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THESIS

**THE RULES OF ENGAGEMENT IN
THE CONDUCT OF SPECIAL OPERATIONS**

by
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December 1996

Thesis Advisor:

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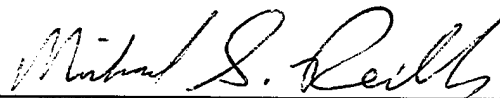
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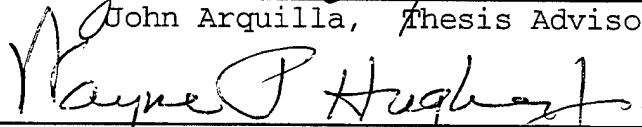


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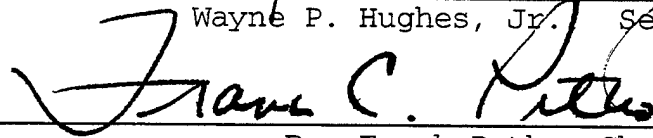
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ABSTRACT

This thesis examines the effect that ROE have on the conduct of special operations in order to contribute to an increased understanding of the proper employment of elite forces. It argues that "inappropriate" ROE can result from 1) an imbalance in the natural tension between the requirements of statecraft and military efficiency present in all military operations and 2) organizational friction resulting from inaccurate translation of broad political objectives, through various levels in the chain of command, into an inappropriate tactical ROE for a specific unit. Additionally, it argues that the nature of special operations, and the principles vital to their proper employment, cause them to be most sensitive to these sources of inappropriate ROE in either crisis or conflict. This thesis concludes that ROE can be used to achieve indirect political control over special operations, but achieving this control is more difficult and more hazardous with special operations than with conventional forces.

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EXECUTIVE SUMMARY

The ROE under which SOF operate were initially influenced and formalized with ships, aircraft or general purpose ground forces in mind. These ROE were created within a Cold War setting and calibrated to minimize chances of sparking general war with the USSR. With the end of the Cold War and an increased focus on and employment of SOF, it is imperative that the ROE governing special operations be examined. The ROE used in the conduct of special operations influence the success or failure of these operations, and in turn contribute to the success or failure of national policy.

The purpose of this thesis is to address the effect that the ROE have on the conduct of special operations and to contribute to an increased understanding of the proper employment of elite forces. Specifically, this thesis addresses two questions. First, can ROE be used to achieve indirect political control over special operations? Second, what are the causes and consequences of "inappropriate" ROE when employing SOF in pursuit of political objectives? I argue that there are two causes of inappropriate ROE. First, inappropriate ROE can result from an imbalance in the natural tension between the requirements of statecraft and military efficiency present in all military operations. This tension becomes greater in the OOTW environment where the political objectives and military requirements experience the greatest

divergence. Oddly, the ROE are a case where healthy "pulling and hauling" between policy makers and military commanders makes for better, rather than worse, overall outcomes.

Second, while inappropriate ROE can result from an imbalance in the political-military tension, I argue that organizational friction is also a cause of inappropriate ROE. Using organization theory, this thesis examines how organizational friction is created from inaccurate translation of broad political objectives, through various levels in the chain of command, into inappropriate tactical ROE for a specific unit. In this situation there can exist, not only written ROE, but also implicit ROE.

Finally, I argue that the nature of special operations, and the principles vital to their proper employment, cause them to be most sensitive to these sources of inappropriate ROE in either a crisis or conflict. This thesis lays out exactly how the ROE can affect SOF and their ability to conduct operations successfully on a strategic, operational and tactical level in support of a larger military or national purpose. U.S. intervention in two different cases, Panama and Somalia, are examined through a process of "analytic induction" to illustrate the results of employing ROE that are inappropriate in the conduct of special operations.

The first case, the U.S. Navy SEAL raid on Paitilla airfield during Operation Just Cause, illustrates how

inappropriate ROE are created through organizational friction. Operation Just Cause was a unilateral U.S. action influenced by a great concern for minimizing collateral damage in an effort to avoid domestic and international criticism. During the translation of the political goals into military objectives and tactical ROE by each level in the chain of command, inferences "shaped" the written ROE and created implicit ROE which further restricted the conduct of this operation.

The second case, the use of SOF in Somalia during Operation Restore Hope and UNOSOM II, illustrates the creation of inappropriate ROE because of an imbalance between political requirements and military necessity. SOF played two main roles in the intervention in Somalia. The most publicized was the mission to capture General Aideed conducted by Task Force Ranger. The other role, which received less attention, was the use of SOF in anti-sniper and sniper operations. Looking past the political debacle resulting from the Task Force Ranger operation, this case features an imbalance in the political-military equilibrium during the planning phase, but a successful use of the ROE to control SOF during the execution phase, despite a complex operating environment.

This thesis draws the following conclusions:

1. ROE can be used to achieve indirect political control over special operations, but it is more difficult with special operations than with conventional forces.
2. Successful special operations represent somewhat of a paradox. SOF are usually selected as a *minimal force* military solution at the political and military strategic level. However, at the tactical level, SOF must have the latitude to apply *maximum force* in order to succeed.
3. An attempt by policy makers and senior military staffs to fine tune a special operation, which by nature is already a limited collateral damage option, can result in tactical failure or an increase in casualties.
4. *Coup de main* special operations conducted at the strategic level will have a greater chance of a political-military imbalance, because they are directly connected to high level policy and entail high risk.
5. Protracted special operations should be less vulnerable to inappropriate ROE resulting from an imbalance in the political-military tension.
6. Inappropriate implicit or inferred ROE are most likely in tactical level operations which have multiple layers of command between the policy maker and the tactical military commander.

7. Because the tactical unit represents the lowest level of command, written, implicit and inferred ROE will govern the conduct of their operations.

8. Placing SOF members in staffs and ensuring that they take a proactive role in the process of translating broad political and strategic military objectives into appropriate tactical level ROE is critical to the success of special operations.

9. Writing ROE is a two-way street and tactical units must "push up" the chain of command and provide their concerns and requirements with regard to ROE.

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I. INTRODUCTION

A. RELEVANCE

In the last decade, and especially in the wake of the cold war, the amount of attention directed toward special operations has increased. In 1986, the Cohen-Nunn Amendment created the United States Special Operations Command (USSOCOM), which placed a special operations officer on the same level as theater commanders. Funding and manning for special operations forces have increased, or at least remained constant, even as conventional forces have experienced cutbacks.¹ The political and military utility of special operations forces (SOF) has increased as the international environment has moved from a balance of power between the U.S. and Soviet Union toward a pre-eminent American position.

Since the end of the Cold War, the U.S. has been faced with an eruption of low intensity conflicts and humanitarian crises along with an increasing number of conventional wars. Consequently, missions for the U.S. military and SOF now range from large conventional operations, such as the Gulf War, to military operations other than war (OOTW), such as those conducted in Somalia, Bosnia or Haiti. OOTW appear to have become the norm in the new international environment.

¹ General Carl W. Stiner, "Memorandum for the Chairman of the Joint Chiefs of Staff, Subject: End of Tour Report" (MacDill AFB, FL: Hq. USSOCOM, 1993), 4.

From 1978 until 1985 an average of five complex humanitarian crises have occurred per year. In contrast, the world witnessed 17 crises in 1992 and 20 in 1993 alone.² Since 1993, the numbers have continued to rise. While we cannot be expected to become involved in every crisis, our involvement will nevertheless likely increase.³

Today's military faces unprecedented challenges in conducting OOTW. Missions such as counterproliferation and peace operations present new command and control challenges for the U.S. military and a great potential for political disaster if mismanaged. SOF, which are purposely designed to deal with unconventional situations, stand at the tip of the military spear when the U.S. becomes involved in these operations. Former Chief of USSOCOM, Carl W. Stiner, emphasized that the "future will require the regional orientation, cultural awareness, language proficiency, and quick responsiveness which very often make SOF the force of choice in an increasingly unstable world."⁴ Accordingly, with SOF employed more frequently, it is prudent to examine the

² Natsios, Andrew S. "The international Humanitarian Response System." *Parameters*, Spring 1995, 68.

³ This move to increase involvement can be seen in the *National Security Strategy* and *A Time For Peace, Promoting Peace: The Policy of the United States*, February, 1995.

⁴ General Carl W. Stiner, "Memorandum for the Chairman of the Joint Chiefs of Staff, Subject: CJCS Roles and Missions Report" (MacDill AFB, FL: Hq. USSOCOM, 1993), 3. Referenced in John M. Collins, *Special Operations Forces: An Assessment*. (Washington D.C.: National Defense University Press, 1994), xxi.

manner in which they are operationally managed-a key function of "rules of engagement" (ROE).

B. PURPOSE

Many scholars and professional military officers have contributed to the growing literature on ROE and their role in controlling military force. The current literature, while valuable, only analyzes how the ROE affect the employment of conventional general purpose forces and assumes implicitly that the findings apply equally well to SOF.⁵ The ROE under which SOF operate were initially influenced and formalized with ships, aircraft or general purpose ground forces in mind. These ROE were created within a Cold War setting and calibrated to minimize chances of sparking general war with the USSR. With an increased focus on and employment of SOF, it is imperative that the ROE governing special operations be examined. The ROE used in the conduct of special operations influence the success or failure of these operations, and in turn contribute to the success or failure of national policy.

⁵ The following authors provide valuable insight into the problems associated with ROE and conventional ground, naval or air forces: Mark S. Martins, "Rules of Engagement for Land Forces: A Matter of Training, Not Lawyering," *Military Law Review*, 143 Winter 1994; The Judge Advocate General's School, *United States Army, Operational Law Handbook* (JA422) draft 3rd ed. 1993; Scott D. Sagan, "Rules of Engagement," in Alexander L. George, ed., *Avoiding War*. (San Francisco: Westview Press, 1991), chap. 19; W. Hays Parks, "Righting the Rules of Engagement", *U.S. Naval Institute Proceedings*, May 1989; Brad C. Hayes, *Naval Rules of Engagement: Management tools for crisis*, RAND N-2963-CC, July 1989; Captain Ashley Roach, "Rules of Engagement," *Naval war College Review* vol. 46, 1983. While some of the points made by these authors apply to SOF, none of them have specifically considered the unique problems associated with the ROE in the conduct of special operations.

The purpose of this thesis is to address the effect that the ROE have on the conduct of special operations and to contribute to an increased understanding of the proper employment of elite forces. Specifically, this thesis addresses two questions. First, can ROE be used to achieve indirect political control over special operations? Second, what are the causes and consequences of "inappropriate" ROE when employing SOF in pursuit of political objectives?

I argue that there are two causes of inappropriate ROE. First, inappropriate ROE can result from an imbalance in the natural tension between the requirements of statecraft and military efficiency present in all military operations. Christopher Gacek, in *The Logic of Force*, provides a thorough discussion of the inherent tension between political and military concerns in the application of military force. He

...posits the existence of an unending, conceptual struggle within the nature of war itself: the two poles of this tension represent on one side the requirements of the ends of war, the policy goals or objectives; poised on the other is the logic of the instrument of war, which we call force. Force is directed, controlled violence aimed at the attainment of political goals. The logic of the instrument of war, then, is the logic of force. In short, the requirements of policy may clash with the requirements of force.⁶

⁶ Christopher M. Gacek, *The Logic of Force: The Dilemma of Limited War in American Foreign Policy*. (New York: Columbia University press, 1994), 6.

This tension becomes greater in the OOTW environment. The political objectives and military requirements for success in OOTW have a greater tendency to diverge than in conventional conflicts, which approach total war.

Second, while inappropriate ROE can result from an imbalance in the political-military tension, I argue that there is also a deeper cause in the creation of inappropriate ROE. Once the decision is made to employ military means toward a political objective, organizational friction can create inappropriate ROE. Organizational friction results from inaccurate translation of broad political objectives, through various levels in the chain of command, into inappropriate tactical ROE for a specific tactical unit. In this situation there can exist, not only written ROE, but also implicit or inferred ROE. Because the tactical unit represents the lowest level of command, both written and implicit ROE will govern the conduct of their operations.

Finally, I argue that the nature of special operations, and the principles vital to their proper employment, cause them to be most sensitive to these sources of inappropriate ROE in either a crisis or conflict.

C. THESIS OVERVIEW

The ROE and special operations, as seen today, have evolved significantly (but recognizably) since World War II. The ROE were first formalized during the Cold War when the influences of potential nuclear war, increased communications

technology and mass media affected tactical operations. After the World War II period, SOF were organized much as they are today in order to engage in insurgencies, counterinsurgencies or unconventional proxy wars between the superpowers. Although both ROE and special operations have their roots in the beginning of armed conflict and the value of early cases is significant,⁷ this thesis concentrates on special operations conducted in the post Cold War time period because of their particular relevance to OOTW and current SOF institutional designs.⁸ As Clausewitz stated:

Once one accepts the difficulty of historical examples, one will come to the most obvious conclusion that examples should be drawn from modern military history...Not only were conditions different in more distant times, with different ways of waging war, so that earlier wars have fewer practical lessons for us; but military history, like any other kind, is bound with the passage of time to lose a mass of minor elements and details that were once clear.⁹

⁷ For a comprehensive look at SOF throughout history see John Arquilla, *From Troy to Entebbe: Special Operations in Ancient and Modern Times*. (New York: University Press of America, 1996).

⁸ In 1986, the Goldwater-Nichols Defense Reorganization Act, which included the Cohen-Nunn Amendment, was widely viewed as the most significant defense legislation since the National Security Act of 1947. As a result of this Act, SOF underwent its most extensive reorganization since World War II.

⁹ Carl Von Clausewitz, *On War*, trans. and ed. by Michael Howard and Peter Paret, rev. ed. (New Jersey: Princeton University Press, 1984), 173. Many would argue against studying the last war in order to fight the next war. See Captain Alfred Thayer Mahan, *The Influence of Seapower Upon History*. (Boston: Little, Brown, and Co., 1896), 1-23; and Captain Wayne P. Hughes, *Fleet tactics*. (Annapolis: Naval Institute Press, 1986). I agree that the danger involved in only using recent history is great and should not be underestimated. Older examples provide timeless value. A broad sweep of historical cases accurately

This thesis is divided into six chapters and each contributes to answering the questions posed above. The next chapter uses a deductive approach to theorize about how improper ROE are created, and how they affect the conduct of special operations. Using organization theory, this chapter also examines the organizational friction associated with translating ROE theory into practice. This background is necessary to define and understand exactly what the ROE represent, and how they affect the conduct and likely success of special operations.

Chapter III provides the definitions and theory of special operations. This chapter discusses the political and military utility of SOF in order to identify exactly what makes special operations "special," and thus different, from conventional forces. An understanding of the nature of special operations is vital to a comprehensive examination of why ROE will affect the outcome of SOF missions. This chapter lays out exactly how the ROE can affect SOF and their ability to conduct operations successfully on a strategic, operational and tactical level in support of a larger military or national purpose. Although SOF have many mission areas,¹⁰ the main focus of this thesis is on the highest risk

identifies major trends and constants within warfare. I use recent cases solely because their purpose within this thesis lies in their ability to illustrate possible ROE failures in the conduct of special operations, rather than to identify trends or constants within warfare.

mission: direct action.¹¹ Direct action missions involve the highest risk at all levels of warfare (strategic, operational, and tactical) and for all players (the policy maker, senior military planner and tactical commander). Because these missions pose the highest risks, ROE complications associated with their planning and execution should logically be the greatest.

Chapters IV and V examine two different cases, Panama and Somalia, through "analytic induction"¹² designed to illustrate the results of employing ROE that become inappropriate because of: a) organizational friction in translating broad political objectives into tactical ROE or b) an imbalance between political requirements and military necessity. Only two cases are examined for the following reasons. First, because their purpose lies in demonstrating the causal relationship between the ROE and the outcome of

¹⁰ USCINCSOC designates SOF with seven core missions: Unconventional Warfare; Direct Action; Special Reconnaissance; Foreign Internal Defense; Counter Terrorism; Psychological Operations; and Civil Affairs.

¹¹ USCINCSOC, in JCS Publication 3.05, defines Direct Action missions as:

Short duration strikes and other small-scale offensive operations principally taken by SOF to seize, destroy, capture, recover, or inflict damage on designated personnel or material. In the conduct of DA operations, units may employ raid, ambush, or direct assault tactics; emplace munitions and other devices; conduct standoff attacks by fire from air, ground, or maritime platforms; provide terminal guidance for precision-guided munitions; and conduct independent sabotage.

¹² Alexander L. George, *Bridging the Gap, Theory and Practice in Foreign Policy*. (Washington D.C.: U.S. Institute of Peace Press, 1993), 1-19.

special operations, these two cases are sufficient as they provide both diversity and tough tests for the arguments made throughout the thesis. Second, they are examples of special operations in OOTW. In the OOTW environment the greatest divergence will occur between political objectives and military requirements. Third, the cases of Panama and Somalia represent two of the most significant operations other than war conducted by the U.S. and SOF in the post-Cold War era. Fourth, these cases were selected in order to illustrate the ROE problems that may occur in either *coup de main* special operations or in protracted special operations campaigns, on a strategic, operational and tactical level.

Chapter IV examines the U.S. Navy SEAL raid on Paitilla airfield during Operation Just Cause. Operation Just Cause was a unilateral U.S. action influenced by a great concern for minimizing collateral damage in an effort to avoid domestic and international criticism. In this operation, SOF were tasked with preventing the use of the airfield and disabling President Noriega's personal plane to prevent his escape from Panama. Many have claimed that this case featured overly restrictive ROE which reduced the tactical success of the operation and caused substantial casualties to be suffered.¹³ While the written ROE were restrictive,

¹³ This will be addressed thoroughly in Chapter VI. Examples of books which point to restrictive ROE include: Malcom McConnell, *JUST CAUSE, The Real Story of America's High-Tech Invasion of Panama*. (New York, NY: St. Martin's Press, 1991); Thomas Donnelly, Margaret Roth, and Caleb

planners inferred from the written ROE an even more constrained approach to the mission. During the translation of the political goals into military objectives and tactical ROE by each level in the chain of command, implicit ROE were created which further restricted the conduct of this operation.

Chapter V examines the use of SOF in Somalia during Operation Restore Hope and UNOSOM II. SOF played two main roles in the intervention in Somalia. The most publicized was the mission to capture General Aideed conducted by Task Force Ranger. The other role, which received less attention, was the use of SOF in anti-sniper and sniper operations. Looking past the political disaster resulting from the Task Force Ranger operation, this case features an imbalance of the political-military tension during the planning phase, but a successful use of the ROE to control SOF during the execution phase. In Somalia, SOF were immersed in a complex operating environment of clan warfare and tasked to work against an undeclared enemy while under the umbrella of vague U.S. political objectives and in the presence of multinational military forces.

The final chapter provides conclusions and recommendations based on the deductive theoretical discussion

Baker, *Operation JUST CAUSE: The Storming of Panama*. (New York, NY: Lexington Books, 1991); and Orr Kelly, *Brave Men Dark Waters: The Untold Story of the Navy SEALs*. (Novato, CA: Presidio Press, 1992).

and the analytical discussion of the specific cases. In his book, *Avoiding War*, Alexander George concluded that:

It is important to recognize that the ability of top-level political authorities to maintain informed control over the moves and actions of their military forces (the first of the operational requirements of crisis management) is sometimes jeopardized by the difficulty of keeping track of the large number and complexity of standing orders and ROEs that may come into effect at the onset of a crisis and as it intensifies. Therefore, timely arrangements and procedures must be in place to enable top political authorities to understand the implication of different ROEs and alerts for the task of crisis management.¹⁴

In the current international environment both the ROE and SOF will become increasingly important in the application of military force in pursuit of political objectives. SOF provide a valuable asset to decision makers in pursuit of military or national objectives during either a conflict or crisis. This thesis aims to provide the top political authorities and senior military strategists insights into the complexities involved when using ROE as a method of control in the conduct of special operations.

¹⁴ Alexander L. George, *Avoiding War*. (San Francisco: Westview Press, 1991), 556.

II. THE RULES OF ENGAGEMENT

Carl Von Clausewitz, the famous Prussian military theorist, stated that

...war is not merely an act of policy but a true political instrument, a continuation of political intercourse, carried on with other means.¹⁵

Rules of engagement (ROE) represent a fundamental application of this concept. ROE embody the political goals of the Commander in Chief and influence the entire chain of command, down to the individual foot soldier in the combat arena. In theory, ROE exist to ensure that the application of military force complies with the larger goals of the policy maker. However, an inherent tension is created by the "pulling and hauling" between the political leader and the military commander for control of military operations.¹⁶ Retired Navy Captain Wayne Hughes most eloquently describes this natural tension :

A truism of international conflict is that a nation must succeed both militarily and politically. During a major war the political elements are subordinated: world opinion and international law are at best slighted, at worst flouted. At the crisis level both military and

¹⁵ Carl Von Clausewitz, *On War*, trans. and ed. by Michael Howard and Peter Paret, rev. ed. (New Jersey: Princeton University Press, 1984), 87.

¹⁶ For a more detailed explanation see Christopher M. Gacek, *The Logic of Force: The Dilemma of Limited War in American Foreign Policy*. (New York: Columbia University press, 1994), 1-23; and Barry R. Posen, *The Sources of Military Doctrine*. (Ithaca: Cornell University Press, 1984), 45; and George, 13-21.

political considerations weigh heavily; circumscribed force is the order of the day. The military tactician thinks in terms of executing his combat mission with minimal losses to his own force. The statesman, on the other hand, thinks in terms of the political objective that precipitated fighting or the threat of it. These military and political objectives come into conflict. The tactical commander in a crisis or confrontation cannot escape friction between military and political aims; the goals of statecraft confine his military plans.¹⁷

This chapter is composed of two sections. The first section presents how ROE are designed in theory to ensure a proper balance between the political objectives and military requirements for the successful conduct of military operations in pursuit of political goals. The second section discusses problems that occur in reality when policy makers use ROE to seek control over the application of military force. This section uses organization theory to explain the origins of inappropriate ROE when translating broad political objectives into tactical ROE. The problems discussed in this section apply not only to general purpose forces, but also to SOF.

A. ROE IN THEORY

1. Definitions

Joint doctrine defines the rules of engagement as the
...directives issued by competent military
authority that delineate the circumstances and
limitations under which United States forces will

¹⁷ Captain Wayne P, Hughes, *Fleet tactics*. (Annapolis: Naval Institute Press, 1986), 225.

initiate and/or continue combat engagement with other forces encountered.¹⁸

This represents the broadest definition of ROE. Some authors have restricted the definition to exclude the use of ROE to dictate specific tactical orders or "rudder orders," but unfortunately for some military commanders the ROE can result in the Chief Executive literally issuing rudder orders to a single ship engaged in a conflict.¹⁹ Even the well known orders given by William Prescott in the battle of Bunker Hill, "Don't one of you fire until you see the whites of their eyes," falls under the current JCS definition of ROE. ROE establish the upper boundaries for the application of force in any given situation during a military commander's operation. They are intended to ensure that political objectives remain paramount over military considerations. The military commander must accept the primacy of the political objective, yet ensure that he is allowed the opportunity to conduct operations with reasonable efficiency with regard to lives, equipment and mission accomplishment.

¹⁸ *Joint Pub 1-02, Department of Defense Dictionary of Military and Associated Terms.* (Washington, D.C.: U. S. Government Printing Office, 1989), 317.

¹⁹ For example see Captain Ashley Roach, "Rules of Engagement," *Naval war College Review* vol. 46, 1983, 46. Roach states that "...ROE should not delineate specific tactics, should not cover restrictions on specific system operations, should not cover safety-related restrictions, should not set forth service doctrine, tactics or procedures." (Emphasis in original).

2. Development Of Current ROE Methods

As stated in the introduction, the subject of ROE has roots dating back to the beginning of the history of armed conflict. Throughout history unwritten constraints of armed conflict have governed a state's application of military force in pursuit of political objectives. Just war doctrine, emanating from medieval religious thought, imposed constraints on the conduct of war and the treatment of prisoners. Unwritten "rules of conduct," such as women and children being considered non-combatants, have evolved in an attempt to prevent war from reaching the extremes of total war.²⁰ Even in early special operations, there is evidence of differing ROE for the application of military force using specialized units. In the nineteenth century we see the Russians conducting counterinsurgency operations in Chechnya with an emphasis on the precise application of military force and adherence to specific ROE forbidding the killing of "civilians," even at the price of eroding military efficiency. This represented somewhat of a contrast to the ROE followed by the French Foreign Legion in the first counterinsurgency operations in Algeria in the 1830's and 1840's. The French resorted to brutalizing an entire society, including the use of mass forced relocation, in

²⁰ Michael Walzer, *Just and Unjust Wars: A Moral Argument With Historical Examples*. (New York: HarperCollins Publishers, 1992), 34-47.

order to achieve their military counterinsurgent goals.²¹ In their 20th century struggle in Algeria, the French continued this practice, only this time brutality led to the unraveling of French policy.

The ROE which are familiar to U.S. forces today stem primarily from the post World War II era. Three influences can be attributed to the increased emphasis and formalization of ROE after World War II.²² First, the end of World War II was soon followed by a Cold War which positioned two strong states in a balance of power struggle accompanied by the threat of nuclear weapons. Policy makers became concerned that the unauthorized activities of military units, ships or aircraft on a tactical level could quickly and uncontrollably escalate into global thermal nuclear war between the super powers. Understandably, the desire to create formal and specific methods of control for independent military units became paramount.

Second, advances in technology allowed for increased centralization of information systems, communications, command and control of various independent military units.

²¹ See John Arquilla, *From Troy to Entebbe: Special Operations in Ancient and Modern Times*. (New York: University Press of America, 1996), xvii.

²² See Mark S. Martins, "Rules of Engagement for Land Forces: A Matter of Training, Not Lawyering," *Military Law Review*, 143 Winter 1994, 43; and Joseph F. Bouchard, *Command in Crisis: Four Case Studies*. (New York: Columbia Univ. Press, 1991), 28. Martins provides an excellent review of the development of ROE on pp. 34-55.

These advances enabled the policy maker to have a greater involvement in the tactical operations of military units if desired. Vast amounts of information moving throughout the chain of command presented unique command and control problems for delegating authority. Captain Hughes describes the potential problems and the criteria required to avoid them:

Command may be efficiently exercised at the highest level that meets two criteria. First, command's span of control must not be exceeded. Combat activity must be localized so that the commander deals with a manageable set of subordinates. Second, pertinent and timely tactical information must be accessible. With the modern means of scouting and communications, an commander sited in a command post remote from the battlefield may have as much or more data than the on-scene commander in a ship. While experience shows how easily the man in a command post can overestimate the quality and timeliness of his picture of the battlefield, it also shows that the on-scene commander can underestimate the strategic and political implications of his tactical decisions.²³

The increased ability for control by policy makers brought an increased formalization of the ROE under which tactical units operated.

The third influence toward an increased concern by policy makers to control the application of force on the tactical level is what is known today as the "CNN effect." The increased ability of the media to communicate from the combat arena translated into the ability of a single foot soldier to affect national policy if he made an inappropriate

²³ Hughes, 226.

decision in the application of deadly force while in front of a news camera. The Vietnam war marked the beginning of this media "problem" which brought both the glory and horror of the application of military force into America's living rooms. Recently this has gone to extremes.²⁴ During the Gulf War, CNN reporters transmitted live coverage of the initial air strikes on Baghdad from hotel roof tops in Baghdad itself. In Somalia, the first people the military encountered upon "clandestinely" landing on the beaches in Mogadishu were not Somali warriors but a mob of reporters armed with cameras, microphones and lights.²⁵

The first informal use of the term "ROE" was seen in the U.S. Air Force during the Korean war. General MacArthur received tactical orders directly from Washington dictating the routes of ingress and egress of aircraft in order to avoid overflight of Chinese airspace and the escalation of the conflict. MacArthur's protests concerning Washington's overriding of his tactical prerogative eventually led

²⁴ See Eric V. Larson, *Casualties and Consensus*. (Santa Monica, CA: RAND, 1996). This study explores the "myth" of how the CNN effect and casualties affect public consensus during a conflict. Public support is not solely based on the media, but on the whether the benefits for intervention clearly outweigh the costs and if the objectives of the intervention are clear. The media does influence this perception. Also see John E. Mueller, *War, Presidents and Public Opinion*. (New York: John Wiley & Sons, Inc., 1973; and Johanna Neumann, *Lights, Camera, War. Is Media Technology Driving International Politics?* (New York: St. Martin's Press, 1996).

²⁵ DoD sources stated that this situation occurred due to an intentional leak by DoD Public Affairs personnel. The point to be emphasized here is the mature discipline and judgment displayed by SOF when confronted with this unusual ROE situation.

President Truman to remove him as the Pacific theater commander. The "Intercept and Engagement Instructions" dictated to Air Force pilots during this conflict became informally known as the "Rules of Engagement" to staff officers in Washington. The term ROE eventually became informally recognized by the JCS in 1958 as the name for the method of indirectly controlling the application of military force by policy makers or senior military officers.

