and the authority to conduct operations in any theater. The chain of command would have to be balanced by making the Chairman of the Joint Chiefs of Staff a five star general, as he is the President's chief military advisor and America's senior uniformed military officer. Just as after WWII, the grade of five star general could be eliminated when the position becomes unnecessary or when the long war is ended.

2. Recommendations for DoD

(a) The Secretary of Defense should consider giving USSOCOM more control over all SOF forces, whether in the US (CONUS) or forward based overseas.¹⁴⁴ For example, USSOCOM might be given control similar to that exercised by the United States Transportation Command (USTRANSCOM) over all US military strategic transport aircraft. USTRANSCOM has the authority to recall strategic air lift assets if

¹⁴² The negative attitude toward SOF forces is described in Shultz's "Showstoppers."

¹⁴³ This suggestion was made by a USSOCOM officer interviewed by the author. The increase in rank would have to be authorized by Congress under Title 10 of the US Code, with additional authorizations necessary to support the increased rank.

¹⁴⁴ Sources interviewed by the author report in confidence that there is an initiative to redeploy all SOF forces to the continental US so that USSOCOM will have complete control over tasking them. Although such an end run around the rules would give USSOCOM more forces in theory, it would not eliminate the current command problem of conducting SOF missions in a GCC's theater.

they seem underutilized or for higher-priority missions. Similar authority for USSOCOM's control of SOF forces would go a long way toward solving USSOCOM's manning challenges. Increased authority would allow the USSOCOM commander to evaluate the use of SOF forces within a particular GCC region and reallocate them elsewhere if appropriate. It might help ensure that conventional commanders use SOF forces appropriately in strategic roles.¹⁴⁵ Most importantly, increased authority would give the USSOCOM commander the flexibility to rapidly deploy and employ forces in a time-sensitive situation.¹⁴⁶

(b) The Department of Defense should ponder the option of designating USSOCOM as the command responsible specifically for ground-based operations outside of combat zones. Although it can be argued that the GCCs are developing contingency plans for such operations, having USSOCOM assume primary responsibility would relieve the GCCs of a difficult and distracting task and allow them to focus on their primary missions. (An alternative might be to move all long war planning and synchronizing functions to USSTRATCOM, freeing USSOCOM to focus on conducting operations.)¹⁴⁷ The important point, however, is that increasing the authority of USSOCOM as the lead command in the long war would improve the connection between intelligence collection and operations, thus improving the odds of success in the latter.

¹⁴⁵ These changes might also result in a shift of skill sets for conventional forces. If, in the long term, SOF forces do more special missions and conventional forces conduct more of the missions for which SOF is now responsible, conventional forces would become more SOF-like.

¹⁴⁶ The system to deploy forces should be easier and faster than the current system. Perhaps something like the long duration deployment orders issued to navy groups on multi-destination cruises would allow troops to deploy to one country and then, as needed, immediately move to another. USSOCOM needs more flexibility to position, employ and adjust the force. To prevent disruption of USSOCOM operations, any procedure authorizing the deployment of forces might have to be accompanied by agreements—Memoranda of Agreement (MOA)—between the USSOCOM commander and other GCCs. A similar agreement would most likely be needed between DoD and DoS to allow SOF forces the use of DoS facilities when necessary.

¹⁴⁷ Having USSTRATCOM as the lead command would let USSOCOM focus more on its most important tasks, perhaps including the collection of actionable intelligence. Like the USSOCOM commander, the USSTRATCOM commander is equivalent in rank to the GCCs, so the recommendation that the head of the long war be given a five star rank might apply in this scenario as well. Another alternative—the use of the Joint Staff—is unrealistic, as the US military has avoided centralizing all planning activities in the Joint Staff. Because this option would likely be unpopular and require Congressional action to restructure their duties and responsibilities, it is not recommended here.

D. RESISTANCE TO "RISKY" OPERATIONS

As discussed in Chapter VI, of all the constraints discussed in this thesis, risk aversion is the least concrete. Despite decades of efforts to quantify risk assessment, the issues at the heart of risk aversion are more emotional and intuitive than intellectual or factual; this makes them difficult to influence with logic and evidence. There are no laws or regulations mandating that an organization be adverse or open to risk, and excessive caution is not a problem that more equipment or more money will rectify. Overcoming reluctance to employ military forces in risky operations requires an indirect campaign to influence attitudes and opinions.

1. General Recommendations

(a) The government should try to improve its information campaign to educate the general public, both domestically and internationally, about the legal and moral use of military force, emphasizing that offensive operations are important to the US national security strategy against terrorists and extremists. Better public information could be part of an explicit, informed discussion to communicate the validity of these operations as part of national security strategy. The author assumes that unethical, propagandistic, covert or illegal efforts to influence public opinion would not be pursued.

(b) Government researchers or independent think tanks should research the strategic costs and benefits of taking responsibility for offensive, ground-based SOF missions after their completion, whether or not the missions are successful. Whatever the results of the research, substituting knowledge for preconceptions might produce a shift in thinking—about overt versus covert and less versus more risky operations—at the highest levels of government and ultimately among the general public.