Similar to the concern for air-to-air engagements potentially escalating into nuclear conflicts among the superpowers, there was a concern with unintended conflicts between U.S. and Soviet ships at sea producing unintended escalation. The same desire to control the tactical operations of aircraft simultaneously spread to ships of the U.S. Navy. The ROE desired by policy makers implied that the U.S. captains had to take the first hit if an encounter with a Soviet ship occurred in order to avoid the policy makers nightmare of unintentional escalation into nuclear war brought on by an over reaction at the tactical level. For naval forces these restrictions contradicted basic naval tactics and doctrine. As retired Captain Wayne Hughes points out:

The great naval maxim of tactics, attack effectively first, should be thought of as more than the principle of the offensive: it should be considered the very essence of tactical action for success in naval combat.²⁶

Ships are particularly vulnerable to the great destructive power of modern weapons and thus seek to obtain the decisive first strike, which today can mean the first kill. Efforts to alleviate this concern with taking the first strike came with the maritime ROE which emphasized the tactical commander's inherent right to self defense. These ROE, established in 1981, were the first standardized ROE for the U.S. Navy. Admiral Crowe, while serving as Commander in Chief of the Pacific Command recommended that these standard ROE be adopted by all services but the JCS waited until 1986 to approve them and 1988 to implement them as the Joint ROE for all services to be known as the peacetime ROE (PROE).²⁷

Because the primary influence for the development of ROE came from fears of possible escalation resulting from air or naval encounters, the ROE used for land forces basically followed ROE used for air force and navy units, but were modified as necessary for the particular situation.²⁸ It was

²⁶ See Hughes, 34-35. Also see W. Hays Parks, "Righting the Rules of Engagement", *U.S. Naval Institute Proceedings*, May 1989.

²⁷ Prior to 1988, the JCS definition stated that ROE are "...directives that a government may establish..." while after 1988 the definition was changed to "...directives issued by competent military authority..." (emphasis added) This change reflects the understanding that policy makers will issue broad guidance while the military authorities will be responsible for translating this broad guidance into tactical ROE. For example, the policy maker may say "minimize collateral damage" and this would be translated by military authorities into limitations on weapons systems etc.

²⁸ Despite the extensive ROE developed for ground forces during Vietnam, the standardized JCS Worldwide Peacetime ROE were virtually useless for ground forces. This situation was improved considerably in the 1994 CJCSI 3121.01 Standing ROE because the two ground forces combined efforts to rewrite standard ground force ROE.

not so much the threat of escalation into nuclear war that influenced land force ROE, but the advancements in command and control technology and the impact of aggressive media coverage in the post World War II period.

As a result, the ROE used to control SOF today stem from ROE methods developed because of the threat of nuclear war, improved command and control technology, and an aggressive media. Ground forces, including SOF, fall under ROE heavily influenced by the problems associated with air and naval concerns in a crisis or combat situation. Two of the above reasons that ROE became institutionalized do not often apply to special operations. Special operations are usually conducted with low visibility, clandestinely or covertly, and may remain classified for years after completion, thus the media is often not an immediate factor.²⁹ Special operations have never involved the employment of nuclear weapons, but may be involved in locating or destroying them. ROE designed around the operations of ships, aircraft and to some extent large conventional ground forces when universally applied to SOF operations can result in unwanted outcomes. Just like air and naval forces, SOF require unique considerations with regards to the ROE used to control their unique operations indirectly in pursuit of political objectives. "One size

²⁹ However even these operations will eventually become public knowledge through either declassification or books published by former Special operations members, such as Charlie Beckwith or Richard Marcinko.

fits all" ROE do not allow for the unique characteristics of special operations to be capitalized upon in pursuit of national interests.

3. Forms Of Indirect Control Using ROE

The rules of engagement issued to a military commander can take two forms, command by negation, or by positive command. Command by negation provides the military decision maker with a prescribed set of actions allowable at the discretion of the on scene commander under certain circumstances. This allows decisions to be made quickly at the lowest possible level unless countermanded by higher authority. Command by negation is critical in allowing military personnel the right of self defense in response to a threat. If threatened, a soldier can immediately fire on the threat in order to eliminate it without permission of higher authority.

Positive command, on the other hand, prohibits certain actions unless specifically approved by higher authority. An example of positive command would be the use of chemical weapons, such as riot control agents. These agents are unauthorized regardless of the immediate situation unless approved for use by higher authority. The military commander inherently desires command by negation-which allows him greater autonomy, while the policy maker inherently desires to operate with positive command, especially as political risks increase.

4. Influences In The Creation Of ROE

For the military commander, the ROE serve to provide answers to questions about when, how, where and against whom military force can be applied. ROE are established as a result of a combination of political, military and legal influences, as depicted in Figure 1. Political influences

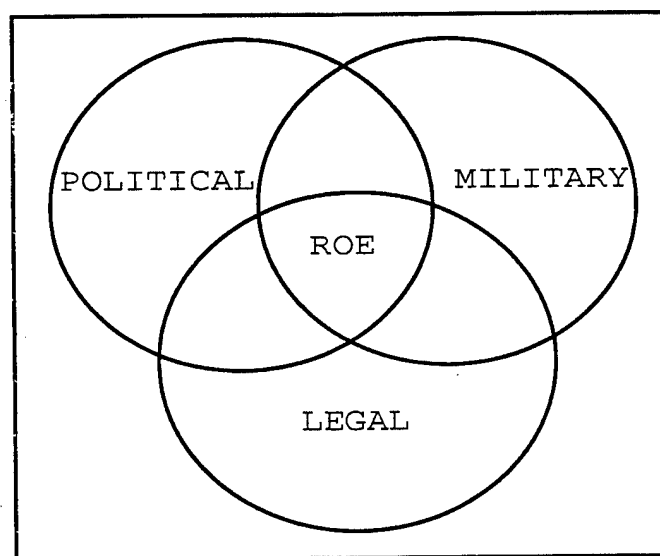


Figure 1. Political, military and legal influences in the creation of ROE
(Adapted from Roach, 1983)

are driven by the desire for a successful political outcome or resolution to a situation. Policy makers intend ROE to be written so that the proper amount of force, or even the threat of force, is applied in accordance with the desired political objective. The proper application of force is critical in crisis management. Too little force and the

objectives might not be met, too much force and escalation or mission failure can result.³⁰

The military influences which contribute to the creation of ROE are derived partially from operational plans (OPLANS) or military doctrine. Examples of the incorporation of doctrine into ROE include the geographic limits imposed by restricted fire areas (RFA's), or no fire areas (NFA'S), which are established during hostilities in order to prevent fratricide.³¹ The two key concerns of any military commander are successful mission accomplishment and force preservation. Mission accomplishment encompasses both the tactical success of the operation and the extent to which tactical success translates into political success. Force preservation, or self defense, is a cornerstone of ROE development. Article 51 of the United Nations charter supports this inherent right to self defense for all nations by stating "[n]othing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs..."³² In examining the military influences, it is important to note that the tensions between the political leader and the

³⁰ During a FID mission where SOF is conducting training, excessive force on their part can result in mission failure. A high visibility incident during sensitive training missions can bring unwanted media attention and jeopardize both the mission and national objectives.

³¹ The problem of fratricide compels senior military commanders to lean toward positive command over subordinate commanders in order to ensure tactical plans coordinate with larger operational objectives.

³² United Nations charter, article 51, accessed from the internet.

military commander do not necessarily imply that the conflict is purely one of civilian control versus military action. The same tension can be seen between the senior military commander and the tactical action officer conducting the operation in the how, when, where and against whom questions governing the application of force.

Legal considerations also influence the ROE.³³ International law determines the boundaries of acceptable force through many avenues. The most obvious example is the 1949 Geneva convention which delineates rules governing hospitals, churches and the treatment of prisoners. Another example of international law would be the proposed Chemical Weapons Convention (CWC). If the U.S. ratified this treaty, the armed forces may be limited in their use of riot control agents.³⁴ While no supranatural international enforcement agency exists, international legitimacy is important to most states during the conduct of diplomatic international

³³ The international laws of war influence and place boundaries on the ROE, but should not be included in the ROE as a checklist. This prevents ROE from becoming too complex and eliminates misunderstanding. For example if a soldier sees "do not rape" in one set of ROE, but does not see it in another, will he think rape is now allowed? Granted this is an extreme example, but it illustrates the point.

³⁴ While it has not been ratified, the U.S. signed the CWC on 13 January 1993 which prohibits the acquisition, development and possession of CW. Currently the U.S. is prohibited by the 1925 Geneva Protocol from using chemical weapons except for possessing them as a deterrent, or in retaliation to their use by others. Riot control agents are a separate issue. The CWC allows for their possession, but restricts their use as a method of war. Currently the use of riot control agents by U.S. military forces is restricted by executive order 11850. Current debates in Congress on the meaning of "method of war" will determine if order 11850 must be rewritten.

relations and especially during military intervention. These international legal influences serve to place additional restrictions on the use of force, but they also provide guidelines for acceptable acts of self defense.

5. How The Roe Control The Use Of Force

Because the rules of engagement are formed with political, military and legal considerations in mind, sometimes they become indistinguishable from policy decisions and operational orders. Technically, ROE only dictate when force can be used. Once a military commander determines that force is required, then operational plans become relevant in telling him how and where to apply the force in addition to what type of force to apply. Not only does the operational plan come into effect when the military commander decides to use force but so does political policy. The political policy, which determines why force is being used, provides the final and overriding guidance on when, where and against whom force will be used.

The determination of how, and how much, force can be used will also be influenced by political policy because it can change the ROE and thus change how a military commander is authorized to use military force.³⁵ The 1965 "Rolling

³⁵ See Hayes, *Naval Rules of Engagement: Management tools for crisis* and Scott D. Sagan, "Rules of Engagement," in Alexander L. George, ed., *Avoiding War*. (San Francisco: Westview Press, 1991), chap. 19. Hayes and Sagan differ from Roach on some of their points, especially on the question of how force will be applied. Roach, coming from a military background, sees the question of how coming solely under the operational

Thunder" bombing campaign against North Vietnam serves as an example of this point. The political goal was to deliver a specific signal to North Vietnam- their continued aggression against South Vietnam would not be tolerated. Because the U.S. stated that it did not intend to invade North Vietnam, destroy the Hanoi regime nor devastate the people, the ROE placed upon the U.S. Air Force bombers were severely restrictive. Specifically, how the targets would be selected and how bombs would be delivered were personally directed by the President during the infamous "Tuesday lunches."³⁶

Specific tactical direction from the policy maker on how and how much force will be applied is the exception rather than the rule. Usually the policy maker issues broad guidance for the application of military force. When an emphasis is placed on limiting collateral damage or avoiding Weapons of Mass Destruction (WMD) warfare by the policy maker, the senior military strategists and staffs are responsible for translating this broad guidance into a tactical ROE. Thus how and how much force should be applied

plan and not influenced by the political policy. He feels that ROE should never dictate tactics or be rudder orders. This, of course is what the military commander would ideally want, but Sagan is correct in that the policy maker might dictate the method of force application. In the special operations environment this happens quite often. An example would be the denial of the use of riot control agents in the conduct of operations. Also political desire for minimal collateral damage might not be left in the hands of the military commander. The policy maker may dictate to a SF team specifically how he wants a target disabled.

³⁶ See W. Hays Parks, "Rolling Thunder and the Law of War," *Air University Review* (January-February 1982), 2.

is usually decided at this level.³⁷ During the Gulf war, concern over Saddam's possible use of chemical weapons meant that the use of riot control agents by U.S. forces was prohibited. The fear was that their use would be seen by Saddam as an initiation of chemical warfare and could result in unintended escalation. In the OOTW environment the issue of how much force to apply becomes even more important. How force will be applied in OOTW is described in the ROE as that which is proportional to the threat, a key element of just war doctrine. For example, if a Somali sniper is firing from a rooftop at U.S. personnel, engaging the sniper with anti-sniper tactics is authorized, but shelling the building with artillery is out of proportion and unacceptable. Also in Somalia, the use of pepper spray versus lethal weapons was directed in some instances because of policy concerns regarding collateral damage and the humanitarian objectives. During Operation Just Cause (Panama), the policy maker's concerns for limiting collateral damage were translated by

³⁷ The 1986 bombing of Libya serves as an example. In this case many authors mistakenly stated that President Reagan personally placed restrictive ROE on the F-111F pilots to avoid collateral damage. See David C. Martin and John Walcott, *Best Laid Plans: The Inside Story of America's War Against Terrorism*, (New York: Harper and Row, 1988) and Brian L. Davis, *Quaddafi, Terrorism, and the Origins of the U.S. Attack on Libya*. (New York: Praeger, 1990). Actually Reagan only provided broad guidance. The USAFE commander placed the requirement that F-111F pilots have operational bombing, navigation, radar and Pave Tack systems before dropping bombs. Neither the President, Secretary Weinberger, Admiral Crowe nor EUCOM was aware that this ROE restriction was added by the USAFE commander. (17 September 1996 letter to author by W. Hays Parks. Mr. Parks was the legal advisor for these air strikes).

the military chain of command into restrictions on the use of certain weapons systems and tactics.

For the military commander, the question of when force can be used is critical to unit survival. The answer to the question of when to use force depends on whether peacetime rules of engagement (PROE) or wartime rules of engagement (WROE) are in effect.³⁸ PROE are derived from the right of self defense. Nearly all ROE issued to military units contain the phrase "nothing in these rules is intended to limit the commander's inherent right to self defense." Thus force is only authorized when friendly units are threatened or attacked with lethal force. In a situation where the PROE are in effect, the right to self defense hinges on two concepts, hostile action and hostile intention. A hostile act is the actual use of potentially lethal force against friendly units. These concepts become difficult to define in some situations and have a tendency to place the soldier into a "police officer's paradigm" for ROE. What if an enemy shot does not hit a friendly target, but was "only a warning?" What if an attack is made on a third party which the U.S. is

³⁸ In October of 1994 the Joint Chiefs of Staff issued new Standing Rules of Engagement (SROE) to replace the PROE. The SROE provide a generic ROE for all situations that can be modified to fit particular situations including war if needed. Despite this change the problems associated with PROE and WROE still exist. The SROE was mainly a name change to avoid the confusion raised when soldiers conducted humanitarian operations which involved combat but were governed by rules called peacetime ROE. This change came after intervention in Panama and Somalia, thus did not impact the SOF operations examined in this thesis.

protecting? What if the attack was obviously accidental? Hostile intent becomes even more difficult to define than a hostile act. In Somalia, for example, what if a civilian points a weapon at a soldier? Can the soldier fire or must he take the first hit? These situations will be examined in more detail later.

The WROE differ from the PROE in that WROE provide guidance on the application of force for offensive operations against a declared hostile force. For example, the Iraqi military was declared a hostile force during the Gulf War. Under WROE and against a declared hostile force, a soldier is authorized to engage the enemy forces on sight without waiting to take the first hit. Even when WROE are in effect, there are restrictions on tactics and weapons in order to keep the military activities within the constraints of the political objective.

Where force can be applied is also determined by political, military, and legal considerations. There might be buffer zones established by political agreements which confine the use of force to certain geographical boundaries in order to prevent unwanted crisis escalation. In Somalia, U.S. troops were confined to the areas and routes used to deliver food supplies and could not roam out of certain geographic boundaries. Military considerations can include limiting force in areas of friendly concentrations or keeping operations in line with the overall battlefield strategy.

Legal considerations will also impact on where force can be used. Hospitals and civilian facilities are usually off limits and international boundaries of neutral states must be observed.

The ROE also establish criteria for whom force may be used against. Again political, military and legal considerations impact on the development of the ROE. In Somalia, for example, heavy weapons on vehicles were declared acceptable targets for SOF snipers and could be engaged on sight. In the case of self defense, the "whom" is obvious, the person committing the hostile act or displaying hostile intent is the authorized target.

B. ROE IN REALITY

Creating the proper ROE which incorporate all political, military and legal concerns will always be a difficult balancing act. While the political considerations and objectives are paramount, the political objectives will not be achieved unless the military considerations are properly addressed. If the ROE are too restrictive, then the commander cannot accomplish the military objective and could potentially suffer unnecessary human and material losses. Either military failure or unnecessary losses could translate into political failure. Scott Sagan labels the failure resulting from a too restrictive ROE as a type 1 ROE failure. If the ROE are too relaxed or unclear, then the military will maximize its chances for success while minimizing casualties.

This can result in an excessive, disproportionate use of force and lead to unwanted escalation of the situation or adverse domestic and/or international opinion. Sagan calls this a type 2 ROE failure.³⁹ Sagan assumes that these failures occur because inappropriate ROE are created at the policy level and directly influence operations at the tactical level. While this is true in the abstract sense, tactical ROE are not written at the national level. ROE are created in the Defense organization by "competent military authority" (JCS definition). This "competent military authority" is usually a member of the theater commander's (CINC's) staff.⁴⁰ How do these failures materialize within an organization? Organization theory offers some insight into the answer of this question.

1. Organization Theory

Organization theory is useful in understanding how ROE work as a means of indirect control of military force. Ideally, the senior policy maker or military leader should be able to use the ROE to ensure all members under their command execute operations and make decisions as intended by their seniors. In reality, the form of the organization and the friction within it can create inappropriate ROE and impede the ability of the policy maker to properly govern delegated

³⁹ Sagan, 451.

⁴⁰ W. Hays Parks, letter to the author dated 17 September, 1996.

decision making. See Figure 2. In the last twenty five years, four major schools of thought in organization theory have been developed, namely the structural systems, human resource, political, and cultural frames of reference. This section uses all of these various frames of reference within organization theory to exposit the problems which may occur when using ROE to control delegated decision making indirectly.

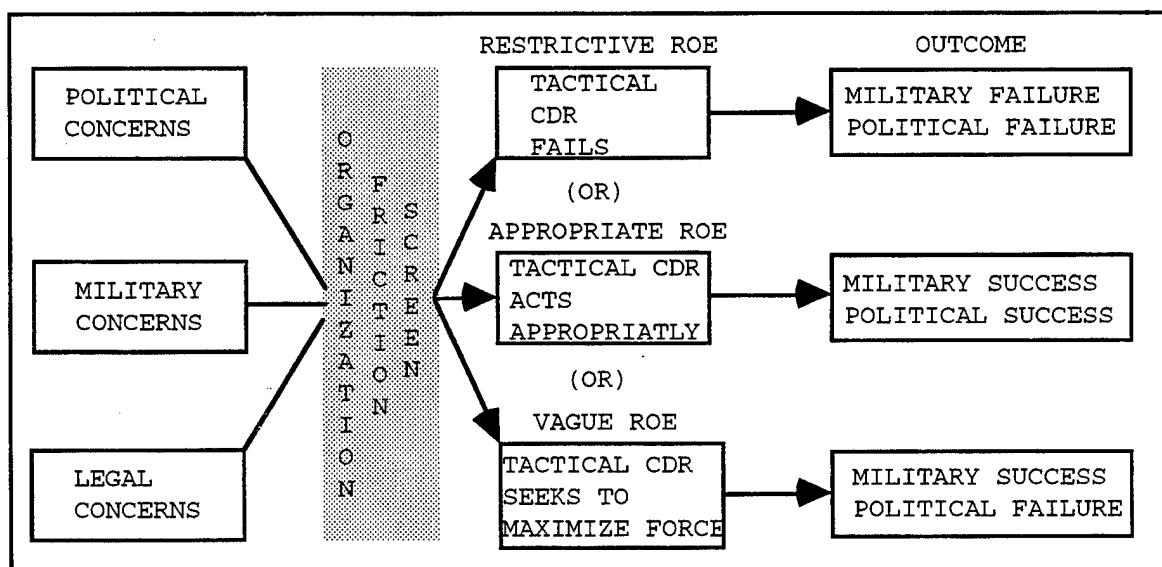


Figure 2. Impact of organizational friction on the creation of ROE and possible outcomes

2. Definitions

Before examining ROE through the various frames of reference, the purpose, task, technology and environment of the military organization must be defined. Because ROE may be set by the highest levels of command, the military organization which uses ROE as an indirect control over the use of military force in pursuit of political objectives must

include the state leader. In the case of the U.S., the military command organization is defined as that organization consisting of the President, the many layers of command, and the individual foot soldiers operating in the conflict environment. The President, who is the "National Command Authority," establishes strategic policy while the military formulates strategic and tactical plans to accomplish the established strategic policies.⁴¹ The purpose of this military organization is to provide an instrument or means to foreign policy makers in pursuit of national interests and to produce governmental action. The task of the organization is to apply military force in order to achieve the policy maker's political objectives. The technology of the organization includes the technical system (resources such as supplies and military equipment) and the knowledge to employ this technical system (tactics, doctrine and operational plans). The operating environment of the military organization is predictable during peacetime or training, but unpredictable in war or a real world conflict.

⁴¹ The National Command Authority (NCA) is a complicated hydra-headed creature in practice. All members of the NCA act in the name of the President as members of his extended staff. See Hughes, 225-6 and AFSC Pub 1: *The Joint Staff Officer's Guide*. (Washington D.C.: U.S. Government Printing Office, 1993), p. 2-2.

3. The Structural Frame of Reference

Lee Bolman and Terrence Deal best describe this frame of reference as one which

...focuses on the two central dimensions of organizational design. Organizations divide work by creating a variety of specialized roles, functions and units. They must then tie all those elements back together by means of both vertical and horizontal methods of integration."⁴²

The structure of an organization depends on the environment in which it operates. For an organization to be successful, form must follow function and maintain coherence or fit within its operating environment. In a predictable environment, a hierarchical structure with many levels is the ideal organization. This type of organization, such as the Department of Motor Vehicles (DMV), is highly centralized and functions using pre-established rules and procedures in order to accomplish its task. On the other hand, an organization which operates in an uncertain or unpredictable environment, such as a software development company, would require the flexibility inherent in a flat structure with few levels of hierarchy. A flat structure facilitates task accomplishment through decentralized decision making at the operational level. The DMV would be called a machine bureaucracy and the software company would be called an "adhocracy" in Mintzberg's structure modeling system.⁴³

⁴² Lee G. Bolman and Terrence E. Deal, *Reframing Organizations*. (San Francisco: Jossey-Bass Inc., Publishers, 1991), 77.

Military organization resembles the machine bureaucracy, as it is a large, hierarchical organization with numerous independent operating units. Usually, the defense organization operates in a predictable environment until a crisis or conflict erupts, at which point it faces an uncertain environment. When the policy maker reacts to a new situation and makes decisions he triggers established organizational routines such as operational plans and indirect methods of control such as standing rules of engagement. In this uncertain environment of a crisis or conflict the control of military force in pursuit of political objectives becomes difficult when using an indirect means of control such as ROE. The amount of friction in an organization can be influenced by the number of intermediate levels between the policy maker and tactical military commander, through which the ROE must flow.

The ROE, in theory, are meant to control the extent of a subordinate's decentralized decision making by formalizing their task via written rules and requirements (serving a similar purpose to standardized forms used by employees of the DMV in the conduct of daily business). The ROE are designed to ensure and maintain vertical coordination between the policy maker and the tactical military commander. Creating ROE at the highest level in an organization becomes

⁴³ Henry Mintzberg, *The Structure of Organizations*. (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1979), 325-443.

difficult because the policy maker may not fully understand the operational requirements at subordinate levels, or the myriad of organizational routines triggered by his decisions. Figure 3 shows the relationship between a decision maker's level within the organization, the amount of knowledge he possesses on any one topic and the number of topics about which he is required to have knowledge. As John W. Sutherland warns:

Simply, as the scope of a decision maker's authority increases (as the number of units for which he is responsible expands), the probability that he will make rational, accurate decisions about the properties of those programs decreases.⁴⁴

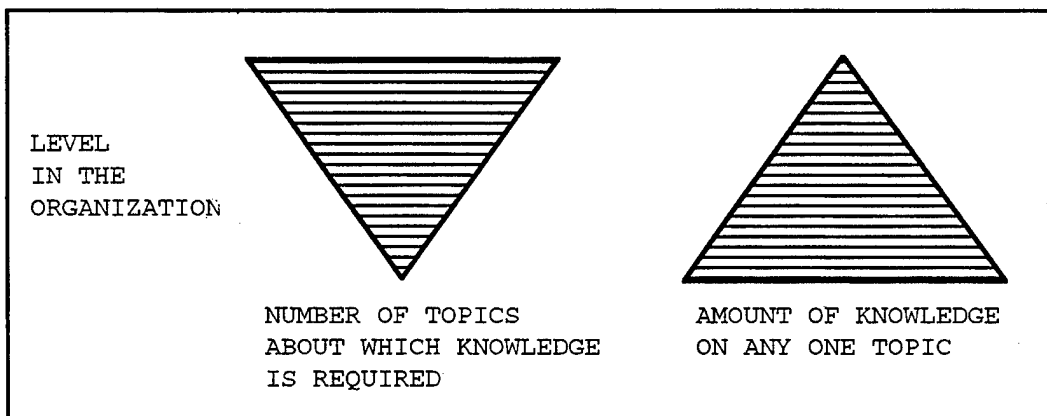


Figure 3. The information Problem for the Decision Maker

The limited ability of the decision maker to have perfect knowledge of all subordinate units results in discretionary decision making being conducted at all levels

⁴⁴ John W. Sutherland, *Administrative Decision-Making: Extending the Bounds of Rationality*. (New York: Van Nostrand Reinhold, 1977), 277. Also see Herbert A. Simon, *Models of Bounded Rationality Volume 2*. (Cambridge, Mass: MIT Press, 1982), 405-492.

within an organization.⁴⁵ Anthony Downs further emphasizes that:

...at every level there is a certain discretionary gap between the orders an official receives from above and the orders he issues downward, and every official is forced to exercise discretion in interpreting his superior's orders.⁴⁶

In sum, using indirect methods of control, such as ROE, policy makers and senior military planners strive to control the tactical units within the military organization in a predictable manner during any possible set of circumstances. However, the policy makers and military superiors are unable to predict and create rules for every conceivable situation at the tactical level. They must allow for the discretionary delegation of decision making down to the tactical and even individual level with regard to the use of military force in unanticipated situations.

With discretionary decision making occurring at many levels within the organization, two problems can develop. First, translation of the policy maker's broad guidance can become misinterpreted as it flows through multiple layers of command. In the case of ROE in the OOTW environment, this can result in rather restrictive ROE. The policy maker may emphasize the need to minimize collateral damage in a broad

⁴⁵ Joseph F. Bouchard, *Command in Crisis: Four Case Studies*. (New York: Columbia University Press, 1991), 4.

⁴⁶ Anthony Downs, *Inside Bureaucracy*. (Boston: Little & Brown, 1967), 134.

statement, but this statement may be translated and interpreted at each level in the chain of command into operational ROE that become more restrictive than intended. This happens in much the same sense that a message gets distorted in transmission between a large number of messengers. A good example of how a message becomes more restrictive when distorted occurs as follows. Suppose a four star general calls a one star and states that he will conduct a uniform inspection of the men in squad A of first platoon at 1400. As the news of this inspection travels down the multiple layers in the chain of command, the time the troops are required to be in formation becomes earlier and earlier until they are standing in formation at 0800 or even conducting practice inspections days in advance. The same can happen in the translation of ROE down the chain of command.⁴⁷ This change might not necessarily occur in the actual writing of the ROE, but rather in the inference of the written ROE at each level of command resulting in "implicit" ROE. An extreme emphasis on minimizing collateral damage can create an environment where the written ROE, which rely on individual judgment, can be interpreted in ways unintended by superiors in the chain of command.

Second, decoupling between levels in the chain of command can occur when facing an opponent. When the military

⁴⁷ My thanks to W. Hays Parks for providing this analogy.

organization is involved in a crisis or conflict, this involvement will occur on multiple levels in what Joseph Bouchard described as "stratified interaction."⁴⁸ In the defense organization these levels can include the political or diplomatic, strategic, tactical and individual level, as shown in figure 4. In this diagram the lines connecting the various levels represent interaction. The line from the policy maker down to the individual soldier, passing through the military strategist and tactical commander, represent

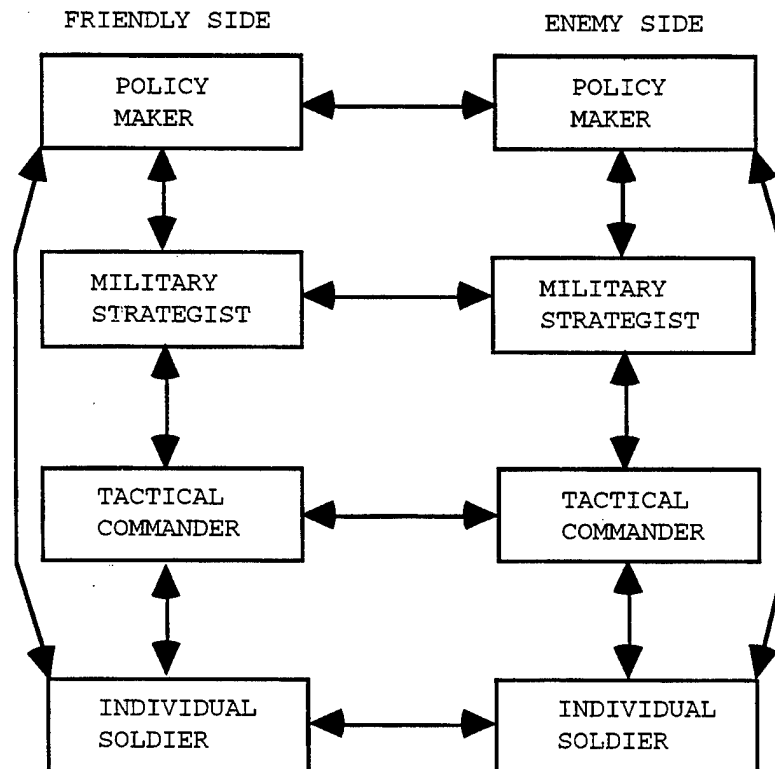


Figure 4. Stratified interaction (Adapted from Bouchard, 1991)

⁴⁸ Bouchard, 9.

indirect methods of control such as the ROE. The outside lines connecting the policy maker directly to the individual soldier illustrate how the policy maker may dictate ROE directly to the individual soldier, or tactical commander. As a result, an outcome at the tactical level may effect the outcome on the policy level. Bouchard built upon Paul Bracken's concept of tightly coupled forces which explained how two nuclear armed states interact during a crisis as a result of their command and control systems.⁴⁹

Because of stratified interaction a situation may arise during a crisis or conflict in which interaction on the tactical level may escalate independent of the strategic or policy level. Bouchard terms this phenomenon of tactical interaction proceeding beyond political objectives during a crisis as "decoupled interaction."⁵⁰ This phenomenon can easily occur with naval forces. As stated earlier, naval forces on the tactical level rely on the ability to fire the first shot in order to achieve success during a tactical encounter with enemy forces. Decoupling on the tactical level can occur if the policy maker deploys ships in harm's

⁴⁹ According to Bracken, two forces become tightly coupled because of two aspects of their command and control systems. First, the tactical nuclear forces on each side possess early warning capabilities in order to prevent surprise attack. Second, coupling occurs vertically through the strategic and policy levels due to the warning systems and intelligence systems on each side at each level.

⁵⁰ Bouchard, 42.

way merely as a signal of intent during coercive diplomacy.⁵¹ Once the naval forces of both sides become coupled on the tactical level there is the possibility of conflict escalation as they continually maneuver with each other in an attempt to gain an advantageous position once the shooting starts, thus avoiding the first hit. What is beneficial on the policy level in a crisis will not necessarily be beneficial on the tactical level, thus a ship commander will view the situation differently than a policy maker.

Decoupled interactions occur despite ROE, because the tactical commanders maintain different goals and perceptions during a crisis or conflict than the policy makers. The "human resource" aspect of organization theory provides the best reference to further explore this problem of indirectly controlling the application of military force in crisis or conflict.

4. The Human Resource Frame of Reference

The human resource frame of reference views an organization differently than the structural frame, in that it defines the organization not as a structure but rather as consisting of numerous groups which interact and combine to form the organization. The human resource frame of reference focuses on the fit between the group or individual and the

⁵¹ For more on the use of the military during coercive diplomacy see Alexander L. George and William E. Simons, *The Limits of Coercive Diplomacy*. (San Francisco: Westview Press, 1994).

organization. Each group and individual may have different goals and different perceptions of their operating environment. Discrepancies in goals and perceptions of different groups and individuals can create problems for policy makers and their desire to indirectly control the application of military force through the ROE. Each group seeks complete decision making autonomy in the application of military force. This desire for autonomy of control intensifies as the uncertainty of the environment and risk increases. Special operations, usually associated with high level policy and high risk (discussed in the next chapter), will tend to further increase each groups desire for maximum autonomy in the control of the application of military force.

Upon examining the military organization, three generally distinct groups emerge when military force is employed in pursuit of national interests.⁵² First is the policy maker who desires to avoid conflict altogether through crisis management strategies or to avoid conflict until he deems the time is right to ensure an optimum advantage. Accurately and proportionally applying military force when and only when desired and without leakage of authority is the goal of the policy maker when choosing a military option.

⁵² In organization theory these groups are called stakeholders, in that they have a stake in the success of the organization. See Richard O. Mason and Ian I. Mitroff, *Challenging Strategic Planning Assumptions: Theory, Cases, and Techniques*. (New York: John Wiley & Sons, Inc., 1981), 43.

The next group, the senior military strategists or planners, consists of military personnel who plan and conduct military operations on the strategic level in support of the strategic policy formed by the policy maker. The military personnel in this group will not directly apply the military force desired by the policy maker, that responsibility is delegated to the tactical commanders. Instead, this group's main priority is to accomplish the military objectives required in order for the policy maker to achieve his political objectives. The strategic success of military operations takes priority over tactical requirements when the tactical requirements run contrary to strategic goals. This strategy group essentially is viewing the situation from a macro perspective and desires to ensure that tactical level operations remain within the larger objectives of the strategic plan, which translates military success into political success for the policy maker. Moreover, the strategy group may be willing to sacrifice the goals of a tactical group, including its safety and freedom to act, for the strategic goal. As a result, the strategic group will modify the ROE dictated by the policy maker to ensure that the tactical use of force remains in concert with larger strategic goals.⁵³ It is with this group that the greatest

⁵³ By law senior military commanders may only further restrict the established ROE. They are by no means allowed to relax the ROE. The JCS 1994 standing ROE, CJCSI 3121.01, added that intermediate commanders

problems associated with ROE can occur because they must interpret and translate broad policy objectives into achievable operational and tactical missions and ROE. If this group is ignorant of SOF requirements for tactical success or if SOF units fail to tell them of the requirements, they will have a greater tendency to create inappropriate written and implicit ROE.

The last group, the tactical military planners and operators, may have different goals and objectives than the other two groups. The units and individuals on the tactical level are the tip of the military spear used in the application of military force. At this level, the group's goal is to complete its own operations successfully with minimal casualties. The tactical group desires autonomy, in the form of an unrestricted planning and operating environment, in order to achieve this goal. Although goal congruence is desired, the goals of the policy maker, military strategist and tactical operator will not always be identical.⁵⁴ Describing ideal goal congruence, Bouchard states:

may not further restrict ROE for subordinate commanders without the approval of the next higher authority. While this move ensures that written ROE will not become more restrictive at each level of command, it cannot address the implicit ROE that are informally sent down the chain of command to the tactical units. Implicit ROE can create an environment which impairs tactical judgment and interpretation of the written ROE.

⁵⁴ In weak and ill-disciplined organizations, the tactical group may care only about creating the perception of loyalty to strategic goals but in fact subordinate the greater good to its immediate interest.

Hypothetically, if all of those decision makers possessed identical beliefs, objectives and perceptions, the operational decisions they would make would be the same ones that national leaders would make if exercising direct control.⁵⁵

Because this will not always be the case, the ROE may serve to constrain subordinate decision makers and ensure that their actions remain in concert with the superior's goals and objectives. It is important that the tactical units provide the chain of command their concerns and requirements with regards to ROE. This "push" up the organization serves to ensure the next level of command does not operate in a vacuum when translating the policy maker's broad guidance into tactical ROE.

Another organizational friction which the Human Resource frame illuminates is the subjective rationality of each of these groups and especially of those within these groups. Subjective rationality means that individuals act rationally within their own frames of reference depending on the level they occupy in the organization and the environment in which they make decisions. The ROE attempt to control the decision of the individual foot soldier in order to ensure compliance with political objectives. A dichotomy exists between the environment in which the policy makers/senior military planners develop ROE and the environment in which the tactical unit or individual implements the ROE.

⁵⁵ Bouchard, 10.

According to Mark Martins, a military lawyer, the current approach to ROE resembles a legislative model. He argues that:

This model serves certain established interests and provides a traditional role for judge advocates, but is not optimal for inculcating initiative and restraint in a military land force. Rules of engagement in this legislative model are laws-primarily written texts that authorities issue, supplement, and perhaps supersede; that members of the controlled group consult, interpret, and sometimes obey; and that other functionaries implement, distinguish, and occasionally prosecute. A legislative approach to land force ROE can create danger when the time comes for living, breathing, sweating soldiers to translate the texts into results on the ground.⁵⁶

In the current legislative model, the ROE are developed at the policy and strategic level in writing by senior policy makers and military officers surrounded by advisors and counselors within a leisurely environment. This environment encourages a subjective rationality which results in numerous rules and extensive written text in order to cover any and all possible contingencies that might arise during combat. On the contrary, the operational environment within which the physically exhausted and overwhelmed pilot, ship commander or foot soldier operates is permeated by the fog of war. He alone must quickly rely on his personal judgment and training assisted only by what his memory retains regarding the directed ROE for the situation. Obviously, what is rational

⁵⁶ Martins, 55.

regarding ROE in one environment is not necessarily rational in the other.

Soldier selection and training can, in part, substitute for centralized control using ROE, but cannot fully anticipate all tactical situations.⁵⁷ The fact remains that the judgment of the on-scene tactical commander or individual soldier will be critical to obtaining a desired outcome which is congruent with the goals of the policy maker. The human resource frame of reference identifies four inputs which effect individual performance and in turn effect the consequent outcome as shown in Figure 5.

First, one must have a clear understanding of what is expected of him, or role clarity. Second, he must possess the ability to produce the desired outcome. This ability can be gained through skills and knowledge obtained during training. Third, he must have the resources necessary, such as supplies and equipment, to perform. Finally, he must have the motivation to perform and put forth the required effort to achieve the required outcome.

⁵⁷ Martins prescribes an excellent model for training of both individuals and units on the problems associated with certain ROE issues. His ideas are useful for making training more realistic with regards to ROE. While training can improve the ability of soldiers to conduct operations under varying ROE, it cannot fully anticipate all tactical situations. There remains a gap between real world and training operations that can never be filled.

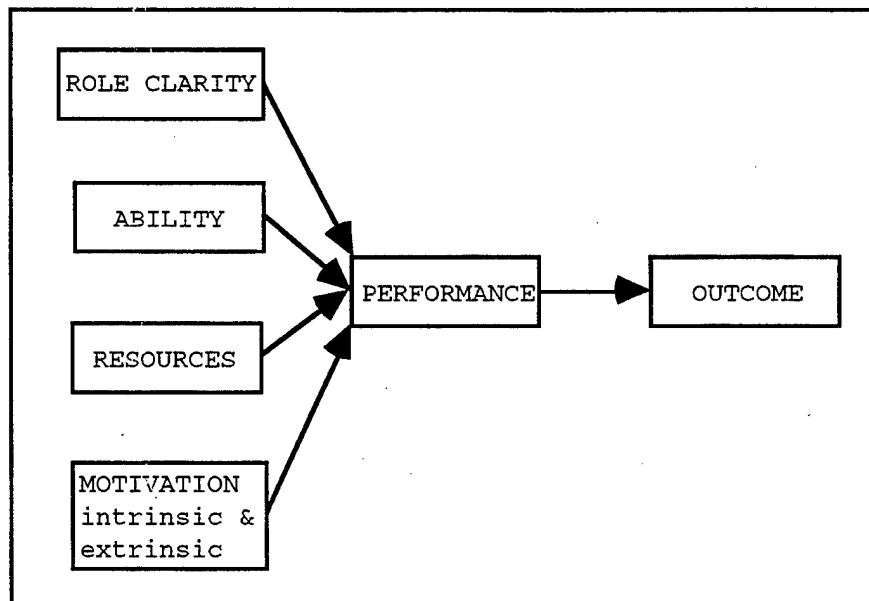


Figure 5. The individual process model (Erik Jansen, 1996)

With regard to effort, today's all volunteer force desires to perform well, which contributes to the ability of ROE to govern individual tactical judgment.⁵⁸ For today's forces, the only shortfall to following ROE and achieving the desired outcome may be caused by a lack of role clarity and ability. Operations other than war (OOTW) and their unique environments create difficulties in clearly identifying the exact role of the tactical unit or soldier. Reliance on a legislative rather than training model of ROE diminishes the individual's ability for successful judgment in a crisis situation.⁵⁹

⁵⁸ Motivation to follow ROE is greater with today's all volunteer force when compared to that of Vietnam era draftees.

⁵⁹ See Martins, 55-85.

5. The Political Frame of Reference

The political frame views an organization through a perspective of power. It is concerned with the types of power which influence the output of an organization and who within the organization controls this power. In the military organization, most power sources are legitimate in that they are based on established rank or position. For the policy maker his superior position allows him to dictate a desired political objective and to task the military with accomplishing the established goals. The threat of punishment or the promise of reward enables the policy maker to control the military system when goal congruence is lacking. Legitimate power runs down the entire military rank structure to the individual soldier ensuring the political objectives are obtained.

Another source of power within an organization is information dominance.⁶⁰ This form of power allows either end of the organization's chain of command to influence the nature of the organization's output. The policy maker and the strategic military planner usually possess more complete situation information than those on the tactical level. A lack of information on the tactical level compel unit commanders and individuals to comply with a superior's

⁶⁰ In this context I define information dominance as the power that flows to those who have the know-how and information to understand the full scope of a particular issue or situation, and provide solutions. See Bolman and Deal, 196.

desires because they lack the necessary information to take a contradictory position. Subordinates must trust that decisions made by their superiors are in accordance with larger goals and objectives.

Information dominance and the power it carries will sometimes put subordinates in a powerful position. As stated earlier the higher up a decision maker is within an organization the greater number of subjects he must know but the less he will specifically know of any one subject. Because the tactical commander is an expert in his chosen profession, he can influence the conduct of the organization by asserting the personal power of professional knowledge. In this case the policy maker or even the strategist must bend to the desires of the tactical commander because of their lack of technical expertise and the power associated with it. Additionally, the tactical commander, by virtue of his presence on the immediate scene, will sometimes have first availability of information at the tactical level which could have consequence at higher levels.

Another aspect of the political frame of reference is organizational politics. Groups within the organization compete for limited resources and use various sources of power to further their interests. Bureaucratic politics could impact the development of ROE as the policy maker relies on the military experts to provide ROE guidance for a particular situation. Conflicts involving military force are

limited and as a result when they do occur, all the services compete for a meaningful role in the conflict in order to justify their existence and budget. Interservice rivalry could surface as one set of ROE may benefit one service over another in the application of military force. For example, conventional forces may be too blunt an instrument compared to the surgical aspects of SOF in an environment requiring otherwise restrictive ROE. In such a case, SOF may be favored because massive, high profile conventional forces might appear politically inappropriate.

One last note under the political frame of reference. Risk in military operations is often great and the policy maker, military strategist and tactical commander all attempt to minimize risk. In order to minimize risk, each group attempts to maximize its control over military operations. Control over military operations is zero-sum, an increase in one group's control translates into a decrease in the other group's control.⁶¹ As a result of each group maximizing control, risk minimized at the policy level may maximize risk at the tactical level and vice versa. The ROE can be viewed as a method of isolating superiors from the consequences of risk resulting from the actions of subordinates. The U.S. Operational Law Handbook states:

⁶¹ For an excellent analysis see P. Gardner Howe, *Risk in Military Operations*. (Master's thesis, Naval Postgraduate School, Monterey, 1995).

ROE protect the commander by providing guidance assuring that subordinates comply with the law of war and national policy. For example, the commander may issue ROE that reinforce the law of war specifically prohibiting destruction of religious or cultural property. In the area of national policy, ROE can limit such items as the use of chemical weapons, riot control agents, and herbicides. The inclusion of restrictions on these agents in a OPLAN insulates, to the extent possible, the commander from subordinates who may violate national policy out of ignorance.⁶²

This statement implies that the unit commander or the individual foot soldier carries all responsibility for his actions under the ROE. Obviously, in this case maximum risk is passed to those with minimal power.

6. The Cultural Frame of Reference

The last frame under organization theory with which to view the ROE is the cultural frame of reference. While this frame does not provide as much insight into possible ROE problems within the military organization as other frames, it does provide a valuable perspective. This frame of reference for thinking about ROE mirrors the larger literature on strategic culture and other aspects of military strategy and doctrine.⁶³ Cultural influences on ROE can be seen when a nation employs military force unilaterally or as part of an international coalition. The cultural frame also provides

⁶² The Judge Advocate General's School, *United States Army, Operational Law Handbook* (JA422) draft 3rd ed. 1993, p. H-92.

⁶³ See Barry R. Posen, *The Sources of Military Doctrine*. (Ithaca: Cornell University Press, 1984).

insight as to how different service cultures within the military can affect ROE.

All states strive to lay claim to the moral high ground during a unilateral crisis or conflict. Through moral relativism a state can claim that it only fights just wars (jus ad bellum) and does so justly (jus in bello).⁶⁴ Domestic and international pressures limit the use of military force to methods acceptable under the laws of war. The ROE a state develops to control the use of force reflect the character of that state and the domestic concerns of maintaining legitimacy throughout a crisis or conflict. The ROE also reflect the state's concern that it is viewed favorably under international scrutiny while using military force. As U.S. involvement in Vietnam and Somalia illustrated, a clashing of cultures can complicate how the ROE work in controlling the use of military force. The U.S. entered Vietnam culturally accustomed to fighting a conventional war where the Geneva Convention held meaning, combatants wore uniforms and military units consisted entirely of men. In Vietnam, U.S. ROE were restrictive in order to limit collateral damage and remain within limited political objectives. The ROE were eventually ignored or abandoned by some troops as they were forced to engage in combat with guerrilla forces who were

⁶⁴ See Walzer, pages 13-20 on moral relativism and how a state rationalizes the morality of the wars it engages in and the methods employed to ensure victory. Pages 263-268 use the U.S.'s decision to drop the H-bomb on Japan as an example.

soldiers by night and civilians by day.⁶⁵ In addition, women and children regularly engaged U.S. troops in combat. The same situation was seen thirty years later when Somalis used women and children as both shields and combatants during the Task Force Ranger operation launched to capture the Somali warlord Mohamed Farah Aideed. The ROE which embodied the U.S. culture became complicated and frustrating when the U.S. attempted to maintain the moral high ground during a conflict with a state influenced by different cultural values and no apparent ROE of their own.

This frame also reveals how different cultures within a multinational force can effect the ROE and control over the application of force. The cultural differences complicating the use of ROE to control military force which arise fighting against another state also occur when fighting alongside another state. The increased reliance of the U.S. on multinational coalitions introduce such problems regarding the ROE. Even if all countries were to adopt the same ROE, cultural conflict would still arise in the interpretation of the ROE. In Somalia, for example, all countries involved in Operation Restore Hope and UNOSOM II operated under ROE

⁶⁵ For examples of flagrant ROE violations see Andrew F. Krepinevich, Jr, *The Army in Vietnam*. (Baltimore: Johns Hopkins Univ. Press, 1986), 198-203. Also see Walzer, 188-196. Of course this statement is not true for all units which operated in Vietnam. Some USMC and USA units understood the nuances of guerrilla warfare and avoided the "find, fix and destroy" mentality (described to the author in a lecture by Larry Cable on 2 February, 1995 at NPS Monterey). These units didn't find the ROE to be the salient problem.

developed by the United States. Even though under the same ROE, each nation interpreted or implemented the ROE differently. The French Foreign Legion interpreted and implemented the ROE more loosely than the U.S., while the Pakistanis interpreted them more tightly. This resulted in problems such as conflict within the coalition concerning the use of force and exploitation of the varying levels of enforcement by the Somalis.

Viewing the military organization through the political frame also illuminates the problems associated with different services and warfare specialties. The Army, Navy and Air Force all have different institutional histories with ROE. Naval forces are continuously on patrol throughout the world and engaged with potential enemy forces. This experience allows the Navy to develop and realistically practice operating under established ROE in a real world environment. The Air Force has less of an opportunity for engagement during peacetime when compared to the Navy. As a result, they enter conflict with less practical experience in real world ROE issues. The Army also has a different peacetime experience with ROE and has thus developed a slightly different interpretation of ROE problems than the Navy or Air Force. Part of this cultural difference comes with how the services operate. With naval forces ROE entail risk because so much value is contained in a single ship. On the other hand with ground forces the ROE entail the opposite risk:

there are so many individuals that some are bound to be intermittently vulnerable.

Problems arise when staffs comprised of members from different services attempt to write ROE for a joint command. A naval officer might not fully understand the culture of another service with regards to ROE. This argument can be expanded by examining the cultural differences between conventional and special operations forces. Conventional soldiers on a staff may not fully understand the ROE complications that will affect the conduct of special operations. Cultural differences in philosophy, training, and doctrine can create organizational friction in translating theoretical ROE into realistic ROE. Bridging this cultural gap by providing insight into ROE complications when conducting special operations is one of the main purposes of this thesis.

C. CONCLUSIONS

Ideally, the ROE ensure, that all levels within the military organization make decisions consistent with those the policy maker would make if complete centralized control existed. Unfortunately, the military organization is large and complex, and the application of force must be delegated to tactical units and individuals. The ROE serve to impose limits on the discretionary decentralized decision making which occurs at all levels within the organization and hopefully maintain goal congruence among all levels in

pursuit of the political goals designed to serve the national interest. However, translation of the policy maker's broad guidance can become misinterpreted as it flows through multiple layers of command and create implicit or inferred ROE. In the case of ROE in the OOTW environment, this can result in rather restrictive ROE. The policy maker may emphasize the need to minimize collateral damage in a broad statement, but this statement may be translated and interpreted at each level in the chain of command into operational ROE that become more restrictive than intended.

Regardless of how well written, no ROE can completely eliminate the possibility of either a type 1 (too restrictive) or type 2 (too relaxed) ROE failure. Morality and good judgment cannot be legislated and training cannot anticipate every possible future tactical situation. W. Hays Parks, a well respected Army ROE expert, accurately sums up the problem:

The ROE never will draw a line that, once crossed, automatically authorizes the use of force--except that very clear line a protagonist crosses when he fires first. The line otherwise cannot be drawn because it does not exist. Herein lies the frustration. While there is a reluctance to be the first to shoot, there is an equal desire not to be the first to be shot, shot down, or sunk: the temptation by many is to endeavor to write ROE that go beyond the basic self-defense language in receiving a clearer picture of the potential threat. Yet no word picture can be drawn that offers an effective substitute for the discretion or judgment of the man on the scene.⁶⁶

Of course efforts must be made to draft the best possible ROE and to conduct the most realistic ROE training possible. Examining the problems associated with indirect control of military force using ROE is best conducted through various frames of reference in order to anticipate as many potential problems as possible. The better these problems are anticipated and understood the better the chance of the ROE effectively controlling the use of military force in pursuit of political goals and national interests.

As we saw in the beginning of this chapter, ROE designed for conventional forces can result in unwanted outcomes when universally applied to SOF. Just as ROE for air and naval forces differ, SOF require unique considerations with regards to the ROE used to control their unique operations in pursuit of political objectives. "One size fits all" ROE do not allow for the unique characteristics of special operations to be capitalized upon in pursuit of national interests.

The next chapter builds on the ROE problems presented in this chapter by focusing on the unique nature of special operations, and the principles vital to their proper employment, which cause them to be most sensitive to inappropriate rules of engagement.

66 Parks, 86. Many of his points were incorporated into the 1994 CJCSI 3121.01 standing ROE. See CJCSI 3121.01, Appendix C to Enclosure A (air operations), Paragraph 3b(1).

III. THEORY OF SPECIAL OPERATIONS AND ROE IMPLICATIONS

Political, military and legal "pulling and hauling," which often deepen the organizational friction associated with using the ROE for indirect control, sharpen further when SOF are employed in pursuit of strategic political or military objectives.⁶⁷ Because of the unique nature of special operations, the potential ROE problems associated with their employment are proportionally greater than with conventional forces. What makes special operations unique when compared to conventional forces? Joint Pub 3-05 specifies:

Special operations differ from conventional operations in the degree of physical and political risk, operational techniques, modes of employment, independence from friendly support, and dependence on detailed operational intelligence and indigenous assets.⁶⁸

While JCS Pub 3-05 offers some distinction between SOF and general purpose forces (GPF) this chapter provides greater insight into the unique characteristics of SOF and

⁶⁷ This becomes greatest when SOF are used in efforts to solve a foreign policy crisis. See Lucien S. Vandenbroucke, *Perilous Options: Special Operations as an Instrument of U.S. Foreign Policy*. (New York: Oxford University Press, 1993), 3-8.

⁶⁸ Joint Chiefs Of Staff, *Joint Publication 3-05: Doctrine for Joint Special Operations* (Washington, D.C.: Office of the Joint Chiefs of Staff, 1993).

specifically explains how these unique characteristics complicate the use of ROE in the conduct of special operations.

A. DEFINITIONS AND TYPOLOGY

1. Definitions

Definitions of special operations range from the broad to the specific, and anywhere in between. A broad definition, sensitive to the historical antecedents of modern special operations, defines them as:

...that class of military (or paramilitary) actions that fall outside the realm of conventional warfare during their respective time periods."⁶⁹

The Doctrine for Joint Special Operations (Joint Pub 3-05) defines special operations rather specifically 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. These operations are conducted during peacetime competition, conflict, and war, independent or in coordination with operations of conventional, non special operations forces. Politico-military considerations frequently shape special operations, requiring clandestine, covert or low visibility techniques and oversight at the national level.⁷⁰

For the purposes of this thesis the Joint Pub 3-05 definition allows for a thorough examination of the problems associated

⁶⁹ John Arquilla, *From Troy to Entebbe: Special Operations in Ancient and Modern Times*. (New York: University Press of America, 1996), xvi.

⁷⁰ Joint pub 3-05., 10.

with controlling special operations through ROE during the modern era.

2. Typology of Special Operations

Special operations can be categorized in two ways. First, they can be categorized by the level of warfare at which they occur. Special operations may be conducted on the strategic, operational or tactical level of warfare. Second, special operations can be categorized by the time required for the accomplishment of an intended purpose. Mission accomplishment can be achieved in either a single operation or through an extended special operations campaign.

Strategic-level⁷¹ special operations position SOF as the primary means for application of military force in pursuit of a political objective by a policy maker. Strategic special operations, because of their direct link to high level policy, typically have greater political risk than special operations conducted at lower levels.⁷² Examples of strategic

⁷¹ Joint Publication 1-02 defines the strategic level of conflict as "the level of war at which a nation, often as a member of a group of nations, determines national or multinational (alliance or coalition) security objectives and guidance, and develops and uses national resources to accomplish these objectives. Activities at this level establish national and multinational military objectives; sequence initiatives; define global plans or theater war plans to achieve these objectives; and provide military forces and other capabilities in accordance with strategic plans.

⁷² This is more so the case with *coup de main* special operations. Continuous tactical special operations campaigns, such as the operations conducted by the Paratroop Corps in Algeria, also have the potential for high political consequences.

level special operations include the U.S. attempt to rescue American hostages in Iran, the Task Force Ranger attempt to snatch Aideed during UNOSOM II in Somalia, or the Scud hunt conducted during the Gulf War by British and U.S. SOF. On the lowest end of the levels of warfare lie tactical operations which are usually conducted as part of a larger employment of military force as a means to a political end.⁷³ These special operations, while not necessarily linked directly to high level policy, support the operational or strategic objectives of senior military commanders. Examples of tactical special operations include the Paitilla airfield raid conducted by U.S. Navy SEALs in Operation Just Cause, SOF sniper operations in Somalia, and reconnaissance/deception operations conducted by SOF during the Gulf war. Connecting the strategic level with the tactical level of special operations is the operational level of conflict.⁷⁴ The operational level ensures that tactical

⁷³ Joint Publication 1-02 defines the tactical level of conflict as "the level of war at which battles and engagements are planned and executed to accomplish military objectives assigned to tactical units or task forces. Activities at this level focus on the ordered arrangement and maneuver of combat elements in relation to each other and to the enemy to achieve combat objectives."

⁷⁴ Joint Publication 1-02 defines the operational level of conflict as "the level of war at which campaigns and major operations are planned, conducted, and sustained to accomplish strategic objectives within theaters or areas of operations. Activities at this level link tactics and strategy by establishing operational objectives needed to accomplish the strategic objectives, sequencing events to achieve the operational objectives, initiating actions, and applying resources to bring about and sustain these events. These activities imply a broader dimension to time or space than do tactics; they ensure the logistic and

operations are planned and conducted in order to contribute to accomplishing overall strategic objectives. Special operations campaigns, such as counterinsurgency operations, usually fall under the operational level of conflict.⁷⁵

The length of a special operation provides another useful distinction for categorizing special operations. At any level of warfare, special operations may accomplish their political or military objectives in a single operation, *coup de main*, or may require an extended series of operations, a campaign, in order to achieve objectives.⁷⁶ *Coup de main* operations usually occur at the strategic level in support of high level policy or a military campaign strategy and provide a clear and decisive outcome: the target is destroyed or the hostages are rescued. These operations are usually limited to single episodes, as they are conducted against high value targets or designed to take advantage of a favorable situation during a narrow window of opportunity. Examples of *coup de main* operations include the 1980 hostage rescue attempt by the U.S. in Iran;⁷⁷ the 1976 rescue of hostages by

administrative support of tactical forces, and provide the means by which tactical successes are exploited to achieve strategic objectives.

⁷⁵ In counter-insurgency operations, the border between the operational and strategic levels may become blurred, particularly in a protracted campaign.

⁷⁶ Drawing from the JCS definition of a military campaign, I define a special operations campaign as a series of special operations aimed to accomplish a common objective within a given time and space.

⁷⁷ See Charlie A. Beckwith and Donald Knox, *Delta Force*. (New York: Random House, 1983); and Vandenbroucke, *Perilous Options: Special*

Israeli commandos in Entebbe, Uganda;⁷⁸ or the U.S. SOF attempt to snatch the Somali warlord, Mohamed Aideed, during UNOSOM II.

Protracted special operations consist of a series of special operations which combine into a campaign in order to reach a desired military or political goal. These operations can be conducted as strategic or tactical campaigns. Special operations campaigns may be either offensive or defensive on the strategic level. Offensive campaigns might include extensive reconnaissance operations involving numerous missions behind enemy lines as seen in the Gulf War or counterinsurgency operations such as seen with the French operations in Algeria; Australian SAS and Navy SEAL operations in Vietnam;⁷⁹ British SAS operations in Borneo;⁸⁰ or the British SAS campaign in Dhofar.⁸¹ Defensive campaigns might include SOF employed as a stay-behind force to disrupt

Operations as an instrument of U.S. Foreign Policy. (New York: Oxford University Press, 1993).

⁷⁸ For description and analysis of this operation see: Arquilla, 333-44; and William H. McRaven, *Spec Ops, Case Studies in Special Operations Warfare*. (Navato: Presidio Press, 1995), 333-81.

⁷⁹ See T.L. Basilivac, *SEALS: UDT/SEAL Operations in Vietnam*. (Boulder Colorado: Palidin Press, 1990) and D.M. Horner, *SAS Phantoms of the Jungle: A History of the Australian Special Air Service*. (Sydney: Allen & Unwin, 1989).