(c) Military advocates, including active and retired military personnel, should work to give the American public a realistic view of how individual mission failures and personnel losses are an inevitable part of the long war.¹⁴⁸ This is difficult to propose. It appears to devalue the lives of individual troops and to contradict the concept of training

¹⁴⁸ As discussed in Chapter VI, concern about individual troops is part of what lies behind the Powell doctrine and the use of high tech weaponry instead of ground forces.

SOF forces to conduct missions without fail.¹⁴⁹ Realistically, however, failure is always a possibility—a difficult truth to accept. Totally rejecting the idea of failure and disapproving important but risky missions carries its own costs.¹⁵⁰ In addition, accepting some failure has symbolic value. Extremists' willingness to sacrifice demonstrates their determination. A similar attitude of resolve and determination in the face of setbacks might reenergize America's commitment to winning the long war.

2. Recommendations for DoD

(a) The military should embrace the concept that the long war is the most important component of US national security strategy, and acknowledge that in comparison to nation-state conflicts, asymmetric conflicts with terrorists and extremists are less stable and predictable, especially if non-state actors acquire WMDs. Since asymmetric threats are so important, senior commanders should be more accepting of mission failure, the loss of equipment, even the loss of personnel. This does not mean commanders should excuse incompetence, much less reward it. But as in previous wars, one failure does not doom a campaign. A campaign strategy requires a long term perspective, and it should not be treated as a series of unconnected individual operations. The military should remember that the campaign against non-state terrorists will continue even if some missions fail.

(b) The military should consider how its subculture has evolved from the ideal of brave warriors willing to sacrifice themselves for civilians to its current dependence on high technology to reduce risk to individual service members.¹⁵¹ With outward allegiance to the warrior ethic, the military as an institution nonetheless is dominated by

¹⁴⁹ Part of the SOF subculture is the highly competitive emphasis on perfection; it is an extreme version of the "zero defects" mentality discussed in Chapter VI. For a detailed ethnographic description of SOF subculture in US Army Special Forces, see A. J. Simons, *The Company They Keep: Life Inside US Army Special Forces* (New York: Avon, 1997).

¹⁵⁰ An interesting counterfactual question arises in this context: What would have been the long term effects if President Clinton had not withdrawn US forces from Somalia? What if he had defied popular and political pressure and kept forces in Somalia until Mohammad Farah Adid was captured? One can only speculate how this might have affected US involvement in Rwanda and elsewhere, like the Balkans.

¹⁵¹ On the psychology and ideology of the American soldier, see Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Belknap Press, 1957), and especially Chapter 6, "The Ideological Constant: The Liberal Society versus Military Professionalism," 143-162.

bureaucratic norms that discourage risk-taking.¹⁵² The military may have a hard time accepting that hazardous offensive operations are central to its mission. Moving the military subculture toward that recognition might involve changing the focus of training and exercises, and educational campaigns to help military personnel understand the value of risky operations. For many years, recruiting has emphasized the concrete benefits of service: monetary bonuses, college education and other economic incentives, technical training, adventure and travel, etc., rather than the nobility of risk and sacrifice in service to one's country for a just cause. An information campaign may help service members accept a different, more heroic view of the military commitment.

E. CONCLUSION

United States national security strategy and its supporting strategies and plans are constantly evolving. This work examines one component of the larger strategy for combating terrorism. There are many programs and initiatives, in development or ongoing, to improve national security. While some are classified and cannot be discussed here, a literature survey and the author's interviews show no signs that a comprehensive program to pursue non-state terrorists and extremists outside combat zones with overt military SOF-type operations is under consideration by the Department of Defense or the US government.¹⁵³

Offensive military operations of the sort discussed in this thesis should be used with great discretion, and perhaps only rarely. Nonetheless, overt offensive direct action missions against non state terrorists and extremists in their safe havens might prove valuable in eliminating, disrupting, and deterring threats against the US and its allies.

Since its origins in the American Revolution, the military has evolved to defend the US and fight its wars. Transformation of the military and other national security agencies is a continual process. Sometimes, internal changes occur at the direction of the top military or civilian officials; other times, large changes are mandated by Congress as

¹⁵² The author's interviews and experience reveal a common perception in the SOF community that low and mid-level commanders will assume risk, but high-level commanders are less likely to do so. Perhaps the more conservative officers are more successful, or perhaps higher rank brings more cautious attitudes toward risk. Such matters are difficult to quantify and may depend on many variables, including individuals' concern about career progression, the command environment, and other details of the situation and individual personalities.

¹⁵³ Mention of offensive operations in the *National Military Strategic Plan for the War on Terrorism*, 6, does not seem correlated with a comprehensive, detailed plan.

representatives of the people. Today, America faces a rapidly changing threat in the form of non-state terrorists and extremists. Policymakers and strategists have determined that this threat will not be defeated by large conventional military forces, but rather through a combination of indirect and direct means. It is clear that the current industrial age military institution is not the right answer. At this point in the long war, the proper balance between indirect and direct means is not known, nor is it clear how to balance covert and overt operations, large-scale and small-scale operations, stand off and ground based operations. It is hoped that understanding constraints on overt offensive special operations-type missions to pursue terrorists into their safe havens in areas outside of combat zones will help further the evolution of US policy and strategy.

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ANNEX: INTERVIEWS

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