⁸⁰ See Peter Dickens, *SAS: The Jungle Frontier. 22 Special Air Service Regiment in the Borneo Campaign, 1963-1966*. (London: Arms and Armor Press, 1983).

⁸¹ See Colonel Tony Jeapes, *SAS Operation Oman*. (London: William Kimber, 1980).

enemy lines of communications and harass enemy forces as friendly forces withdraw.⁸²

For the purposes of this thesis, the theory of special operations and the ROE implications for either *coup de main* or prolonged operations can be best examined through the three different levels of analysis presented above, namely strategic, operational and tactical. First, analysis at the strategic level allows for an examination of the concerns of both the policy maker and the strategic military commander. ROE at the strategic level provide the policy maker and military commander with an indirect form of tactical control over strategic special operations. Second, the theory of special operations and the ROE implications can be examined at the operational level of conflict. At this level, SOF provide the military commander flexibility in the creation of an operational plan in order to meet strategic objectives.

Third, the theory of special operations, and the ROE implications derived therefrom, can be examined at the tactical level of analysis by considering the specific tactical requirements for mission success. The unique characteristics of special operations can create situations and problems for the ROE on the tactical level which are not present during conventional operations. This level of

⁸² Initially, this was the reason for Army SOF's continued existence after World War II. During the cold war, Army SOF had the mission of becoming a stay-behind guerrilla force in the event a Soviet offensive pushed NATO defenses back.

analysis allows for examination of the tactical commander's concerns when conducting special operations, and an understanding of how the ROE affect the chances for mission success with minimum casualties.

B. THE STRATEGIC LEVEL OF ANALYSIS

SOF can be employed in numerous ways as a military means by which a policy maker can achieve national goals in either a crisis or non-crisis situation. During a foreign policy crisis, SOF often provide an attractive option which promises a quick and decisive resolution, in lieu of diplomacy, or when other crisis management strategies have failed. The use of SOF by Israel in Entebbe and by the U.S. in the Iranian hostage situation illustrate both the utility and risks of SOF as an instrument for crisis resolution. In the first case, a daring raid thousands of miles from their country, Israel was able to end a crisis in ninety-nine minutes by using SOF to secure the release of nearly all hostages with minimal friendly casualties.⁸³ The tactical success of Israeli SOF resulted in strategic political success. Israel gained international and domestic respect while maintaining a policy of not negotiating with terrorists. On the other hand, the failed hostage rescue attempt by U.S. SOF was a great embarrassment and may have cost President Carter his re-election. Also, the United States' military reputation

⁸³ McRaven, 369.

was damaged because their best soldiers were unable to complete an operation against the third world country of Iran. This failure launched fundamental changes within the U.S. special operations program.⁸⁴

The political risks of conducting dramatic and high profile special operations in pursuit of a quick solution to a foreign policy crisis often may be proportionally higher than using general purpose forces toward the same end because SOF represent the elite soldiers of a state's military. The romance and mystery surrounding special units and their members amplifies a strategic failure when journalists place such stories into the headlines.⁸⁵ To both the international community and the domestic population, the failure of a special operation on the strategic level clearly demonstrates the state's inability to solve a problem despite having employed its best military units.⁸⁶

⁸⁴ For more on the political and organizational consequences of Desert One see Vandenbroucke, 152-181.

⁸⁵ See Eliot A. Cohen, *Commandos and Politicians*. (Cambridge: Harvard University Press, 1978).

⁸⁶ This problem illustrates another political utility of SOF, as either an outward (international) or inward (domestic) signal. Examples of outward signals involving SOF include the Sontay raid and the Mayaguez crisis. Also SOF can provide a positive demonstration of support to a client state through FID missions or with military advisors. The best example of inward signaling is the British exploitation of Commando operations in order to boost moral in the home front during World War II. Successful SOF operations can provide the heroes needed to rally the public in support of the policy maker's course of action, while failed SOF operations can spell the end of a policy maker's career and a blow to public moral.

Recognizing the high risk associated with strategic special operations, the U.S. occasionally attempts to attenuate this risk during coalition warfare. During the Gulf War the U.S. came under increasing pressure from Israel to suppress Iraq's Scud launching capability. Israel demanded that the U.S. deploy its best troops into Iraq on a scud hunt or else Israeli would act unilaterally with their own SOF.⁸⁷ Understanding the high risks of failure associated with this type of operation (SOF deaths or U.S. POWs), the U.S. turned to the British and their SAS in order to initiate a Scud hunt deep into the deserts of Iraq.⁸⁸ Eventually U.S. SOF also became involved in the operation. Additionally, when the U.S. desired to capture the Somali warlord, Aideed, the British were initially approached with the possibility of using their SAS for the operation.⁸⁹ The British declined and

⁸⁷ For a good description of the scud hunt operations during Desert Storm see Michael R. Gordon and General Bernard E. Trainor, *The General's War: The Inside Story of the Conflict in the Gulf*. (New York: Little, Brown and Co., 1995), 227-48; and Douglas C. Waller, *The Commandos: The Inside Story of America's Secret Soldiers*. (New York: Simon and Schuster, 1994), 335-51.

⁸⁸ Richard Cheney, the Secretary of Defense during Desert Storm, stated that he had decided that SOF should be used to appease Israeli concerns. He directed Schwarzkopf to solve the Scud problem. Schwarzkopf selected the British SAS over U.S. SOF for the operation. Because Cheney approved the decision, Schwarzkopf was able to stay focused on the conventional battle and pass the risk of possible failure in the special operation onto another nation's soldiers. (Based on Secretary Cheney's response to a question posed by the author during a lecture at the Naval Post Graduate School on 5 June 1996).

⁸⁹ Interview with Major General Garrison on 18 April, 1996 at Ft. Bragg North Carolina. MG Garrison was the commander of Task Force Ranger during UNOSOM II.

the U.S. attempted the high profile special operations mission unilaterally and unsuccessfully.

Political risks are not limited to the strategic level *coup de main*. Even in special operations campaigns there can be great political risks as seen when the French employed the Paratroop Corps during a counterinsurgency campaign in Algeria.⁹⁰

Once the decision is made to launch SOF in hopes of resolving a crisis, the tension between the desire for control of the operation by the policy maker and the military commander can become intense due to the great political risks involved. Linkage to high level policy and the possibility of great political risk means that the planning, rehearsal and conduct of special operations are usually under the direct supervision and approval of a high command up to and including the state leader. Intense concern by the policy maker translates into his desire for increased control of the military operation and the establishment of unique chains of command not seen with conventional forces. Short-circuited chains of command between the policy maker and the tactical commander, typical of strategic special operations, has the potential for placing inappropriate ROE on SOF and their operations.⁹¹ Inappropriate ROE can affect the political or

⁹⁰ This case illustrates how relaxed or non-existent ROE failed to control operations at the tactical level, resulting in near disaster for French statesmanship, an obviously unintended outcome.

tactical outcome of the operation, sometimes via placing excessive restrictions, sometimes by lack of restrictions, and sometimes by lack of clarity in the ROE.

The ROE implications of using SOF at the political-strategic level are not all negative. SOF do provide the policy maker some advantages with regard to constraints and control of military forces during the various phases of crisis management. In a crisis situation where tight diplomatic, strategic and tactical coupling is vital, SOF represent a flexible instrument of military force. SOF can remain an "ace in the hole" for policy makers as they attempt to employ various crisis management strategies. The ability of SOF to plan and prepare covertly for possible implementation provides the policy maker with a military option that avoids the control problems created by having to prepare for combat on the tactical level while trying to avoid war on the diplomatic level. Unlike forces deployed on the ground for possible military action, SOF can remain a visible, a low visibility, or an invisible military option without the risk of tactical de-coupling which occurs when using ROE to control conventional tactical units indirectly. This unique characteristic of SOF allows the policy maker the freedom to conduct diplomatic negotiations without the concurrent concern of maintaining indirect control of

⁹¹ Additionally, in low visibility operations associated with high political objectives abroad, the U.S. Ambassador in the country could become involved and influence the ROE with which SOF must operate.

tactical interactions of military units. During the Entebbe crisis, Israel was able to prepare the commando operation covertly while remaining engaged in diplomacy, thus maintaining the military option without the distraction of ensuring that tactical units remain synchronized with policy. SOF and their ability to prepare covertly allows the policy maker to employ crisis management strategies without the worry of tactical de-coupling and unintended escalation.

Also, during conflicts where nonmilitary aspects of the situation overshadow the military aspects (e.g., counterdrug operations in South America), SOF provide the policy maker an indirect method to apply military force. Through its foreign internal defense mission, which includes the training and assistance of paramilitary and host nation military in the pursuit of U.S. national interests, SOF can influence outcomes well beyond the limits of direct intervention by conventional military forces. Because SOF can be used covertly to apply military force indirectly (e.g., training indigenous military units), the policy maker maintains plausible deniability of U.S. involvement in the enemy's sphere of influence during a crisis or conflict. Specifically, the involvement of media and public awareness can be delayed until well after the completion of operations.⁹²

In addition to avoiding the possibility of decoupling by stratification and providing indirect military force in a crisis or conflict, SOF provides a means of surgical strike where the use of conventional forces would be overwhelming and unacceptable in either international or domestic opinion. As John Collins stated in his book based on his SOF assessment report to Congress:

Special operations often are employable where high profile conventional forces appear to be politically, militarily, or economically inappropriate. Small, self-reliant, readily deployable units that capitalize on speed, surprise, audacity, and deception may sometimes accomplish missions in ways that minimize risks of escalation and concurrently maximize returns compared with orthodox applications of military power, which normally emphasize mass.⁹³

Controlling collateral damage becomes a paramount concern of the policy maker, especially in OOTW where the political objectives are limited and fall far short of the objectives typical in, say, a total war. In an OOTW environment the military and political goals tend to have a greater divergence when compared to wartime, where both military commanders and policy makers will likely desire the maximum use of military force to accomplish objectives. For example, the decision to employ Task Force Ranger in Somalia to

⁹² For more on the media and military operations, see Johanna Neumann, *Lights, Camera, War. Is Media Technology Driving International Politics?* (New York: St. Martin's Press, 1996).

⁹³ Collins, 6.

apprehend Aided instead of increasing the size of the U.S. force was a political move designed to maintain the focus on limited objectives. The military commanders in Somalia desired overwhelming conventional forces, including armor, in order to ensure military success with minimal casualties. However on the other extreme, during the Gulf War, the political and military goals and desired means to achieve them were more in agreement because this conflict was far more conventional than the operations in Somalia.

Many times concern about suffering negative international and domestic public opinion when using military force leads policy makers toward restrictive ROE in order to reduce the collateral damage of a military action. The policy maker selects SOF as a surgical instrument of military force rather than massive conventional units because of this concern for minimizing collateral damage.⁹⁴ Even when SOF are selected as the military option the policy maker may feel compelled to refine the already surgical aspects of a special operation further by limiting SOF's use of force. This attempt to fine tune an operation, which by nature is already a limited collateral damage option, can result in tactical failure of special operations or an increase in casualties.

⁹⁴ FM 31-20, *Doctrine for Special Operations Forces* emphasizes that SOF will operate under legal and political constraints, such as less than optimal ROE, when compared to the employment of conventional forces. See Headquarters, Department of the Army, *Doctrine for Special Operations Forces*, (Washington D.C.: Dept. of the Army, 1990), 1-10.

This type of ROE problem was seen in the Paitilla airfield operation where four U.S. Navy SEALs were killed partly due to restrictive ROE placed on an already surgical military operation.⁹⁵

C. THE OPERATIONAL LEVEL OF ANALYSIS

SOF not only exhibit unique characteristics in terms of political utility on the strategic level, but also in terms of military utility in the execution of a field campaign on the operational level of conflict. SOF are an essential element of strategy for a military commander, as they represent a versatile military force capable of doing the unexpected. SOF can provide the military planner flexibility and a measure of cost effectiveness in many situations due to their unique characteristics. As a force multiplier they can have disproportionally great effects against enemy forces and installations.⁹⁶ They provide the commander force projection beyond friendly lines for either offensive or defensive objectives. Offensively, SOF can scout the battlefield for conventional units, train resistance groups or conduct raids on enemy lines of communications to facilitate an advance.⁹⁷

⁹⁵ The circumstances will be examined in detail in Chapter IV.

⁹⁶ For a concise summary of SOF capabilities see Steven Lambakins, "Forty Selected Men Can Shake the World: The Contributions of Special Operations to Victory," *Comparative Strategy* 13 no. 2, (April/June 1994), 211-221.

⁹⁷ Many early examples include the raiding tactics of Lord Cochrane which might have eliminated the need for, or at least substantially improved, the Peninsular conventional war waged by Wellington for six

Defensively, they can conduct operations behind enemy lines to slow the advance of enemy troops while friendly forces retreat. SOF also provide a rapid response capability to the policy maker and strategic commander.

SOF can be quickly deployed to a hostile operating area providing an immediate U.S. military presence while conventional troops prepare to deploy. SOF can also provide quick response combat search and rescue to locate and return downed pilots, thus avoiding potential problems and liabilities associated with having friendly POWs in enemy hands.

As on the strategic political level, concerns for risk on the part of the senior military commanders are translated through the ROE and can affect the proper employment of SOF in support of conventional forces. Failing to understand the requirements for the success of special operations and imposing conventional force ROE restrictions on SOF can lead to their failure and reduce the impact of their contributions to the conventional campaign. Limitations may be imposed on SOF because of the concern for maintaining strategic surprise during the campaign. SOF teams, if compromised behind enemy lines, might alert enemy forces of possible friendly objectives. Also, the translation of political objectives into tactical ROE by senior military commanders and their

years. Another example is the effective use of special operations methods by Roger's Rangers in the war between the British and the French and Indians.

staffs at each level in the chain of command may further restrict how SOF operations are conducted. This becomes amplified in the OOTW environment where emphasis is usually placed on minimizing collateral damage.

D. THE TACTICAL LEVEL OF ANALYSIS

This section looks at the tactical requirements necessary for SOF to succeed once a policy maker or senior military strategist decides to employ them. The political, military and legal considerations which establish the ROE can complicate the conduct of special operations at the tactical level. By the very nature of SOF and their requirements for success, the ROE will have a proportionally greater effect on their employment in pursuit of political objectives than on conventional forces. Historically, most successful special operations were conducted under decentralized control with few ROE considerations. The SOF commander strives to maintain maximum control over his operation in order to ensure military success and minimal casualties.

What makes special operations unique on the tactical level? At this level, special operations are inherently offensive operations.⁹⁸ Although SOF may be employed as part of a strategic defensive, on the tactical level they still conduct purely offensive operations, that is, using

⁹⁸ While special operations are usually offensive at the tactical level, offensive tactical operations can be conducted as part of a larger defensive campaign.

initiative, movement, and surprise attacks. In nearly all missions, special operations forces conduct offensive missions against defended positions with enemy troops in a defensive posture. As Clausewitz states:

The defensive form of warfare is intrinsically stronger than the offense. [It] contributes resisting power, the ability to preserve and protect oneself. Thus, the defense generally has a negative aim, that of resisting the enemy's will...if we are to mount an offensive to impose our will, we must develop enough force to overcome the inherent superiority of the enemy's defense.⁹⁹

The way special operations succeed is to use methods which provide a force multiplier in combat operations. Commander Bill McRaven coined the term "relative superiority" to describe the concept of establishing force multipliers. The "superiority" is achieved through SOF's ability to gain superior, if transitory, combat power.¹⁰⁰ This concept refers to the ability and necessity of SOF to conduct operations in such a way as to achieve a virtual superiority or decisive advantage in power and numbers over an enemy. Relative superiority is short lived and must be "achieved at the

⁹⁹ Clausewitz, pp. xxx, 358.

¹⁰⁰ McRaven's term "relative superiority" could more accurately be called "transitory combat power." FM 31-20, p. 1-6 states: "In contrast to conventional forces, SOF cannot hope to bring overwhelming combat power against a target except at the lowest tactical level. They do not normally seek dominance in size of force or firepower. Instead, SOF focus on selecting and applying sufficient military power to accomplish the mission without adverse collateral effects. The application of minimum force is dangerous, but SOF commanders must sometimes accept the higher risk associated with not massing in the conventional sense." (emphasis added) The term transitory combat power will be used in subsequent chapters.

pivotal moment in an engagement."¹⁰¹ Surprise and speed are essential to providing SOF a decisive, but temporary advantage upon initial enemy engagement. According to McRaven, relative superiority "must be sustained in order to guarantee victory."¹⁰² This can be accomplished through the perseverance and courage of the SOF members or by follow-on conventional reinforcements. Additionally, McRaven states that once relative superiority is lost it is difficult, if not impossible to regain because SOF will be outnumbered and cannot be easily reinforced. This will be seen in the Task Force Ranger raid.

McRaven identifies six principles of special operations which must be adhered to if relative superiority is to be achieved. These six principles are simplicity, security, repetition, surprise, speed and purpose.¹⁰³ Each of these principles are necessary if special operations are to have a

¹⁰¹ William H. McRaven, *Spec Ops, Case Studies in Special Operations Warfare*. (Navato: Presidio Press, 1995), 4.

¹⁰² Ibid., p. 5.

¹⁰³ While discussing the requirements for an increased probability for success in special operations, the variables of leadership and luck must be addressed. Leaders such as Major Rogers of Roger's Rangers or T.E. Lawrence were highly instrumental to the success of special operations. Great leaders create opportunities for success due to their ability to lead by example, invent new tactics and remain focused on the critical objectives. On the other hand, the variable of luck can subject a perfectly planned mission to the friction of war and completely unravel what should have been a certain success. As Clausewitz explained, "In the whole range of human activities, war most closely resembles a game of cards." (Clausewitz, 86). The ROE have little influence on these two variables but their importance in special operations must not be underestimated.

reasonable probability of success.¹⁰⁴ Each of these principles can be affected by the ROE that either political or military leaders impose on SOF in the conduct of their missions. Because the ROE have an effect on these fundamental principles of SOF, they in turn have an effect on SOF's ability to achieve a decisive advantage and to meet military and political objectives necessary for mission success.

Simplicity, according to McRaven, is the ability of a planner to limit the number of moving parts in an operation. The more complex special operations become the more likely they are to fail. The ROE affect this principle when they impose restrictions on the use of force. For example, if the political objective requires a severe limit on collateral damage, then the SOF planner must add more steps to an otherwise simple plan thus increasing the complexity, the chances for mission failure and the risk to the men conducting the operation.

Security is essential to the success of special operations.¹⁰⁵ Because SOF require the element of surprise to

¹⁰⁴ The theory of special operations which McRaven creates is useful for analyzing special operations on the tactical level of analysis. While he states all six principles are required for success, the theory should be considered probabilistic rather than absolute, that is chances are favorable, not guaranteed, for success if these six principles are followed. Exceptions to this theory exist, but as with any theory there will be exceptions. His theory is used for my analysis as it represents the best tactical level theory of special operations created thus far.

¹⁰⁵ FM 31-20, the Army doctrine for special operations, states:

succeed, security during planning is critical to mission success. In sustained multinational operations, such as in Somalia, security can become difficult. In Somalia portions of the ROE were shared with other nations and some information on SOF missions had to be provided for coordination, support and the prevention of fratricide. This situation presented enormous possibilities for security compromises and potential mission failure. Task Force Ranger lost strategic surprise in Somalia because it became common knowledge where and how they were deployed.

Repetition, or the ability to conduct detailed rehearsals, is another vital principle of special operations. Even the simplest plan on paper can become complex and confusing when executed. Repetition through rehearsals ensure that each member knows his role and that the plan is feasible. Because the team rehearses sometimes for weeks or even months for a specific mission, the conditions assumed for the operating environment are critical. While conducting these rehearsals, the team must learn what ROE will allow them to use the tactics and weapons required for executing a carefully created plan. The ROE can have a detrimental effect if, once the mission is launched in the actual combat environment, the ROE become unexpectedly restrictive. The

"In SO, security is often a dominant consideration, rather than a supporting consideration as is often the case in conventional operations."

chances for mission failure will increase as well as the risk to the personnel.

Surprise is a straightforward concept in special operations, yet vital. It is fundamental to achieving relative superiority. Surprise can be in the form of strategic, tactical or doctrinal surprise.¹⁰⁶ The advantages gained by the use of strategic, tactical and doctrinal surprise can be compromised if the ROE are too restrictive. For example in some situations, such as Operation Just Cause in Panama or Urgent Fury in Grenada, the ROE required U.S. forces to identify themselves or provide warning before moving onto a target. Restrictive ROE, which affect the ability of SOF to gain the advantage of surprise, can be detrimental to the success of special operations.

Speed is of the essence for the conduct of special operations. As McRaven states:

In a special operations mission, the concept of speed is simple. Get to your objective as fast as possible. Any delay will expand your area of vulnerability and decrease your opportunity to achieve relative superiority. Most special operations involve direct, and in most cases immediate, contact with the enemy, where minutes

¹⁰⁶ Strategic surprise involves concealing the fact that SOF are even operating in the area or theater of conflict. Tactical surprise is achieved when the enemy is in a fortified position and in a defensive mode, yet does not know exactly when, where or how he will be attacked. Special operations, according to their joint doctrine, "strike the enemy at a time or place, or in a manner, for which he is unprepared." The third form of surprise is doctrinal surprise. Achieving doctrinal surprise requires that SOF use innovative and unconventional techniques and approaches against the enemy.

and seconds spell the difference between success and failure.¹⁰⁷

Any ROE which restrict tactical movement or lengthen the time on target makes the unit vulnerable to defeat by a reaction force. For example, most SOF utilize claymore mines or booby-traps as area security during the conduct of operations because of their inferior numbers. These defenses provide SOF an advantage in overcoming a reaction force. Many times conventional ROE will restrict the use of such devices and thus create a greater potential for mission failure or excess loss of life. SOF operate as small, lightly armed units which must rely on both surprise and speed in order to succeed.

Purpose is the last principle of special operations that McRaven identifies. This is the understanding of the mission and dedication to its successful completion by the members of the team. This is a key principle of special operations and results from the selective screening and demanding training which all special forces personnel endure. If the ROE create a mission statement which is unclear, or overly solicitous of the enemy's capabilities, then the SOF members will lose focus on the critical aspects vital to success of the mission. Additionally, restrictive ROE emphasizing the importance of limiting collateral damage, can give the

¹⁰⁷ McRaven, 19.

special operators the impression that they are being sent on a mission which is not as dangerous as combat. An over-emphasis on collateral damage can create a non-aggressive mind-set which undermines the sense of purpose required for a small unit to fight outnumbered and succeed at minimal cost.

In addition to the principles discussed above, which are required for success of special operations on the tactical level, there remain two other tactical distinctions between SOF and GPF which aggravate the effects of inappropriate ROE on achieving success during SOF operations. First, in nearly all instances where military force is employed as an instrument of policy, SOF is among the first, if not literally the first, forces sent in harm's way. This characteristic of SOF is embodied in the command logo of USSOCOM: The tip of a spear. Being the first military force to enter the hostile environment of enemy territory carries with it the many problems associated with peacetime and edge-of-war ROE.

Secondly, the force first sent into action usually has to deploy into a hostile and uncertain environment suddenly with little or no notice for preparations. The lack of notice will mean a hastily drawn up set of ROE, and hence all of the problems associated with the translation from theory to reality discussed in Chapter II.

Many times the policy makers will have not yet specifically defined the goals or objectives when sending SOF in as "advisors" or even when they are already deployed as an instrument of force. This is when the ROE will not be firmly established for the particular situation. Even if they are perfectly drafted, there remains little time for their proper dissemination and comprehension through the chain of command down to the individual SOF operator. Being the first in harm's way also gives SOF the dubious opportunity of being the first to learn of any ROE problems during live combat operations. There remains the potential for SOF to correct inappropriate ROE by rewriting them in blood for follow-on conventional forces.

SOF regularly find themselves involved in the area of operations during the transition from peace to war in the beginning of a military build up, as seen in Vietnam or The Gulf War. They also remain in areas at the conclusion of combat in order to continue foreign internal defense missions. Both of these transitional periods create problems for SOF with regard to the ROE. Typically, in these times of transition, the ROE lag behind the changing operational environment, as policy makers are either conducting crisis management to prevent conflict or conducting peace negotiations in order to end conflict.

Additionally, SOF usually find themselves in difficult geographical situations when compared to GPF. SOF sometimes operate hundreds of miles behind enemy lines in small numbers in order to conduct operations such as preparing the battlefield, raids, pilot rescues or reconnaissance. Not only will SOF operate far behind the forward edge of the battle area (FEBA), but many times will find themselves alone and unsupported in enemy territory long before conventional forces have even established a presence in an area. Enemy contact and the ROE implications take on a whole new meaning in these situations. What happens if a SOF operator is deep behind enemy lines and is discovered by a civilian? This and many other "what ifs" must be pre-planned by SOF in the conduct of deep reconnaissance. A conventional soldier could be in a similar situation in which he is compromised by a civilian when on an operation, but the fact remains that the SOF soldier will have to make his decision in tougher circumstances, often hundreds of miles within enemy territory without the support of local conventional forces or the ability to quickly move to the friendly side of the FEBA.

E. CONCLUSIONS

To summarize, SOF operations can be broken down into *coup de main* or protracted campaigns, at either the strategic, operational or tactical level. At the strategic level of analysis, SOF's unique political and military utility set them apart from general purpose forces and

increase both the military and political risk associated with the outcome of special operations. The unique characteristics of SOF change the nature of the political and strategic military concerns which in turn influence the creation of the ROE in the conduct of special operations.

At the tactical level, SOF operate with small forces and require relative superiority in combat power in order to complete operations successfully. The requirements for tactical success in special operations are considerably different than those of conventional units and consequently the ROE which govern these operations must be considered. SOF require a temporary advantage in order to successfully complete missions. Six principles combine to allow for a decisive advantage: simplicity, security, repetition, surprise, speed and purpose. Each of these principles can be affected by the ROE by which special operations forces must conduct their missions. If ROE affect any one on these principles, they can in turn reduce the possibility of achieving the transitory combat power advantage and become a cause for mission failure or unnecessary loss of life.

Additionally, the tactical environment in which SOF operate must also be considered. Being first into the battlefield or deep behind enemy lines without support requires that care be exercised to ensure the ROE are consistent with mission accomplishment and force survival rather than a threat to either.

The distinctions made in this review of the theory of special operations are important in order to allow for an understanding of why special operations are most sensitive to inappropriate ROE, and how the ROE designed for general purpose forces can have unexpected effects when blindly applied to SOF.

IV. PANAMA: THE PAITILLA AIRPORT OPERATION

A. INTRODUCTION

As stated in the introduction, many secondary sources which examine the SEAL operation at Paitilla airfield point to the restrictive ROE as a major cause of the casualties suffered.¹⁰⁸ They imply a simple cause and effect relationship between the established ROE for the operation and the four deaths and nine injuries sustained by the SEALs. A closer examination of this operation reveals a more complex relationship between the political objectives and the final ROE used by the participants in the actual operation. I present this operation as a case in which a great concern for minimizing collateral damage filtered down the chain of command in the form of ever tighter implicit ROE. The higher than anticipated casualties sustained on this operation occurred not only because of the written ROE given to the SEALs, but also because of the inferred and implicit ROE. Inferred ROE resulted from the interpretation and translation of the written ROE by the various levels of command and was influenced by the great concern at all levels for the

¹⁰⁸ Examples of books which point to restrictive ROE include: Malcom McConnell, *JUST CAUSE, The Real Story of America's High-Tech Invasion of Panama*, (New York, NY: St. Martin's Press, 1991); Thomas Donnelly, Margaret Roth, and Caleb Baker, *Operation JUST CAUSE: The Storming of Panama*, (New York, NY: Lexington Books, 1991); and Orr Kelly, *Brave Men, Dark Waters: The Untold Story of the Navy SEALs*, (Novato, CA: Presidio Press, 1992).

minimization of collateral damage. The organizational friction discussed in chapter two influenced the interpretation and translation of the ROE at each level in the chain of command causing the implicit ROE to become increasingly restrictive.

The objective of this chapter is in no way to point fingers or lay blame, but to determine in what way the ROE developed during this operation and the concern for collateral damage contributed to a greater than necessary number of casualties. Additionally, this chapter examines how using SOF, rather than conventional forces, magnified the consequences of inappropriate implicit ROE. This chapter is divided into three sections. The first section provides the necessary background on Panama and identifies the political goals and military objectives of operation Just Cause. This section concludes with a discussion of the ROE that were developed to achieve the political goals and military objectives and why SOF were selected over conventional forces to conduct the operation. The second section examines the planning and execution of the SEAL raid at Paitilla airfield in terms of the ROE, both written and otherwise. This section examines how the ROE affected the principles required for success in special operations; and how this in turn contributed to higher casualties. The last section provides conclusions and additional insights gained from this case.

B. BACKGROUND

1. The Situation in Panama

America's primary interests in Panama included the security of the Panama Canal and the safety of the American soldiers and citizens residing in Panama (see Appendix G, Map 1). The level of threat to these and other U.S. interests posed by the Noriega regime escalated until the U.S. finally invaded the country in December 1989. The roots of this invasion can be traced back over the previous decade with the rise to power of General Manuel Noriega. In the early 1970s, increasing anti-American violence and instability in Panama led to negotiations between President Carter and the de facto leader of Panama, General Omar Torrijos. These negotiations resulted in implementation of the Panama Canal treaties on October 1, 1979. By 1983, when Torrijos died suddenly in a plane crash, Noriega had risen to power as Torrijos' intelligence chief. With Torrijos dead, Noriega became the commander of the National Guard and prevented the successful transition of the country to democracy.

Noriega established the Panama Defense Forces (PDF) and gained control of all aspects of Panamanian business and government. He eventually became increasingly involved in non-official endeavors including arms trading, money laundering, drug trafficking and employment as a paid agent of the CIA. As his illegal activities increased and became

more flagrant, the U.S. began to alienate him.¹⁰⁹ In 1987, Colonel Roberto Diaz Herrera, the former PDF Deputy Commander, publicly exposed Noriega's activities and accused him of involvement in Torrijos' death, rigging the 1984 elections, and the brutal murder of Hugo Spadafora, Noriega's political opponent. Noriega's ruthless repression of the resulting public demonstrations also encouraged the U.S. to oppose his leadership. In 1988 two Florida grand juries indicted Noriega on criminal drug trafficking charges.¹¹⁰ Finally, on March 16, 1988 a coup attempt was made to oust Noriega, but he used his troops to crush the attempt and quiet the violent protesters.

Relations between the U.S. and Panama continued to deteriorate and U.S. citizens living in Panama came under increasing harassment by the PDF. Between February 1988 and May 1989, over 600 treaty violations occurred.¹¹¹ Most of these violations were the work of the PDF and included illegal searches, detention, and beatings of U.S. citizens.

¹⁰⁹ In 1985, John Poindexter, the Nation Security Advisor for President Reagan, and Elliot Abrams, the Assistant Secretary of State for Inter-American Affairs, became concerned with Noriega's activities and formally warned him that the U.S. looked unfavorably upon his actions. See *Operation Just Cause, Panama*. (Office of the Chairman of the Joint Chiefs of Staff, Joint History Office: 1995), 6 (Here after referred to as JCS History).

¹¹⁰ For a chronology including these indictments, see Bernard E. Trainor, "Gaps in Vital Intelligence Hampered U.S. Troops," *New York Times*, December 21, 1989, A21.

¹¹¹ See Susan G. Horwitz, "Indications and Warning Factors," in *Operation Just Cause: The U.S. Intervention in Panama* edited by Bruce W. Watson and Peter G. Tsouras. (San Francisco: Westview Press, 1991), 52.

In one 1988 case, a U.S. service man was beaten and locked in the trunk of his car while his wife was beaten and raped.¹¹² The situation was beginning to get out of hand.

On 7 May 1989, elections were held in Panama. Despite transparent election fraud conducted by Noriega, his candidate, Carlos Dupue, was clearly defeated by the opponent, Guillermo Endara. With the support of Noriega, Dupue declared victory anyway. Panamanians filled the streets in protest. Noriega's Dignity Battalions suppressed the protesters and went after Endara and his vice president, seriously injuring both of them.¹¹³ Endara looked to the U.S. for assistance, but nothing significant was forthcoming.

On 3 October 1989, Major Moises Giroldi, the Chief of Security at the Commandancia (PDF Headquarters), led soldiers of the PDF in an attempt to persuade Noriega to step down. Unfortunately, the rebels' plan was not thorough. They merely sought to force Noriega to resign (as opposed to exiling or executing him) and install the legitimate President, Endara.¹¹⁴ While the rebels negotiated with Noriega, they requested U.S. assistance. Washington was caught by surprise and saw the attempt as half baked, while the U.S. Southern Command (USSOUTHCOM) was unprepared to take

¹¹² Ibid.

¹¹³ "Panama--Chronology of a Crisis," *Reuters* (December 20, 1989).

¹¹⁴ "Coups Leader Barred Giving Us Noriega," *Washington Post*, October 10, 1989.

any immediate action in this type of situation. The new Commander in Chief of the Southern Command (CINCSOUTH), General Thurman, was distrustful of Girolodi and his plan. Thurman stated that the plan was "ill-conceived, ill-motivated and ill-led."¹¹⁵ When it was clear the rebels had no U.S. support, the 6th and 7th Rifle Companies of the Macho de Monte flew over U.S. forces blocking the west side of Panama City. With mechanized units from Battalion 2000, they closed in on the Rebels. As a result, the rebels surrendered and were eventually tortured and executed. The coup was a miserable failure, partly because of the lack of a quick U.S. response.

By December, 1989 the situation in Panama was dismal. Panamanians were protesting against Noriega remaining in power, and he continued to antagonize the U.S. On 15 December Noriega was named the "chief of the government" and the "maximum leader of national liberation" by the Panamanian National Assembly. The Assembly also announced that "the Republic of Panama is declared to be in a state of war."¹¹⁶ This came as no surprise, considering Noriega appointed all members of the Assembly. With these declarations, confrontations between U.S. and PDF troops increased as

¹¹⁵ JCS History, 15.

¹¹⁶ See "Noriega Appointed 'Maximum Leader'," *Washington Post*, December 16, 1989, A21; and "Panama Assembly names Noriega Government Chief," *Los Angeles Times*, December 16, 1989, A4.

Noriega's loyalists became more aggressive toward U.S. servicemen and their families. The culminating point was reached when PDF guards fired their AK-47's at a car containing four U.S. servicemen. One Marine, First Lieutenant Paz, died as a result of the attack. Next, the same guards detained a Navy officer and his wife who had just witnessed the Paz shooting. Both were detained for hours while being harassed and beaten.¹¹⁷

President Bush was notified of the situation, and on 17 December gave authorization to execute operation Blue Spoon, the plan to invade Panama, with the words: "Okay let's do it. The hell with it."¹¹⁸ Three days later the invasion of Panama began under a new name, operation Just Cause.

2. The Political Objectives

In his speech delivered to the American people on 20 December 1989, President Bush stated that the U.S. had four goals for the military action in Panama:

The goals of the United States have been to safeguard the lives of Americans, to defend democracy in Panama, to combat drug trafficking and to protect the integrity of the Panama Canal Treaty.¹¹⁹

¹¹⁷ See "U.S. Officer, Wife Beaten in Panama," *Los Angeles Times*, December 18, 1989, A1; and "Fighting in Panama: Six Days Leading to the Attack," *New York Times*, December 21, 1989, A21.

¹¹⁸ JCS History, 30.

¹¹⁹ George Bush, "Panama: The Decision to Use Force," *Vital Speeches of the Day* 56, no. 7 (January 15, 1990), 194.

The first goal, safeguarding the lives of Americans, was most important. At the time of the invasion there were approximately 30,000 U.S. citizens residing in Panama. Additionally, 142 U.S. defense sites were located in Panama.¹²⁰ The safety of U.S. citizens and facilities was clearly in jeopardy as Noriega had been appointed "maximum leader," declared a state of war against the U.S., and established a pattern of brutalizing U.S. citizens living in Panama. Secretary of State Baker, in an interview with the *New York Times*, pointed to Article 51 of the United Nations Charter and Article 21 of the Organization of American States Charter which supported the U.S.'s decision to use appropriate measures in defense of U.S. citizens and facilities.¹²¹ Additionally, in an era of terrorism and hostage taking, demonstrating strength when U.S. citizens were threatened served to strengthen respect for U.S. resolve and so deter future aggression against U.S. interests.

The second stated goal, to defend democracy in Panama, fit the U.S. National Security Strategy of promoting liberal democracy. Noriega had failed to recognize popularly elected leaders and had resorted to violent repression of citizens who resisted his rule. Additionally, Noriega became hostile toward the U.S. and had turned to Cuba, Nicaragua and Libya

¹²⁰ JCS History, 29.

¹²¹ "Fighting in Panama: The Pentagon; Excerpts From Briefings on U.S. Military Action in Panama," *New York Times*, 21 December 89, A19.

for both economic and military assistance. Cuba and Nicaragua provided communist bloc weapons and military instructors which resulted in the creation of the Dignity Battalions. Noriega used the Dignity Battalions for intelligence collection and population control. Libya paid \$20 million in exchange for Noriega allowing Panama to be used as a coordination base for insurgent and terrorist activities in South America.¹²²

The third goal, to combat drug trafficking, placed Noriega in the sights of the U.S. war on drugs. As stated earlier, Noriega was heavily involved in drug trafficking and had close ties to Colombian drug cartels. Prior to the invasion, federal grand juries had indicted Noriega on numerous counts of involvement in the drug trade. Secretary of Defense, Dick Cheney, modified DoD Directive 5525.5 in order to allow the use of U.S. troops to bring Noriega to justice. Until this modified DoD directive, the Posse Comitatus Act and title 10 of the United States Code prohibited the use of military troops to enforce civil laws. The directive did not specifically apply to enforcing U.S. civil law outside of the U.S. territories. Cheney's modified DoD Directive 5525.5 allowed for the legal use of federal

¹²² JCS History, 6. This publication cites various top secret intelligence messages as evidence of these activities.

military forces to apprehend Noriega in Panama for trial in the U.S.¹²³

The final stated goal was security of the Panama Canal. The canal was important both for commercial shipping and for the mobility of U.S. Naval forces. Noriega's gravitation toward Cuba, Nicaragua and Libya; his heavy involvement in drug trafficking; his failure to recognize popularly elected leaders; and his hostility toward the U.S. together threatened the security of the canal. In the control of a hostile and unpredictable government, the security of the canal would be in jeopardy, especially after the agreed 1999 turn over to Panama.

While these represented the stated political objectives justifying U.S. intervention into Panama, there remained other political objectives which influenced how the military intervention would be conducted. First, with the collapse of the Soviet Union, the U.S. stood alone as a superpower in a new post-Cold War world. How the U.S. intervened in Panama might set the tone throughout the world, but especially in South America. The U.S. was concerned with how a military invasion would sit with both domestic and international opinion. Violating the sovereignty of another nation through unilateral intervention could be a disaster for the U.S. reputation as the world's sole superpower. Excessive force

¹²³ Ibid., 43-4.

resulting in destruction of property or the death of innocent civilians would bring harsh domestic and international criticism down upon the U.S. The long term goal was to maintain good relations with Panama well beyond the 1999 canal turn over date. Acting so as to minimize both the threat to U.S. forces and the destruction inflicted on the Panamanians and their country would be difficult. Of course, covert operations conducted by the CIA could eliminate the risk to U.S. troops. Under President Reagan this option was explored, but the Senate Intelligence Committee stopped it for fear that a CIA-sponsored overthrow of Noriega might lead to his death and accusations of assassinating a foreign leader.¹²⁴ Secondly, the U.S. desired to make up for its failure to support the October 3 coup attempt adequately. The administration was under considerable domestic criticism for apparently bumbling of the October 3 coup attempt. Both the public and Congress were critical of the slow U.S. response to the rebel call for U.S. assistance.¹²⁵

3. Military Objectives

As the political situation deteriorated in Panama, the military planning began for possible contingencies in order to protect U.S. interests. Planning began as early as

¹²⁴ Horwitz, 51.

¹²⁵ See Molly Moore and Patrick Tyler, "Strike Force Struck Out," *The Washington Post*, 23 December 1989, A1.

November of 1987.¹²⁶ These plans evolved under various code names. A series of early plans were fittingly called Elaborate Maze. Later, a collection of four separate plans which covered a wide range of pre-combat, combat and post-combat operations was developed under the code name Prayer Book. Blue Spoon was the code name for the combat phase of operations within Prayer Book. Blue Spoon was renamed Just Cause the night of the operation because General Lindsey, Commander in Chief of the U.S. Special Operations Command (USCINCSOC), proposed that when troops told their grandchildren about the invasion it would sound better.¹²⁷ The initial strategy under USCINCSOUTH, General Frederick F. Woerner, would gradually increased the number of U.S. forces in Panama. This build up was intended to discourage Noriega from interfering with U.S. forces and the Panama Canal, and perhaps persuade the PDF to attempt another coup d'état. However, this approach failed to deter Noriega, and he became increasingly belligerent toward the U.S. Unhappy with this strategy, President Bush put General Maxwell R. Thurman in charge of the Southern Command in place of General Woerner.

General Thurman had a reputation for vigor, aggressiveness and drive. Once he became CINCSOUTH, he was able to secure Lieutenant General Carl Stiner to serve as his

¹²⁶ Donnelly, 17. The JCS History states that planning began after the federal grand jury indictments on February 1988. See JCS History, 7.

¹²⁷ JCS History, 32.

Joint Task Force (JTF) Commander for the operation. Under new leadership, Blue Spoon became a plan based on surprise rather than on a slow build up aimed at either deterrence or coercive diplomacy. The new plan involved deploying forces quickly in either a U.S. initiated deliberate action or in response to a "trigger event" that required U.S. intervention.¹²⁸ Thurman did not want his plan to revolve around reacting to another ill-conceived PDF coup attempt. If the U.S. military was to be deployed, it would be on his terms.

Three options with various force levels were considered in this surprise plan.¹²⁹ The first option involved going after Noriega in a snatch operation conducted solely by SOF. This option, however, would leave the PDF intact. The second option used SOF to apprehend Noriega and rescue hostages, while forces already stationed in Panama would seize key Panamanian facilities, interdict PDF units and protect the canal facilities. These two options together could not guarantee that all the political objectives would be achieved. Each posed great risks of becoming undesirable, protracted military operations. Protracted operations could

¹²⁸ See CINCSOUTH OPORD 90-1, pp. 4-9; JCS History, 18; and Lorenzo Crowell, "The Anatomy of Just Cause: The Forces Involved, The Adequacy of Intelligence and its Success as a Joint Operation," in *Operation Just Cause: The U.S. Intervention in Panama* edited by Bruce W. Watson and Peter G. Tsouras. (San Francisco: Westview Press, 1991), 68.

¹²⁹ Ibid., 68. Also see JCS History, pp. 18 and 28.

result in large amounts of property damage and civilian casualties; domestic and international public criticism; and Panamanian resentment toward the U.S.

The third option was similar to the second, but included U.S.-based forces and the execution of the plan with overwhelming force. Decisive, overwhelming force would significantly decrease the duration of the intervention, as Noriega and his supporters would clearly see that they had no realistic chance for survival, other than surrender. Even if Noriega escaped, his support base, comprised mainly of PDF, would be eliminated. With the PDF dismantled, reconstruction and placement of the elected government after the intervention could be expedited. Overwhelming force would also convince the Panamanians that their best interests would be served in supporting the U.S. and the popularly elected government, rather than Noriega. Additionally, a decisive military move of this scale executed with surprise would reduce the time for the PDF to destroy U.S. targets or take hostages.¹³⁰

To make this plan of overwhelming force succeed was ensuring that the large number of troops accomplished the military objectives without much collateral damage. During the planning, Secretary of Defense Dick Cheney stressed the need to minimize casualties in executing the operation.¹³¹

¹³⁰ JCS History 29.

With this advice in mind, the military planners fine tuned the Blue Spoon contingency plan so that all the political objectives would be met while minimizing damage to the people and property of Panama. This planning resulted in the creation and release of Operational Order 1-90 (OPORD 1-90) by General Thurman on 30 October 1989. This OPORD stated the Joint Task Force mission and execution as follows:

Mission: When directed by NCA, through CJCS, USCINCSO conducts joint offensive operations to neutralize the PDF and other combatants, as required, so as to protect U.S. lives, property, and interests in Panama and to assure the full exercise of rights accorded by international law and the U.S.- Panamanian treaties.

Execution: To accomplish [the] objectives U.S. forces must: Protect U.S. lives and property; exercise U.S. treaty rights and responsibilities; defend the canal; be prepared to support Panamanian initiatives with military operations; and be prepared on order to capture Noriega, capture key Noriega accomplices, fix the PDF, and neutralize the PDF. Additionally, U.S. forces must be prepared to rescue any [U.S. citizens] detained by the PDF and to conduct law and order operations...¹³²

When the specifics for operation Blue Spoon were briefed to President Bush on the afternoon of 17 December 1989, his first questions were:

Would the plan work? Did it have to be that big? How many casualties would there be? How much damage would be done? What would be the diplomatic consequences throughout Latin America?¹³³

¹³¹ Ibid., 18.

¹³² See CINCSOUTH OPORD 1-90, 4.

¹³³ JCS History, 29.

General Thurman, General Stiner and their staffs had anticipated these Presidential concerns. The political objectives would be achieved using overwhelming force, while minimizing collateral damage. The rules of engagement (ROE) were to be the key in accomplishing the objectives without inflicting heavy collateral damage, which could become a lightning rod for international and domestic criticism.

4. The Resulting ROE for Operation Just Cause

OPORD 1-90 contained very specific ROE for the use of military force during the intervention. The OPORD ROE were divided into two sections (for the complete ROE contained in OPORD 1-90 see Appendix A). The first section included the usual generic ROE, such as direction to conduct military operations in accordance with international law of armed conflict, the soldiers' inherent right to self defense, and the treatment of prisoners. The second section contained specific ROE for the intervention. It identified the PDF, regular forces, the Dignity Battalions, Transito police, Centurion police, and the Doberman Riot police as hostile forces. It stipulated that all PDF, armed civilians with the PDF, PDF vehicles, bases, aircraft, boats, and equipment could be attacked and destroyed. Exceptions included marked medical personnel and equipment. Unidentified commercial aircraft could not be attacked unless carrying enemy forces. The decision to use Riot control agents (RCA) could not be

made by commanders below the rank of Lieutenant Colonel or Commander.

Lieutenant General Stiner, as the Joint Task Force Commander, issued Operational Plan 90-2 (OPLAN 90-2) which included the specific tactical direction required in order to implement the broad military objectives of OPORD 1-90. OPLAN 90-2 included even more specific ROE for the use of military force. General Stiner's guidance was that "commanders would ensure that troops used the minimal force necessary to accomplish military objectives."¹³⁴ Specific approval by a ground commander of Lieutenant Colonel (Commander) or above was required before using heavy weapons in populated areas.¹³⁵ Heavy weapons included: artillery, mortars, naval gunfire, tube-launched rockets, tank main guns, helicopter gunships, and AC-130 gunships. The SEALs were planning on having three types of these heavy weapons available for the operation at Paitilla airfield: mortars, tube-launched rockets and an AC-130 gunship.

As shown above, the deep concerns about minimizing collateral damage were emphasized at each level in the defense organization. Translating broad political and military guidance into tactical level ROE resulted in rather

¹³⁴ Ibid., 23. Also see Crowell, 80-2.

¹³⁵ Ibid. Also see General Stiner's comments at a Pentagon Press Brief on February 26, 1990 which were published in "The Architect of 'Just Cause' Lt Gen Carl Stiner Explains His Panama Plan," *The Army Times* (March 12, 1990), 68.

restrictive ROE.¹³⁶ Below General Stiner were several more layers of command. Each layer had a commander and staff which had to interpret and translate the OPLAN 90-2 ROE into a language which could be understood and used for their specific missions. This included Task Force (TF) White, the Naval Special Warfare element of the Joint Special Operations Forces (JSOTF) under the JTF. The next section examines how ROE interpretation and translation down the TF White chain of command influenced how they planned, rehearsed and executed their operations.

C. TASK FORCE WHITE OPERATIONS

1. TF White's Objectives

As stated earlier, the political objectives required that Noriega be captured to face drug trafficking charges in the U.S. and that the PDF resistance be quickly subdued. TF White's role toward accomplishing this objective came with two missions.¹³⁷ The first mission was to secure Paitilla airfield and disable Noriega's personal jet. Eliminating this escape route was a priority.¹³⁸ The second mission was

¹³⁶ For a similar conclusion see authors noted in note 108 and the *Army Times* article noted above.

¹³⁷ In the early planning there were three TF White missions. The third was an assault on Flamenco Island. This Island housed the UESAT special forces which were loyal to Noriega. After the October 3 coup attempt, Noriega moved these forces off the island and dispersed them throughout Panama in order to increase his security. With the forces off the Island, the mission to assault it was dropped.

¹³⁸ Interview with Captain Tom McGrath on 21 September 1996 at Alexandria Virginia. Captain McGrath was the Commanding Officer of SEAL

to put three PDF patrol boats located in Balboa harbor out of action. The focus of this section is on the Paitilla operation as it provides the toughest test of ROE problems associated with SOF missions. Of the two, it was more complex and involved more problems during execution. The Balboa harbor operation will be used to enrich analysis of the Paitilla airfield operation with regards to ROE issues.

Because the U.S. military desired to crush all PDF resistance quickly during the invasion, it was vital that the PDF be denied the use of Paitilla airfield. Paitilla airfield, located north of the Bay of Panama on the southern coast of Panama City, was home to Noriega's personal learjet. This jet, which he kept in a guarded hangar, was the only aircraft he owned with the range to get him safely out of Panama in an emergency.¹³⁹ Another objective at Paitilla was to block the runway in order to prevent any aircraft from taking off or landing. Neutralizing the airport was required to prevent both Noriega's escape and its use by the PDF for rallying reinforcements, as they had done at Tocumen airport during the October 3 coup attempt.¹⁴⁰

Team Four and served as the overall commander for the Paitilla operation. Also see CINCSOUTH OPORD 1-90, 8.

¹³⁹ Interview with Commander Patrick Toohey on 20 September 1996 at Little Creek Virginia. Commander Toohey was the Executive Officer of SEAL Team Four and served as the Ground Force Commander of the Paitilla operation.

¹⁴⁰ McConnell, 53.

2. Planning

Paitilla airfield was already a designated target when the U.S. first began contemplating the use of military force in late 1987 and early 1988. Initial plans involved using two possible conventional approaches. The first approach involved using conventional aircraft to crater the airfield with bombs, rendering it unusable. The second approach called for the Panamanian defenders to be eliminated or scared off with aerial strafing runs followed by the helicopter insertion of hundreds of Rangers.¹⁴¹ As the political objectives and requirements to minimize collateral damage were solidified, these plans were considered unacceptable. Paitilla airfield was a 3500 foot runway running north-south within Panama City. Both the west and east sides of the airport were heavily populated areas. On the west lay apartment and embassy buildings and on the east were slums and a secondary school. A major highway passed around the northern end of the runway. A strike using conventional forces would greatly increase the risk of collateral damage (see Appendix G, Maps 2 and 3).

Planning this portion of the operation was eventually turned over to SOF. The plan was revised to be more surgical, in line with the political objectives.¹⁴² Tactical

¹⁴¹ Toohey interview and Kelly, 254-5.

surprise was deemed essential, along with the backup of an AC-130 gunship for surgical fire support. SEALs were chosen for the operation because they had the capability to conduct a water insertion onto the target.¹⁴³ This was critical because air assets were stretched beyond their limits in order to support the fast paced and overwhelming scale of the intervention. During the planning, any option which could maintain surprise and not have to rely on air assets was attractive.¹⁴⁴ During the early planning phase, the ROE were rather restrictive. The plan called for the SEALs to approach from the water and block the runway by pushing civilian aircraft and airport vehicles onto it. To ensure that the aircraft would stay on the runway, the SEALs planned to cut the valve stems on the tires. Emphasis was placed on minimizing the damage to the aircraft so they could be returned to Panama after the intervention. Additionally, damaging these aircraft would affect the most wealthy and influential citizens of Panama. Noriega's learjet was also to be disabled by cutting the tire valve stems with dikes (wire cutters).¹⁴⁵ This method ensured that the extent of the

¹⁴² Toohey interview. While at JSOC prior to his assignment as Executive Officer at SEAL Team Four, Toohey was involved in the early planning of the Paitilla operation.

¹⁴³ Kelly, 255; and McConnell, 54-5.

¹⁴⁴ McGrath interview.

¹⁴⁵ McGrath interview. Some accounts say the SEALs were to slash the tires (See Kelly, 262 for example), but this is difficult as aircraft

damage would be limited to the aircraft's inner tubes. The plan was rehearsed numerous times as personnel within the platoons rotated in and out of SEAL Team Four.

At this point one might question the tactic of placing SOF on the airfield. Could the runway be denied by using standoff weapons, such as snipers? One plan proposed placing snipers with .50 caliber sniper rifles and rufus rounds¹⁴⁶ at each end of the runway. If any aircraft attempted to land or take off, the SEALs could shoot it down or damage it.¹⁴⁷ There were two problems with this approach. First, the written ROE at the time of the operation restricted how aircraft were to be engaged and thus eliminated this tactic. OPORD 1-90 specifically stated:

All PDF aircraft, except medical aircraft, may be attacked and destroyed. Unidentified and commercial aircraft may not be attacked unless they are carrying enemy forces.¹⁴⁸

Differentiating aircraft categories from a distance and at night would be difficult for the snipers. Even more difficult would be determining if an unidentified or commercial aircraft was carrying enemy troops. If they followed the written ROE, the snipers would have to allow the

tires are designed to be puncture resistant. Cutting the valve stems is easier and provides a minimal damage result.

¹⁴⁶ Rufus rounds are .50 caliber rounds with exploding tips designed to penetrate hardened equipment.

¹⁴⁷ Kelly, 255.

¹⁴⁸ CINCSOUTH OPORD 1-90, C-1-2.

aircraft to land and then determine if the passengers were enemy. If upon landing, an aircraft pulled immediately into a covered hangar to unload its passengers, enemy identification would become impossible. Thus a stand-off option was not thought feasible under the written ROE. Second, snipers could be easily run off by the PDF Armored Personnel Carriers (APCs) in the area, which would result in mission failure. As a result, mission success would not even be guaranteed under looser ROE should the PDF APCs arrive at the airfield.¹⁴⁹

When Commander Tom McGrath became the Commanding Officer of SEAL Team Four in November of 1988, planning and rehearsals had been underway for months. Upon reviewing the plan he had inherited for the operation, he was not completely satisfied. As the owner of a small six-passenger plane, he felt that the plan of cutting aircraft valve stems would not guarantee success. A plane with flat tires could still be moved. If owners or guards drinking at the Club Union, a bar near the airfield, saw people moving their aircraft, they would surely try to intervene or simply move the planes back after they were in place. McGrath pushed for the authority to destroy the planes if necessary. He met

¹⁴⁹ Interview with Lieutenant Commander Tom Casey on 7 September 1996 at Little Creek Virginia. Lieutenant Commander Casey served as the Platoon Commander of Gulf Platoon during the Paitilla operation. The SEALs planned to carry AT-4 tube launched rockets in order to deal with any PDF APCs.

resistance from senior staff officers within General Thurman's CINCSOUTH staff. Later, when a planning meeting was conducted in Panama at CINCSOUTH headquarters, Commander McGrath had a direct avenue to General Thurman and General Downing. Once the General officers heard the planning concerns, the ROE for actions on the airfield were loosened up and destruction of the aircraft was allowed if absolutely mission essential. Stern guidance remained which emphasized that the amount of material damage should still be minimized. The direction to cut the valve stems with dikes never surfaced again during the planning phase, but further restrictions originating from the staff levels would arise once the operation commenced.¹⁵⁰

While Commander McGrath worked on the Paitilla operation, Commander Norm Carley, the Commanding Officer of SEAL Team Two, was planning for the Balboa Harbor operation. His plans were also hampered by restrictive ROE governing target engagement.¹⁵¹ Like McGrath, he became proactive and sought more flexibility with regard to defining what "minimizing material damage" to the target meant. As with the civilian aircraft, the U.S. wanted to minimize the damage

¹⁵⁰ McGrath interview.

¹⁵¹ All facts related to the Balboa harbor operation were extracted from an interview with Commander Norm Carley by the author on 20 September 1996 at Norfolk Virginia. This operation was planned to be conducted simultaneously at H-hour with the Paitilla operation. Also see Kelly, 252-4.

to the three PDF patrol boats in order to return them to the newly installed Panamanian government. Initially, the CINC's staff directed the SEALs to board and seize the patrol boats. This would ensure minimal damage to the boats, but place the SEALs at risk, because boarding the boats and seizing them from the PDF crew would involve close quarters combat (CQB). Carley rejected this plan and proposed a subsurface combat swimmer attack. In this type of operation, SEALs would swim underwater using closed circuit breathing devices and attach explosives beneath the patrol boats. Timers would be used to detonate the explosives once the swimmers were safely out of the area. The explosives would severely damage or sink the boats.

The CINC's staff was unfamiliar with combat swimmer attacks and assumed that boarding and seizing the boats would entail less risk to the SEALs than an underwater attack. Once Carley explained that the swimmer option actually involved less risk to the SEALs, the planners agreed but still pushed for minimal collateral damage. The CINC's staff countered with a proposal to use cables in order to tangle up the propellers and prevent the boats from being moved or used for escape. By replacing the explosives with cables, the planners hoped to minimize the risk to the SEALs and still be able to return the patrol boats to the Panamanians after the intervention. Carley argued that this would not prevent the boats from being used as a gun platform to fire at troop

transports arriving from the U.S.¹⁵² Also, the noise created by the swimmers placing metal cables against the metal propellers of the PBs would be excessive, and would place the SEALs at greater risk. Nothing short of sinking the PDF boats would be satisfactory. Commander Carley's persistence paid off and the CINC's staff agreed that the mission would be a sub-surface combat swimmer attack with enough explosives to sink the PDF boats. Unlike the Paitilla airport operation, further restrictions did not develop prior to commencement of the swimmer attack.

At SEAL Team Four, rehearsals and planning continued for the Paitilla operation. Even though the requirement to cut valve stems had been successfully addressed, the goal of minimal collateral damage persisted on the basis that most of the Panamanians would be friendly and supportive of U.S. troops during the intervention. It was also believed that the PDF were not loyal to Noriega, and would quickly abandon him when faced with overwhelming U.S. military power.¹⁵³ It was supposed that the PDF would realign quickly with the new government. This mind-set influenced the planning and rehearsals for the operation. ROE discussions which entailed on engaging PDF troops became murky and confusing. Friend or foe identification, which is already a difficult task for

¹⁵² Additionally, the TF White Tactical Operations Center (TOC) was within range of the PDF patrol boat's guns.

¹⁵³ McGrath interview.

ground forces at night, was complicated by the fact that the "enemy" PDF could also be "friendly." Early ROE was based on whether the target had a uniform, a weapon and how they were moving. If they were not moving in an aggressive manner, such as running away, they could not be engaged.¹⁵⁴ Once the shooting started, this could become even more confusing, because the PDF might remove uniforms and friendly civilians might take up arms to defend themselves and their property from looters.

Rehearsals were conducted and the ROE were reviewed and discussed extensively. One of the rehearsals, called "MOD 4," was conducted at Navare airfield, located five miles west of Hurlbert Air Force Base in Florida. Navare airfield was situated near the water similar to Paitilla airfield. This rehearsal was significant because it was a full scale rehearsal and involved U.S. Army soldiers playing the role of an opposing force. When the SEALs hit the beach from the water, the Army engaged them in a firefight. One of the exercise graders judged that the Army force had been killed, so the SEALs increased their pace and successfully completed the operation.¹⁵⁵ The rehearsal debriefing focused on whether

¹⁵⁴ Toohey interview and interview with Tony Ducci on 5 July 1996 at San Diego Ca. Ducci was a petty officer in Bravo Platoon during the Paitilla operation. He has been used by the Naval Special Warfare Center to brief the operation to prospective Commanding and Executive officers of SEAL Teams.

¹⁵⁵ McGrath interview.

the ground force commander, Commander McGrath, should report such an enemy contact to the commander of TF White, Captain Sandoz, at the Tactical Operations Center (TOC). Some participants thought the contact and the associated problems were a typical exercise glitch,¹⁵⁶ while others thought the tactical ROE implications of the contact on the beach were overshadowed during the debrief by the eventual debate concerning reporting procedures.¹⁵⁷ After the debrief, the decision was made to put Commander McGrath on the Patrol Boats (PBs) as the overall mission commander and a positive communications link to the TOC. Lieutenant Commander Pat Toohey, the Executive Officer of SEAL Team Four, was moved into the Ground Force Commander (GFC) position and would report directly to McGrath.

The SEALs in the platoons were constantly reminded that minimal collateral damage was paramount; the Panamanians would be friendly and supportive; and the PDF would be overwhelmed by the sight of a huge U.S. force and offer little resistance. Intelligence briefs describing minimal security on the airfield reinforced the mind-set created by the constant emphasis on minimizing damage. Other briefs implied that the airfields would probably be guarded by old men with rusty weapons who would run before they fought.¹⁵⁸

¹⁵⁶ Casey interview.

¹⁵⁷ Toohey and Ducci interview.

The SEALs were briefed that they would have to exercise "diplomacy" if they encountered civilians or drunk Panamanians returning from the Club Union, which was located beside the airfield.¹⁵⁹ In some instances, the operation was described by senior officers as a cake walk that even a bunch of Boy Scouts could pull off.¹⁶⁰

The ROE for dealing with the aircraft, including Noriega's, were relatively clear: minimize material damage as much as possible. The ROE understood by the SEALs for people was that they could fire if they felt threatened,¹⁶¹ but defining what was a threat in an atmosphere which emphasized minimal collateral damage, was more difficult. The ROE for engaging people was understood to be as follows: if they had no weapon the SEALs could not engage them; if they had a weapon and were not an immediate threat, a verbal warning to drop the weapon should be given; if they refused to drop the weapon and were a threat, then the SEALs could engage.¹⁶² This meant that if a Panamanian with a weapon was seen running away, he could not be shot unless he became an immediate threat. Additionally, in order to minimize collateral damage, the SEALs understood that any engagement

¹⁵⁸ Ducci interview.

¹⁵⁹ McConnell, 62.

¹⁶⁰ Ducci interview.

¹⁶¹ Casey interview.

¹⁶² Toohey and Ducci interview.

should be limited to small arms fire, specifically 7.62 and 5.56 mm weapons.¹⁶³ The GFC, Lieutenant Commander Toohey, was comfortable with the ROE because he expected to have SOF eyes on the target prior to H-hour and the presence of the AC-130 gunship for fire support during the operation.

Unfortunately, General Stiner would later disapprove SOF eyes on the target because of fear that they would compromise the entire operation and the AC-130 would not be used because of communications problems.¹⁶⁴

The final plan designated the Naval Special Warfare (SEAL) element of Blue Spoon as TF White. The Task force consisted of units mainly from the U.S. with supporting forces provided by NSWU-8, the SEAL unit based in Panama. U.S.-based forces accounted for most of the Task Force personnel: four SEAL platoons and a ground command, control and communications (C³) group. Three of the SEAL platoons, Bravo, Delta, and Golf, were assigned the Paitilla airfield operation.¹⁶⁵ They would be augmented by NSWU-8 personnel and by Special Boat Unit 26 (SBU-26), which provided the sixty

¹⁶³ Toohey interview. Also see Kelly, 264.

¹⁶⁴ For details on the AC-130 communications problems see Barbara Starr, "Comms Failure Blights SEAL Operation," *Jane's Defense Weekly* (Vol. 13, No. 18., May 5, 1990), 834.

¹⁶⁵ The three platoons from SEAL Team Four would conduct the operation at Paitilla airfield under the control of a seven-man ground command and control element which consisted of a Ground Force Commander (GFC), a SEAL lieutenant as communications coordinator, two SEAL communicators, two SEAL corpsmen, and two Air Force Special Operations Combat Control Team (CCT) members.

five foot MK III patrol boats and crews. Four members of the fourth platoon would conduct the Balboa harbor attack on the PDF patrol boats.

In the Paitilla operation, the SBU-26 MK III PBs would tow the Combat Rubber Raiding Craft (CRRC) containing the assault force to a position 2000 yards off the coast from their insertion point south of the airfield. The PBs would maintain station off the coast and provide overall operational command and control. Once ashore, the SEALs would move up either side of the runway in order to secure the area and block the runway with aircraft and vehicles. The tower on the east side was considered the greatest threat and the most experienced platoon, Delta, would move toward this area.¹⁶⁶ Once the runway was blocked, the SEALs would then move into Noriega's hangar and disable his aircraft. The ground force C³ unit would follow the platoons up the airfield. Once in place, the SEALs would monitor the helicopters, which were also on the airfield, and be prepared to engage them if they were used in an escape attempt.¹⁶⁷ Simultaneously at H-hour, four SEAL Team Two members would conduct a combat swimmer attack against the PDF patrol boats in Balboa Harbor.

¹⁶⁶ Interview with Lieutenant Commander Kevin Baugh on 23 September 1996 at the Pentagon, Washington D.C. Lieutenant Commander Baugh served as the second in command under Commander Toohey in the ground C³ element during the Paitilla operation.

¹⁶⁷ Ibid.

Overall, the written, inferred and resulting implicit ROE for the operation created an expectation of an operation other than combat. Brief after brief emphasized that the Panamanians would be friendly and supportive; the PDF would quickly roll over; restraint and "diplomacy" on the part of the SEALs would prevent the accidental shooting of a friendly drunk Panamanian; and minimizing collateral damage to the aircraft would ease the transition and financial burden for the new government and align with the political objectives of the U.S. After extensive rehearsals, the SEALs were ready for the operation, but the constant emphasis on minimal material damage and restraint when engaging targets impacted the mind-set of those about to conduct the operation. When they deployed, the SEALs still carried dikes in their combat equipment for cutting valve stems.¹⁶⁸

3. Execution

On 17 December 1989, the alert order was issued for the execution of operation Just Cause. NSWG-2 (TF White) deployed from Little Creek Virginia on 18 December on two C-141 starlifters. Once they arrived at Howard Air Force Base in Panama, they moved to NSWU-8's compound at Rodman Naval Station and set up the Tactical Operations Center (TOC) for TF White. Preparations were conducted at a brisk pace, as H-hour was scheduled for 0100 on 20 December. To meet this

¹⁶⁸ Ibid.

timeline, the platoons would have to launch their operations shortly after nightfall on December 19. While the platoons prepared, Commander McGrath attended a last minute coordination meeting at the Joint Operations Center (JOC). All the key players for the intervention were present, including Generals Downing and Thurman. At this meeting the commanders were reminded that the U.S. had no quarrel with the Panamanian people. Heavy emphasis was placed on minimizing collateral damage and civilian casualties. They were also reminded that CNN would be present along with two other news organizations. The briefer concluded by stating that "we will have to live with our image for a long time."¹⁶⁹ Thus the Commander of the Paitilla operation received a firm reinforcement of the written and inferred/implicit ROE within hours of launching on the operation.

Shortly after nightfall on evening of 19 December, both the PBs and the CRRCs departed Rodman Naval Station in order to conduct a rendezvous and connect the tow line for the transit to the airfield. Once the rendezvous was completed, the PBs towed the CRRCs toward the drop-off point 2000 yards off the airfield. At 2052, Commander McGrath received a radio transmission from the TOC. The message stated that the SEALs should try not to destroy any aircraft. This could have meant anything. Did they again want the valve stems

¹⁶⁹ McGrath interview.

cut? Did they want the aircraft not damaged at all? McGrath requested additional clarification. The TOC responded that the SEALs should try to keep the destruction "below the knees," specifically, that if they had to resort to incapacitating the aircraft then to damage only the landing gear with nothing more than small arms fire.¹⁷⁰ Receiving this type of transmission while already on the operation certainly reinforced previous emphasis on minimizing collateral damage and influenced how the SEALs were to make ROE judgments. The origins of this transmission are vague. The TOC transmitted it to Commander McGrath, but the Joint Operations Center (JOC), the command above the TOC, asserted that the message did not originate there and denied that any such message was ever transmitted.¹⁷¹ One author points to a misinterpretation of a transmission sent by General Stiner to Rangers who were confronted with a civilian airliner at Torrijos International Airport. That is where Stiner was emphasizing the ROE and the requirement to minimize collateral damage and casualties.¹⁷² Regardless of where the transmission originated, someone in the chain of command

¹⁷⁰ Ibid.

¹⁷¹ Toohey interview.

¹⁷² Donnelly, 116.

interpreted General Stiner's message very broadly concerning collateral damage and it eventually became specific direction to Commander McGrath.

The new orders were passed on to each SEAL by word of mouth because excessive radio transmissions could potentially compromise the operation. Because the PBs had the CRRCs in tow, there was a time delay in getting the new information passed through the Ground Force Commander and to all the Platoons. The Platoons received the renewed emphasis on minimal collateral damage and the specific order to keep the damage "below the knees" of the aircraft approximately 15 minutes before they detached from the PBs on their way into the beach.¹⁷³ As a result, the last instruction the SEALs received when leaving the PBs was to minimize material damage. This would certainly reinforce the inferred/implicit ROE created throughout the briefings and rehearsals and cause them to be cautious when making any ROE judgments. Further complicating the situation, the SEALs received word that H-hour had been advanced from 0100 to 0045 by the CJTF, General Stiner.¹⁷⁴

¹⁷³ Casey and Baugh interview.

¹⁷⁴ General Stiner explains the indicators he used to determine that H-hour had been compromised in his comments reported by the *Army Times* article, 15.

With these last minute adjustments understood, the SEALs departed for the beach in the CRRCs. At about 0100 the platoons moved onto the beach, followed by the ground C³ element. An AC-130 was firing its 105 mm gun at targets only half a mile from the airfield at H-hour, so the SEALs had now surely lost strategic surprise, and perhaps tactical surprise. The target was within an urban area which offered minimal cover and concealment. This certainly was not an environment similar to the jungles of Vietnam, where many of this operation's critics had served. The west side of the runway consisted of high- and low-rise buildings, with a chain link fence running up the west side of the airfield behind the hangars. It was thought that all the fence's gates would be locked.¹⁷⁵ The east side consisted of shanty buildings and slums.¹⁷⁶ Avoiding civilian contact was paramount given the urban setting, the ROE, and the concern for minimizing collateral damage and Panamanian casualties. Moving directly up the sides of the runway provided the best possibility of avoiding contact with the population on either side of the airfield (see Appendix G, Map 4).¹⁷⁷

¹⁷⁵ Baugh interview.

¹⁷⁶ Commander Toohey was hesitant to fire in this direction for fear that their weapons could easily start an uncontrollable fire in the shanties.

¹⁷⁷ McGrath, Toohey and Casey interview.

Bravo and Golf Platoons moved up the west side of the runway. Their objectives included clearing the buildings on the west side, blocking the runway and disabling Noriega's learjet. They were also to provide a blocking force for any Panamanian troops which approached from the north.¹⁷⁸ Delta platoon, the most experienced platoon, and the ground C³ element moved up the east side of the runway in order to clear the east side buildings and the control tower. The C³ element maintained radio contact with the AC-130 and with the operation's commander stationed on the PB.

While moving up the west side of the runway, the SEALs encountered Panamanians, probably civilians and private security guards, inside and among the southern most hangars.¹⁷⁹ Identifying whether these people were armed or not was the first big difficulty for the SEALs. Some of the people were Caucasians and looked like many of the Americans living in Panama. Some even shouted words of encouragement to the SEALs such as "go get him (Noriega) guys, he's getting what he deserves."¹⁸⁰ Others they contacted were more belligerent and verbal exchanges ensued. When some of these people refused to leave as directed, the verbal confrontation turned into what seemed like a brawl.¹⁸¹ Bravo platoon

¹⁷⁸ Casey interview.

¹⁷⁹ Casey interview. Also see McConnell, 63.

¹⁸⁰ Casey interview.

eventually subdued and bound the trouble makers while Golf continued up the runway. By now tactical surprise was lost. Because target identification was difficult and the ROE required an immediate threat before engagement, shooting these people was not a possibility. Even without the restrictive ROE, it would have been wrong to gun down these early contacts as some could have been Americans and others were just innocent Panamanian workers who were supposedly friendly. Belligerence by the Panamanians was understandable as they saw armed men (SEALs) trespassing on their property. Additionally, these contacts were not an immediate threat to the mission, as later contacts would be at Noriega's hangar.

On the east side, Delta platoon and the ground C³ element continued to move. The GFC received a transmission that Noriega's aircraft was inbound. The original message stated that an aircraft was inbound, but somewhere along the line this was interpreted as being Noriega's aircraft.¹⁸² The GFC ordered Delta platoon to stop their progress up the runway and prepare an ambush for the approaching aircraft. The GFC then received another transmission indicating that three PDF APCs were heading toward the airfield on the road which looped around the north side of the runway. This report of additional security arriving at the airfield

¹⁸¹ McConnell, 63-4. McConnell conducted interviews with the Assistant Platoon Commander of Gulf, Mike Phillips.

¹⁸² Toohey interview.

reinforced the belief that the inbound aircraft was Noriega's. The GFC ordered one of the platoons to move north and prepare to intercept the APCs.¹⁸³ All these developments complicated the execution of the operation and created a sense of urgency. In this pressurized environment, the SEALs would rely on their planning and rehearsal experience in order to judge any situations that developed, including ROE judgments. As the GFC began to make adjustments to the plan, a firefight broke out on the west side of the runway.¹⁸⁴

When Golf platoon had approached Noriega's hangar, the Assistant Platoon Commander saw soldiers armed with AK-47s and ammo pouches running from an apparent bunk room to sheltered positions within.¹⁸⁵ Intelligence had indicated that only civilian security guards, not PDF, would be at the hangar. But two weeks prior to the invasion, Noriega had placed these PDF soldiers, formerly at Flamenco Island, in a double wide trailer behind the hangar. Noriega did this not only to maintain security on his airplane, but to provide security when he visited one of his girlfriends living in an apartment on the west side of the runway.¹⁸⁶ These soldiers

¹⁸³ The APCs eventually arrived on the road north of the runway, but never stopped at the airfield. Apparently they were moving to another location.

¹⁸⁴ Baugh interview.

¹⁸⁵ McDonnell, 64.

¹⁸⁶ Casey interview.

were probably awakened by the AC-130 firing its 105 mm gun at another target half a mile away. Most likely, as the Panamanians scurried to the hangar they saw one of the SEAL squads, only eight men, and took defensive positions.¹⁸⁷

Because the SEALs did not realize the soldiers were assuming defensive positions, rather than just running away, they held their fire in accordance with the ROE. Golf, first squad, stopped their movement to the northern end of the runway and became engaged in a verbal exchange with the Panamanian soldiers. The troops in the hangar ordered the SEALs to drop their weapons. Following what they understood to be the ROE, the SEALs replied with a verbal warning. One of the Spanish speaking SEALs warned in Spanish: no, you drop your weapons! The soldiers refused and one of the SEALs saw a Panamanian soldier leveling his weapon. Now that an immediate threat was apparent, he opened fire.¹⁸⁸

Golf, first squad, stopped on the concrete runway when the shooting began. Golf took return fire from the Panamanians and suffered hits directly and from rounds bouncing off the concrete. Seven of the eight members of the

¹⁸⁷ Ibid.

¹⁸⁸ Finding out who initiated fire was more difficult than expected. Many authors who interviewed SEALs from the operation have different accounts of how the first shots were fired. The uncertainty of who fired first in the various earlier accounts of the operation indicates that the SEAL who had fired the first shot was concerned that he might be in trouble under the strict ROE. This fact reinforces my arguments in this case. Years later, all the SEALs I interviewed said that the SEALs fired first.

squad were killed or wounded. Golf, second squad, which was in the grass nearby, moved to reinforce them. The SEALs returned fire into the hangar. When the platoon commander radioed the GFC about the heavy casualties, the GFC ordered both Bravo and Delta platoons to assist Golf. Delta moved toward the north flank of the hangar and Bravo moved directly toward the hangar. At this point Bravo also suffered casualties.¹⁸⁹ Additional casualties were incurred when some of the SEALs attempted to move the wounded before the firefight had ended.

When the firefight was initiated, the GFC shouted into the radio for the SEALs to use high explosives, as they had only been using small arms fire so far in the engagement as directed by their ROE.¹⁹⁰ The GFC ordered the SEAL officer in the ground C³ element to raise the AC-130 for fire support and then quickly ran across the runway toward Golf's position. When the GFC arrived, he saw that the SEALs were laying down heavy return fire and the Panamanians in the hangar had stopped firing. He ordered a cease fire, established a security perimeter, and started moving casualties to a triage area. The hangar had been heavily damaged and Noriega's plane was riddled with bullet holes.

¹⁸⁹ Baugh interview.

¹⁹⁰ Toohey interview. The SEALs were operating within the ROE when resorting to high explosives because at the time they felt heavier weapons were required to ensure mission success.

Additionally, an AT-4 tube launched rocket had been fired into the plane. Four SEALs were dead and nine were seriously injured.¹⁹¹

D. ADDITIONAL ANALYSIS AND CONCLUSIONS

In this case, the translation of the ROE from theory into practice was complicated by organizational friction within the chain of command. Organizational friction resulted from the translation of the broad ROE associated with the political objectives into the specific tactical ROE used by the SEALs on the operation at Paitilla airfield. The political objectives required that minimal collateral damage occur during the unilateral intervention into Panama. The President, the Secretary of Defense and others emphasized the requirement for minimal material damage and Panamanian casualties. As a result, SOF were chosen as a minimal collateral damage option for the Paitilla airfield over conventional forces.

The military objectives were to conduct the operation using overwhelming force in order to expedite the achievement of the political objectives. The ROE were designed to ensure that the overwhelming military force did not create excessive

¹⁹¹ Contrary to SOF planners, some conventional planners would consider these losses minimal. Compared to the size of the force used by the SEALs, 60 men, they incurred a proportionally large number of casualties. Operation Just Cause involved 25,000 troops and the entire operation suffered 19 KIA and 99 WIA including the SEAL losses. Obviously, the SEALs suffered a proportionally large number of casualties in achieving the objectives when compared to other units. (Figures obtained from JCS History, pp. 2 and 41.)

collateral damage. OPORD 1-90 translated the political objectives into military objectives and thus created rather restrictive ROE. The ROE in OPORD 1-90 were further refined in OPLAN 90-2 in order to translate the broad ROE of OPORD 1-90 into tactical ROE for forces within the JTF. These written ROE precluded the conduct of a stand-off operation and required that the SEALs physically occupy the runway.

Each level of the defense organization further translated the ROE into understandable and relevant ROE for their specific missions. This translation at each level in the chain of command resulted in a written and implicit ROE. Both were continually emphasized during this operation in briefs and rehearsals contributing to a mind-set counterproductive to a special operations mission. The SEALs received continued emphasis to reduce material damage and civilian casualties at every level in the chain of command. This included briefs the operation's Commander received the day of the operation which emphasized minimizing damage, the friendliness of the people and the presence of CNN. Last-minute ROE instructions were transmitted over the radio which further restricted the use of force by demanding aircraft damage be restricted to only the landing gear. The SEALs received this order within minutes of launching onto the target area. The continual emphasis on collateral damage influenced the judgment the SEALs used in any situation governed by the ROE. As a result, the SEALs were inclined to

be overly cautious in any ROE judgments made during the operation.

Once on the beach, the SEALs did what they were constantly reminded to do in numerous briefings and in the last minute updates regarding ROE. When they first made contact with civilians in the first hangar, target identification and determining if people were carrying weapons was difficult. The SEALs exercised diplomacy and conducted a verbal exchange with the belligerents at the first hangar. Once they arrived at Noriega's hangar, they continued this tactic, which they understood was required by the ROE. They did not fire upon the running soldiers, who unbeknownst to the SEALs were moving into defensive positions, because of their understanding that under the ROE they could only fire if immediately threatened. As a result, they resorted to a verbal exchange with the armed soldiers who were by then in a defensive position. The earlier verbal exchange in the first hangar had been resolved successfully, so they hoped for the same result at Noriega's hangar. Once the shooting started, they initially kept their return fire limited to only small arms as required by the ROE. The GFC eventually had to yell in the radio for them to use high explosives, before they used 40 mm grenade launchers and AT-4 tube launched rockets to suppress the enemy fire. He acted appropriately, as the successful completion of the mission was at risk.

The combination of the written and inferred/implicit ROE had caused the SEALs to hold back the maximum combat power at their disposal while on the target. They did not shoot on the PDF maneuvering to defensive positions; they provided verbal warning; and when engaged, they initially held back on the amount of fire power delivered to the target. While "diplomacy" was required and appropriate on civilian contact at the first hangar during the approach, the same method of providing verbal warning prior to firing had deadly consequences at Noriega's hangar. Proximity to the target should call for different judgment with regard to ROE. In the Balboa harbor operation, the lives of the PDF patrol boat's crew members were not a consideration during the operation. The PDF or civilians located next to Noriega's aircraft at Paitilla could have been treated in a similar manner and engaged without warning or verification of weapons. Unfortunately, the organizational friction turned the already restrictive written ROE into an even stricter implicit ROE. The SEALs received last minute briefs and radio transmissions which turned the implicit ROE into specific directions concerning target engagement. These directions caused the SEALs to use rather cautious judgment when following what they understood to be the ROE. As a result, they suffered almost 25 percent casualties in the successful completion of the mission.

The ROE, written, implicit and inferred, were at variance with the principles required for success in special operations with minimal casualties. As Chapter III established, SOF rely on establishing transitory superior combat power in order to succeed against a numerically superior force or a force in a defended position. SOF rely on at least tactical surprise in order to attack a defended position successfully. Being restricted in their ability to fire on maneuvering enemy forces within the target area; having to provide verbal warning and diplomacy; and having to hold back firepower when initially engaging, contributed to an erosion of the principles required for SOF to succeed with minimal casualties. The SEALs gave up the advantages SOF rely on: surprise, speed and violence of action. Additionally, the constant emphasis on applying minimal force to accomplish the objective eroded the principle of purpose which contributes to SOF achieving almost unimaginable feats in the worst of situations.

As stated earlier, SOF form an inherently minimal collateral damage military option for accomplishing broader military and political objectives. General James Lindsey, USCINCSOC during the operation, stated after Operation Just Cause that:

[A] surgical strike at Point Paitilla still averted civilian loss of life that would have been likely

if Air Force bombers, instead of SEALs, had been sent to destroy the jet.¹⁹²

In earlier plans, conventional forces would have conducted the operation at Paitilla using overwhelming force. After initial mortar and aircraft fire to soften the target, nearly 300 soldiers would have landed in the center of the target in an aerial assault. They would have quickly formed an ever expanding "donut" until they consumed the entire airfield. They would enjoy an absolute combat power advantage over any PDF whether or not the PDF were in a defensive position. Most likely, the overwhelming presence of this amount of force would have scared off any PDF in the area.¹⁹³ Instead, the PDF only saw about eight opponents at the initial contact at Noriega's hangar and decided to fight. A conventional force can afford to operate under a more restrictive ROE than SOF. Not only do they operate with permanent combat superiority (as opposed to the transitory combat power of SOF), they usually plan for losses during any operation.¹⁹⁴ SOF does not plan for losses, because even the loss of one man in an eight-man team can result in mission failure.

¹⁹² See Thom Shanker, "Special Forces Checkered Past and Rambo Image Haunt America's Warrior Elite," *Chicago Tribune Sunday Magazine*, August 26, 1990, 10.

¹⁹³ Casey interview.

¹⁹⁴ General Stiner stated that conventional airborne forces routinely plan for 6 percent casualties. See *Army Times*, 15.

Employing SOF as a military means to a political end magnify the consequences of inappropriate written, or in this case, implicit ROE. SOF must sustain a superior transitory combat power in order to achieve tactical success with minimal casualties. In the Paitilla airfield operation, the SEALs accomplished the mission, but suffered needless casualties because the implicit ROE influenced the conduct of the operation and the mind-set required to succeed in special operations with minimal casualties.

V. SOMALIA

A. INTRODUCTION

SOF played two main roles during the intervention in Somalia. The more publicized was the mission to capture General Aideed conducted by Task Force Ranger. The other role, which received less attention, was the use of SOF in anti-sniper and sniper operations. At first glance the case of Somalia raises doubts about the ability of the U.S. to address the tension between political objectives and military requirements in the conduct of special operations. The first thoughts of most Americans when remembering U.S. intervention in Somalia are 18 dead U.S. soldiers; an American pilot held hostage; and the badly beaten body of an American serviceman being dragged through the streets of Mogadishu by a seemingly out-of-control mob.

Upon examination, many observed that the ROE were restrictive and thus caused the disastrous result of the Task Force Ranger operation.¹⁹⁵ The public, the media and members of Congress argued that the lack of U.S. armor in the quick reaction force, restrictions on the use of air fire support and ineffective UN command and control were responsible for the 18 deaths and 75 injuries in this mission. On the other

¹⁹⁵ For example see David S. Harvey, "U.S. Forces in Somalia denied use of Black Hawk Gunships," *Defense Daily* (Vol. 187, No. 12), p.80. Also see Storer H. Rowley, "Marines Vexed by Restrictions," *Chicago Tribune*, 20 December 1992, 1.

hand, in SOF sniper operations there were numerous media reports and allied nation concerns that the ROE were interpreted too freely by U.S. snipers.¹⁹⁶

Retired Army Captain James H. Smith, a disabled Vietnam veteran who had lost his son during the Task Force Ranger raid conducted in Mogadishu, Somalia on 3 October, 1993 stated before the Senate Armed Services Committee that

...we must learn what was the decision making process in the White House?....it is also important that we discover and find out what input the UN Envoy Jonathan Howe and UN Secretary General Boutros Boutros-Ghali had in the deployment, combat support, and rules of engagement for our troops. If we are to truly clarify the causes of the Somalia fiasco, we must clarify these concerns.¹⁹⁷

While the answers to all of Captain Smith's questions are beyond the scope of this chapter, I intend to investigate one of his concerns: the rules of engagement. Specifically, I intend to determine the following: how successful were the rules of engagement (ROE) in balancing the tension between the political objectives and the military requirements during special operations in Somalia? What unique variables were present in this case which complicated the application of military force in pursuit of the political objectives? How

¹⁹⁶ These reports are cited later in the chapter in the discussions of each operation.

¹⁹⁷ See James H. Smith testimony before the Senate Armed Services Committee on 12 May 1994. U.S. Government Printing Office, *U.S. Military Operations in Somalia. Hearings Before the Committee on Armed Services, U.S. Senate.* (Washington DC: GPO, 1994), 76.

did the ROE influence the conduct of Special Operations in Somalia?

This chapter is divided into six sections. The first section provides the background which led to UN intervention. The second section outlines the political goals, military objectives and ROE for each phase of the intervention: United Nations Operations in Somalia (UNOSOM I), United Task Force (UNITAF), and UNOSOM II. The third section identifies the unique variables that were present in Somalia which had a direct effect on ROE. The fourth and fifth sections analyze SOF's role in Somalia and the effect the ROE had on the employment of SOF. The final section provides conclusions.

B. BACKGROUND

Before our forces became involved in Somalia, Under Secretary of State Frank Wisner asked other U.S. diplomats to provide him with any suggestions on the situation. Smith Hempstone, the U.S. Ambassador to Kenya sent a candid response on 1 December, 1992. He stated:

...Somalis, as the Italians and British discovered to their discomfiture, are natural-born guerrillas. They will mine roads. They will lay ambushes. They will launch hit and run attacks. They will not be able to stop the convoys from getting through. But they will inflict -and take- casualties...There will be an abduction or two. A sniper will occasionally knock off one of our sentries. If you loved Beirut, you'll love Mogadishu...think once, twice and three times before you embrace the Somali tarbaby.¹⁹⁸

¹⁹⁸ Published in *U.S. News and World Report*, December 14, 1992, 30.

He accurately predicted the difficulties both the UN and the U.S. would face in attempting to apply a military solution to the political and social problems of Somalia.

In addition to the problems Ambassador Hempstone so accurately predicted, the military faced many challenges posed by the geography of Somalia. Somalia, which is located on the Horn of Africa, is a hot, dry and sparsely settled desert environment of nearly 250 million square miles, about the size of New England (see Appendix G, Map 5). It is nearly 24 hours by air and several weeks by sea from the United States. The roads and public services are non-existent or deteriorated.

Politically, Somalia was in anarchy. It had no government, no police force, no military and no social services. Prior to 1977 Somalia was a Soviet client state under Siad Barre. When he fell from Soviet favor, the U.S. stepped in and provided nearly \$200 million for updating Somalia's ports and airfields. Partly because the Siad Barre regime severely repressed its population, the U.S. government concluded that Somalia served of little value and severed all ties in 1988. By 1991, Siad Barre had lost control of his adversaries, especially Mohamed Farah Aideed whom he had imprisoned for seven years in 1969. On 27 January, 1991 Siad Barre was overthrown and fled the country. Civil war broke out among fifteen clans. The two most powerful clans, led by

Mohamed Farah Aideed and Ali Mahdi Mohamed, fought for control of Mogadishu. Clan dynamics and politics prevailed: me against my brother; me and my brother against my cousin; me, my brother and my cousin against another clan. Clan warfare and the struggle for control created political chaos in Somalia.

In addition to the civil war, drought struck resulting in massive famine. By early 1992 more than half a million people had starved to death and nearly a million more were threatened. Mogadishu seemed the worst hit and to complicate matters the famine began to spread to neighboring Kenya. By January 1992 Somalia was "the greatest humanitarian emergency in the world."¹⁹⁹ The U.S. Center for Disease Control and Prevention reported that mortality rates were "among the highest ever documented by a population survey among famine-affected civilians."²⁰⁰ The UN negotiated a cease-fire on February 29, 1992 with Ali Mahdi and Aideed in order to begin an attempt to save the nearly one million people threatened by starvation.

¹⁹⁹ Statement by Andrew Natsios, assistant administrator for food and humanitarian assistance, U.S. Agency for International Development, before the House Select Committee on Hunger, January 30, 1992.

²⁰⁰ David Brown. "Data Indicates Somali Famine among Worst," *Washington Post*, January 9, 1993, A17.

C. THE INTERVENTION: POLITICAL GOALS, MILITARY OBJECTIVES AND THE ROE

The intervention into Somalia by the UN and the U.S. went through three phases beginning with United Nations Operations in Somalia (UNOSOM I), followed by United Task Force (UNITAF) and finally UNOSOM II. For each of these periods a brief chronology is provided along with a description of the political goals, military objectives and the resulting ROE which influenced how military forces conducted operations.

1. UNOSOM I

UNOSOM I, also called Operation Provide Relief, was established by UN resolution 751 in April 1992. Its objectives were to provide humanitarian aid for starving Somalis, and to find an end to hostilities between the clans under Chapter VI "peace keeping" of the UN charter. Initially fifty unarmed Pakistanis were sent into Somalia as observers. By July 1992, five hundred armed Pakistan troops were sent to accomplish the mission while other nations provided the financial and logistic support. After UN resolution 767 passed, which initiated increased intervention, the U.S. sent Humanitarian Assistance Survey Teams (HAST) into Kenya to ascertain the extend of the famine in both Kenya and Somalia. The U.S. also provided the majority of the support aircraft for the relief operation. These U.S. operations were coordinated by a joint task force

under the control of the United States Central Command (USCENTCOM). The military objective was simply to ensure the delivery of supplies to those in need.

The Pakistanis in Somalia were under restrictive ROE and could only engage forces which posed an immediate and deadly threat to their forces: they had to take the first hit. As a result of the small number of soldiers and their restrictive ROE, the Pakistanis were ineffective in delivering food and supplies within Somalia and the clans dominated the country by continually looting food, extorting relief organizations and hijacking relief vehicles. The security situation for UN peacekeepers steadily worsened and Somalis continued to starve.

2. UNITAF

Because of the ineffectiveness of the UN operation thus far, resolution 794 was passed on 3 December 1992 which created the U.S.-led United Task Force (UNITAF). On 4 December 1992, President George Bush announced the beginning of Operation Restore Hope which marked an increased U.S. involvement in Somalia. President Bush stated that the U.S. would send a substantial force "with a limited objective: to open the supply routes, to get the food moving, and to prepare the way for a UN peacekeeping force to keep it moving."²⁰¹ The U.S. became more involved partly because of

²⁰¹ President Bush is quoted in United States Senate Committee on Armed Services Memorandum from Senator Warner and Senator Levin to

the nightly images of starvation delivered by the media to the living rooms of America. USCENTCOM was again designated as the lead command and was given the following mission statement:

When directed by the NCA, USCINCCENT will conduct joint/combined military operations in Somalia to secure major ports, key installations and food distribution points, to provide open and free passage of relief supplies, provide security for convoys and relief organizations operations, and assist UN/NGOs in providing humanitarian relief under UN auspices. Upon establishing a secure environment for uninterrupted relief operations, USCINCCENT terminates and transfers relief operations to UN peacekeeping forces.²⁰²

At its peak, UNITAF was comprised of 38,000 troops from twenty one different nations. The U.S. provide the majority of the forces, 28,000. As a result of using overwhelming force and the ability of the U.S. soldiers to disarm and neutralize threats under looser ROE, UNITAF was a success.²⁰³

Senator Thurmond and Senator Nunn titled *Review of the Circumstances Surrounding the Ranger Raid on October 3-4, 1993 in Mogadishu, Somalia*, dated September 29, 1995, here after referred to as Senate Memorandum. This report was the result of hundreds of interviews with all the key planners and operators. This included all U.S. players up to the Secretary of Defense, U.N officials and even the Somali warlord, Mohamed Aideed.

²⁰² Kenneth Allard, *Somalia Operations: Lessons Learned* (Washington D.C.: National Defense University Press, 1995), 16.

²⁰³ UNITAF achieved the following:

1. The daily death rate in Bardera fell from more than 300 in November 1992 to five or less in April 1993.
 2. The number of daily gunshot victims admitted to Mogadishu hospital fell from about 50 to five or less.
 3. The street price of an AK-47 rose from \$50 to \$1000, while the price of a 50-pound sack of wheat fell from \$100 to about \$10.
- See Walter S. Clarke, "Testing the World's Resolve in Somalia," *Parameters* (Winter 1993-94), 47.

The looser ROE allowed the soldiers to engage and remove hostile threats with proportional force. This included the authority to shoot first if hostile intent was displayed.²⁰⁴ The primary goal of U.S. involvement in UNITAF, as stated in the USCENTCOM mission, was only to get the flow of supplies moving and to remove the threat imposed by the warring clans. Once these goals were accomplished, the UN was scheduled to assume the leadership role in Somalia and begin nation building. There were, however, delays in getting the UN to take the reins. UNOSOM II was established under UN resolution 814 on 26 March 1993, but the U.S. joint task force was not relieved by UN forces until 4 May 1993.

3. UNOSOM II

The UN resolution, 814, which established UNOSOM II was a milestone in many ways. Most importantly, it represented the first ever UN intervention under chapter VII operations titled "peace enforcement." It also entailed the objective of re-establishing the political and economic institutions of Somalia. This resolution went far beyond the objectives of the U.S. led UNITAF operation. The goals in Somalia expanded to include: "forcibly disarming the warring factions; political reconciliation; and nation-building."²⁰⁵ The UN took over a relatively peaceful Somalia in which Aideed had

²⁰⁴ For the complete unclassified UNITAF ROE see Appendix B.

²⁰⁵ Senate Memorandum, 4.

shown support to UN Special envoy Robert Oakley's request for an end to the clan warfare. With the arrival of a new U.S. Envoy, Robert Gosdende, relations with Aideed went sour because Gosdende saw Aideed as the problem, not the solution, to the crisis in Somalia. Jonathan Howe, who replaced Oakley as UN Special Envoy, was in concert with Gosdende's opinion that Aideed was to be eliminated. His relentless drive to neutralize Aideed seemed to be the force behind the Clinton administration attempting to employ a "dual track" policy of military force coupled with political negotiations. The Senate investigation found that

...[p]olicy makers within the Clinton Administration were determined to ensure that the United Nations nation-building efforts in Somalia did not fail. They, along with the U.N. Representative in Somalia, Admiral Howe, pushed incessantly for the U.S. to provide Special Operations forces to capture Aideed. This was at the same time that these Administration officials were directing the U.S. military to reduce the overall level of U.S. troops in Somalia -- an inconsistent, two-track policy.²⁰⁶

This policy was destined to fail as it divided the policy makers and senior military officers on whether Aideed was truly the problem. The political objectives became moving goal posts.²⁰⁷

²⁰⁶ Ibid., 5.

²⁰⁷ Those in favor of deploying SOF in pursuit of Aideed included Admiral Howe; the U.N. commander, General Bir; and the Senior U.S. commander in Somalia, General Montgomery. Those opposed to the use of SOF included Chairman of the CJS, General Powell; and USCINCCENT, General Hoar. The Secretary of Defense, Les Aspin, was reluctant to send SOF into Somalia.

Because Aideed was now being marginalized by Howe and the UN, he began to reassert his military control with increased violence toward UN peacekeepers. The violence culminated on 5 June 1993 when Pakistani soldiers, conducting a scheduled inspection at one of Aideed's weapons storage sites, were ambushed resulting in 24 KIA, 54 WIA and 10 missing. This enraged Boutros Boutros-Ghali and Howe. UN resolution 837 passed which called for "the arrest and detention for prosecution" of "those responsible" for the Pakistani deaths and "the disarmament of all Somalian parties."²⁰⁸ While the resolution did not name Aideed as being responsible, it was clear that he was the target as Howe immediately placed a \$25,000 bounty for information leading to his capture.²⁰⁹ This set the stage for the request and use of Task Force Ranger, which was destined to end in disaster and cause the Clinton administration to announce the withdrawal of US troops from Somalia seven days after the failed raid.

To accomplish the political objectives of UNOSOM II, a multinational force was assembled. A Turk, Lieutenant General Cevik Bir, was placed in command of UNOSOM II with an American, Major General Thomas Montgomery, as the Deputy

²⁰⁸ Jonathan Stevenson, *Losing Mogadishu, Testing U.S. Policy in Somalia* (Annapolis: Naval Institute Press, 1995), 90.

²⁰⁹ General Bir and General Montgomery thought this reward should have been closer to one million dollars. See Senate Memorandum, 23.

Commander. General Montgomery also served as Commander of U.S. Forces in Somalia, subordinate to General Hoar, USCINCCENT. The commander of Task Force Ranger (TFR), General Garrison, reported directly to General Hoar. The stated military objectives for international forces in Somalia included the requirement

...to maintain control of the heavy weapons of the organized factions which will have been brought under international control pending their eventual destruction or transfer to a newly-constructed army; to seize small arms of all unauthorized armed elements and to assist in the registration and security of such arms...²¹⁰

In support of UNOSOM II, the U.S. provided approximately 3000 troops who were primarily support personnel which facilitated air deliveries into Somalia. The U.S. also provided forces to perform an active role in establishing U.N. control over Somalia which included a Quick Reaction Force (QRF) and SOF sniper teams. The QRF consisted of about 1500 soldiers from the 10th mountain division who were placed under the tactical command of U.S. forces in Somalia. The QRF was established in order to provide the UN forces with assistance if the crisis escalated. Their primary role came with the rescue of Task Force Ranger on 3 October, 1993. The U.S. SOF sniper teams were used to enforce the U.N. ban on heavy weapons. The mission of these 4,500 U.S. troops read:

²¹⁰ Senate Memorandum, 14.

When directed, UNOSOM II Force Command conducts military operations to consolidate, expand, and maintain a secure environment for the advancement of humanitarian aid, economic assistance, and political reconciliation in Somalia.²¹¹

The ROE during UNOSOM II remained similar to those used under the U.S.-led UNITAF operations and were universally accepted by the other nations involved in UNOSOM II. These new ROE emphasized a specific ramp-up process in the application of force.²¹² The UNOSOM II ROE required that a verbal warning followed by a warning shot be provided, if practicable, before resorting to deadly force. They detailed how to disarm crew served weapons and armed personnel; how to control unarmed rioters; and procedures for detaining and releasing "violators" of the U.N. requirements. The UNOSOM II ROE became less restrictive as the political objectives drifted from a mission of disarming warring factions and feeding starving Somalis to a manhunt for Aideed. The remaining sections describe these changes in detail and analyze their effect on the conduct of special operations during UNOSOM II.

²¹¹ Allard, 19.

²¹² For the complete unclassified UNOSOM II ROE see Appendix C.

D. FACTORS COMPLICATING THE ROE

Intervention into Somalia was unique and several factors complicated the use of ROE in both the Task Force Ranger operation and the SOF sniper operations. The complicating factors included: the intervention was the first ever UN "peace enforcement" mission; drifting political objectives; the unique Somali culture; multinational forces; and the presence of non-governmental organizations (NGOs). Because this was the first UN operation under chapter VII of the UN charter, there was a fine line between peace enforcement and combat. As Major General Montgomery stated, "If this isn't combat, then I'm sure having a helluva nightmare."²¹³ The ROE became tricky in this situation because peace enforcement relied on military restraint and perceived legitimacy in the application of force if the political objectives were to be met. The assignment of a Belgian lieutenant colonel who had no working experience with ROE as the UN staff officer responsible for ROE did not help ease the complications caused by multinational operations in Somalia.²¹⁴

The changing political objectives also made the use of force difficult. The operation in Somalia seemed to experience mission creep as the policy makers seemed to lack a clear political objective in Somalia. The mission of

²¹³ Allard, 63.

²¹⁴ F.M. Larenz, "Law and Anarchy in Somalia", *Parameters* (Winter 1993-94), 38.

feeding Somalis began to wander off track when the hunt for Aideed became the obsession of Boutros-Ghali, Howe and the Clinton administration.²¹⁵ The shifting emphasis between a political solution and a military solution increased the difficulties for the military in determining the proper application of force under the ROE.

As the emphasis went from the political to the military track, the ROE were amended toward a less restrictive stance on applying lethal force. The ROE under UNITAF were already rather liberal. When UNOSOM II began and the political differences with Aideed intensified, Fragmentary Orders 39 and 101 were issued by the UN Force Commander. These orders loosened the ROE by stating, "Organized, armed militias, technicals, and other crew served weapons are considered a threat to UNOSOM Forces and may be engaged without provocation."²¹⁶ This change brought the situation more in line with a military, rather than a political solution, as policy makers in the UN and the U.S. conscientiously decided to increase the level of military force. To their credit they also loosened the ROE which enabled the military, including SOF, to conduct operations without unnecessary restrictions. Former Army Colonel and Korean war veteran,

²¹⁵ See Michael R. Gordon and John H. Cushman Jr., "After Supporting Hunt for Aideed, U.S. is Blaming U.N. for Losses," *New York Times*, 18 October 1993, A1.

²¹⁶ For the complete text of Fragmentary orders 39 and 101 see Appendix D.

David Hackworth stated that the "rules of engagement were sledgehammer simple and as loose as I have ever seen: fire if threatened."²¹⁷

In addition to changing political objectives, SOF faced other complications with regard to the ROE. Peculiarities in the Somali culture, the fact that the operation was multinational and the presence of NGOs further complicated the conduct of special operations. These problems will be examined in the next sections with the analysis of the Task Force Ranger and the sniper operations.

E. TASK FORCE RANGER OPERATIONS

1. Background

Before looking at how the ROE affected this operation, some background on the events is appropriate.²¹⁸ After the Pakistani UN peacekeepers were ambushed and killed on 5 June 1993, the Joint Special Operations Command (JSOC) began looking at a possible mission involving the capture of Aideed.²¹⁹ Once Howe got approval to use Task Force Ranger, General Garrison, the Task Force Ranger commander, and his

²¹⁷ David H. Hackworth, "Making the Same Dumb Mistakes," *Newsweek*, 18 October, 1993, 43.

²¹⁸ The details of the TFR operation were taken from General Garrison's testimony before the Senate Armed Services Committee on 12 May 1994. See U.S. Government Printing Office, *U.S. Military Operations in Somalia. Hearings Before the Committee on Armed Services, U.S. Senate*. (Washington DC: GPO, 1994). The author's interview with the General also provided details of the operation.

²¹⁹ Garrison, Maj. Gen. William F., testimony before the Senate Armed Services Committee, 12 May 1994, 2.

unit deployed to Somalia on 22 August 1993. Their mission was simply to apprehend Aideed and disarm his lieutenants.²²⁰ In Somalia they conducted a total of seven operations, all similar in method to the 3 October operation, which was the last mission attempted.

Their force was headquartered at the Mogadishu International Airport (see Appendix G, Map 6). On 3 October, shortly after breakfast one of the Somali observers being used for intelligence by the CIA reported that three of Aideed's top lieutenants were scheduled to hold meeting in the Olympic hotel that afternoon and Aideed's presence was expected.

The attack force left the airport at approximately 1530. SOF Helicopters conducted gun runs over the hotel but refrained from firing, as no threat was seen. Garrison stated that daily flyovers of Mogadishu were conducted by helicopters in order to establish a familiar pattern to the local population. Because of these flyovers, Garrison felt that Task Force Ranger had maintained tactical surprise on 3 October. Army commandos fastroped near and onto the Olympic hotel while Rangers fastroped onto the surrounding streets in order to provide security for the commandos. Within fifteen minutes, 24 detainees had been collected and the hotel had been cleared.

²²⁰ Ibid.

A Ranger Ground Reaction Team was called in to take the Ranger Task Force and the detainees back to the airport using five-ton trucks fortified with sandbags (the drive to the airport was approximately 15 minutes). After the detainees were loaded into the five-ton trucks, an outgoing helicopter, which was providing air support, was hit by a rocket propelled grenade (RPG) shot from the street by a Somali. The helicopter crashed into a narrow alley between two buildings and both pilots were killed. Six passengers remained alive. A second helicopter landed near the crash sight and could only evacuate two soldiers due to limited passenger space. Fifteen SOF personnel, designated in planning as the primary rescue team, approached the crash site in a third helicopter and fastroped near the site. While inserting the team, this helicopter was also hit by a RPG. Only damaged, it managed to complete the insertion of the team and limp back to the airport for a crash landing.

At this point General Garrison alerted General Montgomery and the QRF. Soon another helicopter was hit by a RPG round and crashed at a second site less than one mile from the first crash site. This helicopter was flown by Warrant Officer Durant who eventually became a hostage. This second site was quickly overrun by an angry mob of Somalis.²²¹

²²¹ At this second site two Army soldiers, Master Sergeant Gary I. Gordon and Sergeant First Class Randall D. Shughart bravely fastroped on to the crashed helicopter from another helicopter in order to protect Durant and fended off the Somali mob until they ran out of ammunition.

The Rangers and Army commandos who had just cleared the hotel moved toward the first crash site to provide assistance. At this point, in the transit from the hotel to the first crash site, Task Force Ranger received nearly all of its casualties. A helicopter overflowed the second crash site, but failed to find any survivors. The QRF, which was approaching to the second site, returned to the airport. General Garrison then requested the assistance of Pakistani and Malaysian armor from General Montgomery in order to get the QRF to the first site. The Somalis had barricaded the streets surrounding the site and had fired intensely at vehicles which had earlier tried to reach the first crash site. At this point Garrison stated that the first site was in control of the Rangers, but they remained in the area in order to remove the bodies of the two pilots which were pinned by the collapsed canopy of the destroyed helicopter. Five hours after the request for armor, the QRF launched to rescue the Rangers at the first crash site. Once they arrived, the unit spent four additional hours trying to free the pilot's bodies from the downed helicopter. When the bodies came free, all personnel returned to the airport and the operation was over early the next morning, 4 October 1993.

Both were killed in action and posthumously awarded the Congressional Medal of Honor.

2. Analysis

Deploying SOF to apprehend Aideed was a risky proposition given only a twenty five percent chance for success by General Hoar.²²² Militarily, the TFR operation was successful, in that it captured many of Aideed's top lieutenants, but costly. Luck ran out for TFR after six operations when an RPG hit a helicopter during the escape phase of the seventh operation. What effect did the ROE have on this final operation? This question is best answered by breaking the operation into two phases: planning and execution.

a. Planning Phase

The planning phase of the TFR operation illustrated a classic case of an imbalance in the tension between political objectives and military requirements. Probably one of the greatest controversies resulting from the mission was whether the Task Force operation was restricted by the lack of U.S. armor in the QRF and the lack of an AC-130 gunship for fire support. Both the public and Congress raised questions as to why armor and AC-130 gunship support were denied and whether the Clinton administration was sending troops into combat without adequate political support.

²²² Senate Memorandum, 25.

The request for U.S. armor originated with General Montgomery and was presented to General Powell. Powell was hesitant to approve the request for fear of collateral damage. "I didn't want M1A1 tanks to blast buildings in Mogadishu."²²³ Because General Montgomery felt strongly about the request, General Powell forwarded it to Secretary of Defense, Les Aspin, on 23 September 1993. Secretary Aspin denied the use of armor because he feared it would emphasize military operations at a time when Washington was also trying to find a diplomatic solution and becoming poised for withdrawal.²²⁴ Under Secretary Wisner also indicated that increasing the scale of the Quick Reaction Force would be inappropriate, given the context of both the UN and Washington's attempt to shift to a more political solution.²²⁵ Both Secretary Aspin, Under Secretary Wisner and General Powell stated that in the request for armor, the TFR raids were not included as a reason.

General Garrison was aware of General Montgomery's request for armor, but did not participate in it. In training for this mission, armor was not an integral part of the plan because, as General Garrison stated before the

²²³ Ibid., 34.

²²⁴ Senate Memorandum, 35. Also see Michael R. Gordon and John H. Cushman Jr., "After Supporting Hunt for Aideed, U.S. is Blaming U.N. for Losses," *New York Times*, 18 October 1993, A1.

²²⁵ Senate Memorandum, 35.

Senate Armed Services Committee, it would have impacted on the speed and surprise of the actual Ranger operation.²²⁶ But had U.S. armor been present, especially Bradley fighting vehicles, Garrison essentially stated

As for using five ton trucks with sand bags for the October 3-4 raid, if Bradleys were available, of course they would have been better and I hope to hell I would have used them for the Ranger Ground Reaction Force.²²⁷

Colonel Boykin, Commander of the Army Commandos, essentially added that "tanks and armor would have been great...[t]heir absence was clearly a bad mistake."²²⁸ The Congressional investigation reported that despite the UN and Washington's desire to emphasize a political solution in Somalia,

...the Secretary of Defense should have given more consideration to the requests from his military commanders and the recommendation from the Chairman, JCS and approved the request for armor...Given the inclusion of 5-ton trucks with sandbags in the Ranger Ground Reaction Force, it is likely that Bradley fighting vehicles, if present would have been used instead. [Their] inclusion in that force might have resulted in reduced U.S. casualties...[and] U.S. Bradley fighting vehicles and tanks definitely would have been used in the rescue effort, would have allowed a faster rescue, and possibly resulted in fewer casualties in the rescue effort.²²⁹

²²⁶ Garrison, Maj. Gen. William F., testimony before the Senate Armed Services Committee, 12 May 1994, 35.

²²⁷ Senate Memorandum, 33.

²²⁸ Ibid.

²²⁹ Ibid., 48.

While General Garrison's planning did not specifically call for the use of armor, if present it would have been used when the October 3 raid unraveled. Clearly in the request for armor, political objectives outweighed military requirements and contributed to an increased number of casualties during the operation.

While armor was not specifically requested by General Garrison for the operation, air support in the form of the AC-130 gunship was specifically requested. This request was also supported by General Downing, Commander of the U.S. Special Operations Command. The AC-130 was part of all rehearsals and was also included in all three proposed force packages presented to the policy makers. They were eventually dropped from the force package for two reasons. First, to remain in concert with the U.S. policy of reducing presence in Somalia, the U.S. troop level had to be as small as possible. General Hoar and General Downing indicated that there was considerable political pressure to keep the size of the TFR deployment small. Under Secretary Wisner stated that they wanted TFR to have as "sparing a number as possible" in order to minimize the U.S. profile in Somalia and avoid taking on a larger share of the UNOSOM II mission.²³⁰ As a result of political objectives, TFR was limited to 400 troops. The AC-130 option was eliminated because it would

²³⁰ Ibid., 31.

have added another 250-300 people.²³¹ Second, there was concern about the amount of collateral damage the AC-130 might inflict. Under Secretary Wisner, General Powell and General Hoar were all concerned with minimizing collateral damage. Powell stated that the AC-130s used in June had "wrecked a few buildings and it wasn't the greatest imagery on CNN."²³²

Although General Downing and Garrison initially wanted the AC-130, both thought the mission was doable without them. General Garrison indicated three relevant factors concerning the AC-130.²³³ First, it would have had a serious psychological impact on the Somalis, as they were terrified of the AC-130. Second, he might have used its day/night surveillance capabilities, but its presence would have been duplicative of other platforms and might have caused sensory overload. Third, He stated that despite the absence of the AC-130, SOF helicopters and the QRF helicopters provided adequate fire support during the mission.

The Senate investigation determined that the decision to eliminate the AC-130 gunship contradicted the principle of "fight as you train." Everyone interviewed

²³¹ TFR eventually deployed with 440 people after a struggle with policy makers over the additional 40 troops.

²³² Senate Memorandum, 31.

²³³ Senate Memorandum, 30.

during the Senate investigation indicated that the AC-130 was feared by the Somalis and as a result could have had a tremendous psychological impact. The report concluded that

[t]he concern about collateral damage was appropriate but could have been met with carefully crafted rules of engagement that would have precluded use of the AC-130 in the city except in "in extremis" circumstances, such as occurred on October 3--4.²³⁴

Once again, political objectives unreasonably restricted the tactical military requirements and decreased the potential for the successful conduct of the TFR operations.

b. Execution Phase

Once the TFR force package was established by the political and military "pulling and hauling," the ROE used during the actual conduct of the operations allowed the tactical commander proper flexibility. The ROE used by TFR for their operations were a simplified version of the UNOSOM II ROE including the fragmentary orders 39 and 101, which loosened the ROE.²³⁵ The ROE were in the form of command by negation, SOF could conduct operations as they saw fit unless restricted by higher authority. Absent from this operation was any organizational friction in the translation of the ROE through the chain of command. General Garrison was allowed to launch and conduct operations as he saw fit, without any

²³⁴ Senate Memorandum, 49.

²³⁵ See Appendix E for the complete TFR ROE.

interference. General Hoar, USCINCCENT, stated "I did not feel that I had to put restraints on Garrison regarding any raid."²³⁶ General Garrison indicated that he was able to run the operations as if they were full combat operations. He further indicated that once the shooting started, collateral damage was not an issue on October 3-4.²³⁷

As we have already seen, the ROE were probably as loose as they could have been in a peace enforcement mission. In the actual conduct of this mission the ROE criteria of when, how, where and against whom force could be used did not effect the requirements for the successful conduct of special operations. As General Garrison stated:

...in our operations, speed, surprise and violence of action are always the primary concerns. To execute and accomplish that operation on October 3 and 4, we had those necessary capabilities to initiate and we achieved all three things."²³⁸

Task Force Ranger achieved temporary superior combat power in their mission at the Olympic hotel and had actually completed the most difficult part of the mission before the first helicopter was downed. It was the downing of the first helicopter and the return of the force to the first crash

²³⁶ Senate Memorandum, 41.

²³⁷ Garrison interview.

²³⁸ Senate Memorandum, 35.

site which created the casualties and lost the advantage for SOF. As General Garrison stated, "All my casualties occurred moving from the target to the downed helicopter."²³⁹

Looking first at the criteria of when force can be used, it can clearly be seen that this issue did not affect the operation. At first one might question why the raid was launched in the daylight when SOF prefer night operations. Intelligence drove the mission timeline and the task force had a limited amount of time to launch once a location of Aideed was reported.²⁴⁰ Once they were given intelligence indicating Aideed's location they had to act quickly before he moved. Additionally, the Somalis hired by the CIA to observe and report information were fearful of walking the streets of Mogadishu at night. As the sun went down, the men of the city gathered together and chewed khat²⁴¹, a type of drug. The use of khat and the heavy presence of weapons made the streets of Mogadishu a dangerous place at night. As a result, the majority of intelligence received from the Somali

²³⁹ Ibid., 8. In my interview with General Garrison, he pointed out that the escape phase of special operations represents the most dangerous phase. He stated that the Army helicopter pilots were aware of the RPG threat and had rehearsed evasion. They assessed that the level of threat was acceptable for the operation.

²⁴⁰ Garrison interview.

²⁴¹ Khat is chewed like tobacco and when used for a few hours it is chemically equal to a strong dose of Dexedrine and it creates an addiction similar to cocaine. The Khat business yields over \$100 million annually in Kenya and Somalia. For more information see "More Than We Can Chew," *Independent* (London), June 1, 1994, sec. 2,1.

agents was obtained during daylight hours. Conducting the operation during the day probably reduced tactical surprise, but this was not caused by the ROE. Once the operation was initiated, Task Force Ranger only fired when they were fired upon and operated well within the ROE, despite the number of casualties they inflicted on the Somali aggressors.

The tactics used in the conduct of the operation show that the requirements for successful special operations were not affected by the ROE dictating how and how much force could be used. SOF was granted more latitude than conventional forces when conducting raids as other forces had to give 15-minute, 10-minute and 5-minute warnings under the ROE in order to minimize collateral damage and civilian casualties.²⁴² In conducting raids in Somalia, TFR was able to maximize the capabilities of any weapons systems in their possession if deemed necessary for mission accomplishment. Clearly General Garrison was not restricted in his use of helicopter gunships during the operation. He stated that

[i]t was not a problem of not having the capability to put lead on South Mogadishu...if we had put one more ounce of lead on South Mogadishu on the nights of 3 and 4 October, I believe it would have sunk²⁴³

²⁴² Allard, 65.

²⁴³ Garrison, Maj. Gen. William F., testimony before the Senate Armed Services Committee, 12 May 1994, 39.

Also, Task Force Ranger was allowed to conduct operations as they had practiced for two months prior to deployment, with the exception of the AC-130.²⁴⁴ In the six operations conducted before the 3 October raid they had utilized the same method: Army commandos would storm the target; Rangers would provide perimeter security; and helicopters would loiter overhead to provide fire support in the event of trouble. This repetitive method of operation could have contributed the failure on 3 October. Aideed had been given military training in the USSR and may have learned from observing the same basic operation six times before he became the target.²⁴⁵ Nevertheless, the ROE did not affect how the raids were conducted once TFR deployed.

The last two aspects of an operation which the ROE can restrict are where force can be applied and against whom. First, SOF had few restrictions regarding where force could be applied. In the case of the hunt for Aideed, SOF were free to conduct the operation wherever he appeared.²⁴⁶ Second, considering the criteria of whom force could be applied against, SOF were under the same ROE as the rest of the military and could only fire when threatened.

²⁴⁴ General Garrison stated in my interview that he was able to conduct the operation as if it was total combat.

²⁴⁵ Many policy makers and senior military officers expressed concern that repeatedly using a similar assault template increased the amount of risk in each follow-on operation. See Senate Memorandum, 38.

²⁴⁶ Garrison interview.

Complicating target discrimination was the fact that Aideed had a history of using women and children to conduct armed attacks on UNOSOM II forces.²⁴⁷ During the TFR operation, U.S. soldiers were faced with women and children posing a hostile threat. In some cases, the Somali men hid behind women and shot at the Rangers through guns placed beneath the armpits of the women.²⁴⁸ Although hesitant to fire at women and children when faced with a different culture of warfare, the Army commandos and Rangers inflicted an estimated 1000 casualties on the Somalis. Reports estimate that 300 Somalis were killed and 700 injured, with about one third of these being women and children.²⁴⁹ Obviously, when Task Force Ranger was threatened they were not restricted by the ROE in defending themselves.

F. SOF SNIPER OPERATIONS

1. Background

SOF snipers engaged Somali targets on at least 15 different occasions from the beginning of UNITAF to the end of U.S. involvement in UNOSOM II and killed at least seven Somalis and wounded eight others.²⁵⁰ SOF snipers were a key

²⁴⁷ Aideed's use of women and children in armed attacks is documented in Admiral Howe's 1 July 1993 report to the U.N. Security Council. See Senate Memorandum, 22.

²⁴⁸ Garrison interview.

²⁴⁹ These figures were cited in many sources including the 12 May 1994 Senate hearings cited in the above note and *Newsweek*, 18 October 1993.

element in the battle against the warring clans.. Their ability to be effective with little collateral damage made them attractive to U.S. Commanders.²⁵¹ They ensured that heavy weapons and "technicals"²⁵² were virtually removed from the streets of Mogadishu. The ROE for engaging armed Somalis and "technicals" read:

Crew served weapons are considered a threat to UNOSOM Forces and the relief effort whether or not the crew demonstrates hostile intent. Commanders are authorized to use all necessary force to confiscate and demilitarize crew served weapons in their area of operations...Within the areas under the control of UNOSOM Forces armed individuals may be considered a threat to UNOSOM and the relief effort whether or not the individual demonstrates hostile intent.²⁵³

The snipers also targeted personnel seen carrying heavy weapons which could later be used against UN and U.S. forces. SOF snipers worked from stationary positions at UN posts and various other locations. They also operated from SOF helicopters in counter sniper operations. In this case snipers would be placed in the trail helicopter of a two

²⁵⁰ Tony Capaccio, "U.S. Snipers Enforce Peace Through Gun Barrels," *Defense Week* (Vol. 15, No. 5), 31 January 94, 30.

²⁵¹ Capaccio, 35.

²⁵² "Technical" was the name used to describe the Toyota trucks operated by the Somalis which were outfitted with crew served machine guns and grenade launchers. The name was initially used by members of NGOs and was eventually adopted by military forces operating in Somalia. The Somalis were called "Technical Assistants" so that the NGOs could use a more legitimate name than "hired protection" for reimbursable expenses.

²⁵³ UNOSOM II ROE, see Appendix C.

helicopter flight and wait for Somali snipers to take shots at the lead helicopter. The U.S. sniper would then shoot the Somali from the second helicopter.

In the case of the sniper missions there were more complaints of a loose interpretation of the ROE on the part of the snipers than seen in the Task Force Ranger operations. One reporter wrote, "Americans would do well to consider how it is that their peacekeepers--dispatched by President Bush to do 'God's work'--ended up as likely to draw a bead on a Somali as to feed him. Or her."²⁵⁴ Many factors complicated the employment of SOF in this role. These factors included the nature of multinational operations, the Somali gun culture, local anarchy, and the presence of NGOs. Overall, SOF snipers were allowed relatively unrestricted operations under the UNITAF and UNOSOM II ROE, especially when Fragmentary orders 39 and 101 were released which allowed unprovoked firing whenever heavy weapons or "technicals" were sighted.

2. Analysis

The SOF snipers operated directly from the written UNOSOM II ROE with little interference by the chain of command.²⁵⁵ The CINC's staff refrained from continually

²⁵⁴ A.J. Bacevich, "Paying the Price of Doing 'God's Work'", *Los Angeles Times*, 1 April 1994, B7.

²⁵⁵ See Appendix F for an example of the ROE SEAL snipers used as a criteria for lethal force. Their interpretation closely resembles that of the UNOSOM II ROE.

emphasizing minimal collateral damage before the operations. They trusted the judgment of SOF rather than attempting to influence it. Naturally, the chain of command required after action reports when a shooting occurred because the political situation was delicate.²⁵⁶ Military lawyers attached to the U.S. Task Force in Somalia reviewed reports filed by sniper teams after each engagement "to see if they in fact were operating under the rules of engagement."²⁵⁷ The SOF snipers remained well within the ROE when left to their own judgment.

Essentially The UN ROE provided that snipers could shoot anyone with a machine gun or other heavy weapon, and may only kill someone carrying an assault rifle or small arm if they posed an immediate threat to friendly forces. The fact that the operations in Somalia were multinational complicated the situation for all forces, but particularly for SOF snipers. Each country within the U.N had its own section of Mogadishu to control. When snipers were deployed, they usually operated within their own jurisdiction.²⁵⁸ The militaries of allied nations had different interpretations of the ROE than

²⁵⁶ Interview with Lieutenant Commander Mike McGuire in Washington D.C. on 6 September 1996. Lieutenant Commander McGuire was the Platoon Commander for SEAL Team FOUR, DELTA Platoon during UNOSOM II. His platoon conducted numerous operations in Somalia including: Helicopter escort, Laser CAS, VIP security, CSAR alert, Port security and the sniper operations.

²⁵⁷ Quote from Maj. Dick Gordon, JTF Somalia lawyer in article by Tony Capaccio, "U.S. Snipers Enforce Peace Through Gun Barrels," 32.

²⁵⁸ While this was generally true, the U.S. snipers did occasionally operate in the Pakistani controlled areas.

the U.S. forces. The Somalis quickly learned which country strictly enforced the U.N. ban on heavy weapons and which did not. As a result, the Somalis were able to plan their travel routes to avoid the strictly enforced sections.

The biggest disagreements over the interpretation of the ROE came between the U.S. snipers and the Pakistani snipers.²⁵⁹ The Pakistanis did not strictly enforce the U.N. ban on heavy weapons. Two reasons contributed to their differing interpretation of the ROE when compared the U.S. snipers.²⁶⁰ First, they feared retribution should they kill a Somali. When the Somali's located a sniper team, they would usually return fire or inform others of the sniper team's location. Perhaps fueling the Pakistani's fear were the memories of the 5 June 1993 ambush which produced 88 Pakistani casualties. Second, the Pakistanis, unlike the U.S. troops, had accepted the UN salary. This money represented a sizable sum in Pakistan. As a result, their motivation was not the success of the mission, but rather increasing their chances of survival by avoiding unnecessary confrontation with Somalis.

The difference in interpretations of the ROE between the U.S. and Pakistanis climaxed when a Somali woman, who was eight months pregnant, was accidentally shot. In this

²⁵⁹ McGuire interview.

²⁶⁰ Ibid.

incident two U.S. Marine snipers sighted a Somali carrying a light machine gun on a "technical" and fired two shots at him. One round scored a hit while the other missed. The woman was apparently struck by the stray bullet or by the bullet which went through the gunman. The Pakistanis protested the use of the Barret .50 caliber 82A1 sniper rifle the U.S. snipers were using to engage targets. They argued that in populated areas there was a possibility of rounds simply going through the intended target and hitting innocent civilians. The Pakistani commander of the Sixth Punjab Rifles, Colonel Tariq Salim Malik, stated that he only allowed his forces to use small caliber rifles in these situations and implied that the U.S. snipers were going beyond the ROE established to engage hostile Somalis.²⁶¹ A Pakistan lieutenant, Mohamed Taha, commented, "you can't shoot just anyone...we're here for humanitarian purposes, not to kill everyone."²⁶² U.S. Officers countered that the Pakistanis were failing to do their jobs and not effectively engaging threats for fear of reprisal by locals.²⁶³ Also in some cases, the .50 caliber rifle was required in order for the snipers to be effective at long range.

²⁶¹ Julian Bedford, "U.S. Says Troops Did Duty Despite Woman's Killing," *Reuters News Service*, 12 January 1994.

²⁶² Michael M. Phillips, "Pakistani, U.S. Officers Clash Over Somali Peacekeeping Mission," *Associated Press*, 13 January 1994.

²⁶³ Ibid.

Before the incident involving the pregnant women, Navy SEAL snipers fired at two Somalis carrying a light machine gun and had also raised protest by the Pakistanis who claimed the targeted Somalis had permits which allowed them to carry the weapons under UN rules.²⁶⁴ Eventually, the differences in interpreting the ROE caused the U.S. to remove their snipers from UN posts controlled by Pakistan. The upcoming U.S. withdrawal was cited as the reason for removal of U.S. snipers.

The value of the gun in the Somali culture and clan society made the job of remaining within the ROE even tougher for the SOF snipers. It seemed that virtually every male over the age of twelve had a gun. UN Special Envoy Robert Oakley stated that "There are three things that are most important to a Somali male - his wife, his camel, and his weapon."²⁶⁵ The society which once measured a man by the size of his herd now measured him by the size of his weapon. As a result of the amount of guns in the streets of Mogadishu, the Somalis killed each other quite often. The U.S. soldiers

²⁶⁴ The SEALs carefully calibrated their use of force. In one incident they saw a Somali with a RPG hiding behind a wall of a gas station. They first fired with a bolt action 7.62 mm sniper rifle. When that fell short, they resorted to a 7.62 mm repeating rifle. When that fell short, they used the .50 caliber rifle. Because of they feared overshooting and hitting an unintended target beyond the gas station, they walked the rounds up a clearing in front of the target until they hit the illegally armed Somali hiding behind the wall. (McGuire interview).

²⁶⁵ F.M. Larenz, 30.

joked "Guns don't kill Somalis, Somalis kill Somalis"²⁶⁶

Granted this was harsh, but it demonstrated the situation which the SOF snipers faced and the attitude of some soldiers which could influence their interpretation of the ROE within a peacekeeping environment.

The presence of NGOs, which had arrived before any of the UN troops, further complicated the operations for SOF snipers. The NGOs were required to hire Somali guards before the arrival of UNITAF in order to protect themselves. Once UNITAF and UNOSOM II began, they continued the practice when they traveled to areas outside of UN control.²⁶⁷ The use of armed Somali guards by the NGOs complicated the situation as the SOF snipers had difficulty distinguishing between legitimate NGO guards and bandits. The NGOs complained that their guards were treated differently in different sectors, which came as a result of aggressive application of the ROE by U.S. forces and timid application by Pakistan forces. Part of the problem was that many of the NGOs guards were hired to work only during daylight hours and they tended to turn to banditry at night. Eventually, the NGOs and the

²⁶⁶ Jonathan Stevenson, 9.

²⁶⁷ F.M. Larenz, 40. Larenz states in his article that "in Mogadishu, the price for vehicle rental in January 1993 was about \$2,500 (US) per month, which included the driver and two gunmen armed with Kalishnikovs. HROs were forced to pay extortionate fees for security services. Many HROs were paying over \$100,000 per month for their guards."

military forces alleviated the situation by issuing standard weapons permits and increasing coordination and awareness of the situation.

As seen in SOF sniper operations, the ROE successfully balanced the political desire to bring peace to the streets of Mogadishu with the military requirements for effective use of SOF snipers. The ROE did not restrict how force could be applied, but only that it be proportionate. The fact that the SOF snipers were allowed to target Somalis with large caliber sniper rifles indicates a rather unrestrictive answer to the ROE criteria of how and how much force to employ. The criteria of where to apply force was restricted only by the stipulation to minimize collateral damage written in the ROE and not by interpretation within the chain of command. The SOF snipers were able to engage targets within this restriction and remain effective in their mission. The criteria of when to use force and against whom was rather unrestrictive in allowing the snipers to engage designated targets without waiting for the first hostile shot. Overall, the SOF snipers operated under ROE which allowed them the flexibility to conduct their operations according to their tactical requirements while remaining within the stated political objectives of the peacekeeping mission.

G. CONCLUSIONS

Overall the intervention into Somalia could be considered a failure.²⁶⁸ As Under Secretary of Defense Wisner concluded, "the single most serious flaw in our policy was that we tried to accomplish political objectives solely by military means."²⁶⁹ Somalia was the first UN chapter VII "peace enforcement" intervention in history and placed the military in a difficult environment which included a multinational force, NGOs, warring clans, a society with plenty of guns and a local government in a state of anarchy. These unique variables complicated the ability of the ROE to balance the political objectives and military requirements.

The Clinton administration's attempt to follow a dual-track approach to intervention in Somalia created a policy destined to fail. This policy to reduce the U.S. military presence in Somalia, while at the same time supporting UN requests to conduct high risk military operations led to the decision to deny General Montgomery's request for armor and the decision to delete the AC-130 gunship from the TFR package. These decisions made during the planning phase of

²⁶⁸ This, of course, is debatable. In a humanitarian context, the mission can be considered successful in that it prevented the starvation of hundreds of thousands of Somalis, but it can also be seen as a failure because the political objective seemed to experience "mission creep" in that troops were initially tasked to protect food deliveries and later tasked to engage in a man hunt for Aideed in addition to conducting numerous combat operations in what was supposed to be a peace keeping mission.

²⁶⁹ Ibid., 10.

the TFR mission clearly had an affect on the outcome of the operation. The TFR operation was a high risk, short duration special operation conducted at a strategic level in order to achieve a single objective- capture Mohamed Aideed. As a result, the political and military "pulling and hauling" resulted in the political objectives dominating the tactical requirements of the military commander. Consequently, the ROE dictated for the planning and conduct of the TFR operations were imbalanced and unreasonably restrictive. Armor and the AC-130 gunship would most likely have given TFR a greater chance for tactical success and in turn would have avoided a political debacle for the Clinton Administration.

Once the size and composition of the force package for TFR was established, tightening of the ROE through translation by the chain of command did not occur. When TFR conducted their operations in Somalia they worked through a short circuited chain of command and were not further restricted by implicit ROE created by organizational friction. However, the decisions made to eliminate armor and the AC-130 during the planning phase could not be overcome by the appropriate ROE during the execution phase.

The SOF snipers conducted a protracted special operation at a tactical level with an objective of eradicating the streets of Somalia of heavy weapons. They were given ROE that were clear and without unnecessary restrictions despite the complexities of this case: multinational forces, dynamic

political objectives, multiple chains of command and lack of an indigenous government. As a result, they were able to conduct operations with efficiency. Additionally, the broad political objectives were accurately translated through the chain of command into appropriate ROE, written and implicit, for the tactical commander. The political, military and legal considerations which created the ROE and interpretation by the chain of command allowed SOF snipers to plan and conduct operations in a manner which they had trained and with ample opportunity for success.

VI. CONCLUSIONS AND RECOMMENDATIONS

This thesis addressed the affect that the ROE have on the conduct of special operations. In the introductory chapter, two questions were posed. First, can ROE be used to achieve indirect political control over special operations? Second, what are the causes and consequences of "inappropriate" ROE when employing SOF in pursuit of political objectives? Throughout this thesis, both questions were examined and the following conclusions can logically be drawn from the evidence.

In response to the first question, ROE can be used to achieve indirect political control over both special and conventional operations, but it is more difficult to do so wisely with special operations than with conventional forces. In this thesis I argued that the nature of special operations, and the principles vital to their proper employment, cause them to be most sensitive to sources of inappropriate ROE in either a crisis or conflict.

Successful special operations represent somewhat of a paradox. SOF are usually selected as a minimal force military solution at the political and military strategic level. However, at the tactical level, SOF must have latitude to apply maximum force in order to succeed. The policy maker selects SOF as a surgical instrument of military force rather than massive conventional units because of

concern for minimizing collateral damage. Also, conventional forces may be too blunt an instrument compared to the surgical aspects of SOF in an environment requiring otherwise restrictive ROE. In such a case, SOF may be favored because massive, high profile conventional forces might appear politically inappropriate. Even when SOF are selected as the military option the policy maker may feel compelled to refine the already surgical aspects of a special operation further by limiting SOF's use of force. An attempt to fine tune a special operation, which by nature is already a limited collateral damage option, can result in tactical failure or an increase in casualties. The decision to eliminate the AC-130 from the TFR package illustrated an attempt to further refine the already surgical aspects of a special operations mission with disastrous results.

At the tactical level, SOF operate with small forces and require superior transitory combat power in order to complete operations successfully. FM 31-20 is worth restating:

In contrast to conventional forces, SOF cannot hope to bring overwhelming combat power against a target except at the lowest tactical level. They do not normally seek dominance in size of force or firepower. Instead, SOF focus on selecting and applying sufficient military power to accomplish the mission without adverse collateral effects. The application of minimum force is dangerous, but SOF commanders must sometimes accept the higher risk associated with not massing in the conventional sense.²⁷⁰

SOF require a temporary advantage in combat power in order to successfully complete missions. Six principles combine to promote this combat power advantage: simplicity, security, repetition, surprise, speed and purpose. If ROE affect any one on these principles, they can reduce the possibility of SOF achieving a transitory combat power advantage and become a cause for mission failure or unnecessary lose of life.

Additionally, the tactical environment in which SOF operate must also be considered. Operating deep behind enemy lines without support requires that care be exercised to ensure the ROE are consistent with mission accomplishment and force survival rather than a threat to either.

SOF will be the first put in harm's way, so there is little time for proper ROE dissemination and comprehension through the chain of command down to the individual SOF operator. SOF have the dubious opportunity of being the first to learn of any ROE problems during live combat operations.

The difficulties in using ROE to control the conduct of special operations indirectly were also evident during discussions addressing the second question: how are inappropriate ROE created? I showed that there are two causes of inappropriate ROE. First, inappropriate ROE result

²⁷⁰ Headquarters, Department of the Army, *FM 31-20 Doctrine for Special Operations Forces*, (Washington D.C.: Dept. of the Army, 1990), 1-6.

from an imbalance in the natural tension between the requirements of statecraft and military efficiency present in all military operations. Second, I showed that organizational friction creates inappropriate written and implicit ROE for the tactical unit.

The first cause, an imbalance in the political-military tension, is greatest in the OOTW environment. The political objectives and military requirements for success in OOTW have a greater tendency to diverge than in conventional conflicts, which approach total war. Military operations associated with high level policy and high risk have the greatest potential for an imbalance favoring political objectives over tactical requirements. The ROE are a case where healthy "pulling and hauling" between policy makers and military commanders makes for better balance, and hence better overall outcomes.

This thesis showed that special operations can be divided into *coup de main* or protracted campaigns, at either the strategic, operational or tactical level. At the strategic level of analysis, SOF's unique political and military utility set them apart from general purpose forces and increase both the military and political risk associated with the outcome of special operations. As a result, coup de main special operations conducted at the strategic level will have a greater chance of a political-military imbalance, because they are directly connected to high level policy and

entail high risk. Because these operations are short duration missions, the policy maker has only one opportunity to affect their conduct and will tend to exercise a more cautious approach with restrictive ROE. The TFR operation illustrated the ROE problems associated with high risk, strategic *coup de main* operations. In the planning phase, political objectives took priority over tactical requirements, resulting in TFR deploying without the AC-130, which was an organic tactical element in rehearsals. This political-military imbalance contributed to the casualties suffered on October 3-4.

Contrary to *coup de main* operations, protracted special operations, such as the SOF sniper operations in Somalia, achieve their goal in small increments over an extended time period. This characteristic reduces risk for the policy maker and tactical commander because there are many opportunities over the course of time to change aspects of the operation's execution, such as the ROE. As a result, protracted special operations should be less vulnerable to inappropriate ROE from an imbalance in the political-military tension.

When special operations are conducted at the tactical or operational level, such as SOF sniper operations in Somalia or the Paitilla Airport operation, there seems to be less of an effect from political-military tensions on their planning and conduct.

While inappropriate ROE can result from an imbalance in the political-military tension, I also argued that organizational friction is a deeper cause of inappropriate ROE. Ideally, the ROE ensure, that all levels within the military organization make decisions consistent with those the policy maker would make if complete centralized control existed. Unfortunately, the military organization is large and complex, and the application of force is achieved by tactical units and individuals. The ROE serve to impose limits on the discretionary decentralized decision making which occurs at all levels within the organization and hopefully maintain goal congruence among all levels in pursuit of the political goals designed to serve the national interest. However, translation of the policy maker's broad guidance can become misinterpreted as it flows through multiple layers of command creating implicit ROE. In the case of ROE in the OOTW environment, this can result in rather restrictive ROE. The policy maker may emphasize the need to minimize collateral damage in a broad statement, but this statement may be translated and interpreted at each level in the chain of command into operational ROE that become more restrictive than intended. Because the tactical unit represents the lowest level of command, written, implicit and inferred ROE will govern the conduct of their operations.

The Paitilla Airport operation illustrated these problems of organizational friction.

The amount of friction in an organization can be influenced by the number of intermediate levels between the policy maker and tactical military commander, through which the ROE must flow. As a result, inappropriate implicit or inferred ROE are most likely in tactical level operations which have multiple layers of command between the policy maker and the tactical military commander. In strategic-level operations, such as the TFR operation, the creation of inappropriate ROE by organizational friction is less likely due to shortened chains of command. Once TFR was deployed they operated with autonomy and had little interference from the chain of command.

The greatest source of organizational friction derives from the intermediate levels of command between the policy maker and the tactical commander. The policy maker does not create tactical ROE, but provides broad guidance and objectives. The intermediate, or staff, levels in the defense organization draft tactical ROE. It is with this group that the greatest problems associated with ROE can occur because they must interpret and translate broad policy objectives into achievable operational and tactical missions and ROE. If this group is ignorant of SOF requirements for tactical success or if SOF units fail to tell them of the requirements, they will have a tendency to create

inappropriate written and implicit ROE that are more suitable for conventional operations. There must be a "push" up the organization by the tactical units to ensure the next level of command does not operate in a vacuum when translating the policy maker's broad guidance into tactical ROE. Writing ROE is a two-way street and tactical units must provide the chain of command their concerns and requirements with regards to ROE.

In the current legislative model, the ROE are developed at the staff level in writing by senior or mid-grade military officers surrounded by advisors and counselors within a leisurely environment. This environment encourages a "subjective rationality" which results in numerous rules and extensive written text in order to cover any and all possible contingencies that might arise during combat. To the contrary, the operational environment within which SOF operate is permeated by the fog of war. Special operators alone must quickly rely on personal judgment and training assisted only by what their memory retains regarding the directed ROE for the mission.

Additionally, cultural differences between conventional and special operations forces can magnify the problems. Conventional soldiers on a staff may not fully understand the ROE complications that will affect the conduct of special operations. Cultural differences in philosophy, training, and doctrine can create organizational friction in

translating theoretical ROE into realistic ROE. Bridging this cultural gap by providing insight into ROE complications when conducting special operations is vital. Placing SOF members in staffs and ensuring that they take a proactive role in the process of translating broad political and strategic military objectives into appropriate tactical level ROE is critical.

As we saw in the beginning of this chapter, ROE designed for conventional forces can result in unwanted outcomes when also applied to SOF. Just as ROE for air and naval forces differ, SOF require unique considerations with regard to the ROE used to control their unique operations in pursuit of political objectives. "One size fits all" ROE do not allow for the unique characteristics of special operations to be capitalized upon in pursuit of national interests. This does not mean that SOF should have their own appendix to the standing ROE. Special operations are unconventional and dynamic by nature. A ROE annex to assist conventional planners in controlling special operations will not eliminate the sources of inappropriate ROE.

Regardless of how well written, no ROE can completely eliminate the possibility of either a type 1 (too restrictive) or type 2 (too relaxed) ROE failure. Morality and good judgment cannot be legislated and training cannot anticipate every possible future tactical situation. Special Operations Forces are mature, well trained soldiers who

possess exceptional judgment. In time of conflict or crisis, their training and judgment must be trusted to a greater extent than conventional forces. Changes to the conduct of special operations are best accomplished through training and doctrine during peacetime, rather than through the ROE at the brink of a crisis or conflict.

APPENDIX A. ROE FOR OPERATION JUST CAUSE

Source: Appendix 1 to Annex C to USCINCSO OPORD 1-90 (Blue Spoon) Rules of Engagement.

1. General

A. Upon execution of OPORDS and commencement of combat operations, commander will conduct all military operations in accordance with the laws and directives governing armed conflict. To the maximum extent possible, commanders should use the minimum force necessary to accomplish the military objectives. Captured combatants will be treated as prisoners of war and processed accordingly. Upon cessation of hostilities, as determined by USCINCSO, peacetime rules of engagement will be re-implemented.

B. In peacetime or combat operations, the right of self defense is never denied. These ROE do not infringe upon the right of every commander or individual to employ reasonable, necessary force to defend himself, and his unit, against violent and dangerous attack.

2. Specific: Effective H Hour the Panamanian Defense Forces (PDF) and all parts thereof, including the regular forces, "Dignity" Battalions, Transito Police, Centurian Police, and Doberman Riot Police, are deemed hostile.

A. PDF Personnel in uniform, day or night, unless obviously attempting to surrender or defect or wearing medical insignia (Red Cross), may be attacked.

B. All armed civilian personnel accompanying the PDF, or present in their vehicles or bases, may be attacked.

C. All PDF Vehicles of any type, armored or unarmored, day or night, unless marked with a protective insignia (Red Cross, White Flag, Etc.) may be attacked.

D. All Civilian vehicles carrying enemy forces or supplies may be attacked.

E. All PDF Aircraft, except medical aircraft, may be attacked and destroyed. Unidentified and commercial aircraft may not be attacked unless they are carrying enemy forces.

F. All PDF ships, vessels, barges, and other water craft may be attacked and destroyed.

G. All PDF installations, bases facilities, and equipment, except medical facilities and medical equipment, may be attacked.

H. Controlled indirect fire weapons may be used against the PDF.

I. All on-board aviation weapons systems are authorized for use.

J. Pursuit of enemy forces is authorized, however such pursuit will not cross the borders of Panama without authorization from USCINCSO.

K. Conduct of reconnaissance and surveillance operations prior to H Hour will be governed by the JCS Peacetime Rule of Engagement.

L. Use of Riot Control Agents (RCA) in the conduct of operation is permitted as may be authorized by COMJTFSO. The decision to employ RCA in any given situation may not be delegated to commanders below the rank of Lieutenant Colonel or equivalent.

M. Every effort will be made in the conduct of combat operations to avoid unnecessary injury to noncombatants; damage to civilian property, Historical Monuments, hospitals, public works, and building dedicated to religion, art, science, or charity; and the creation of refugees. Nothing in these ROE authorized the commission of a war crime.

APPENDIX B. UNITAF RULES OF ENGAGEMENT

Source: UNITAF ROE card issued to troops on 2 DEC 1992.

"Nothing in these rules of engagement limits your right to take appropriate action to defend yourself and your unit.

- A. You have the right to use force to defend yourself against attacks or threats of attacks.
- B. Hostile fire may be returned effectively and promptly to stop a hostile act.
- C. When U.S. forces are attacked by unarmed hostile elements, mobs, and/or rioters, U.S. forces should use the minimum force necessary under the circumstances and proportional to the threat.
- D. You may not seize the property of others to accomplish your mission.
- E. Detention of civilians is authorized for security reasons or in self-defense

Remember:

- 1. The United States is not at war.
- 2. Treat all persons with dignity and respect.
- 3. Use minimum force to carry out mission.
- 4. Always be prepared to act in self-defense."

APPENDIX C. UNOSOM II RULES OF ENGAGEMENT

Source: Appendix 6 to UNOSOM II OPLAN I Rules of Engagement (ROE).

1. UNOSOM Personnel may use deadly force:

A. To defend themselves, other U.S. personnel, or persons and areas under their protection against hostile acts or hostile intent.

B. To resist attempts by forceful means to prevent the Force from discharging its duties.

2. Challenging:

A. Whenever practicable, a challenge should be given before using deadly force.

B. Challenging is done by:

1. Shouting in English: "U.N., stop or I will fire," or;

2. Shouting in Somali: "U.N., ka hanaga joogo ama waa gaban," or;

3. Firing warning shots in the air.

3. Principles for use of force: When it becomes necessary to use force, the following principles apply:

A. Action which may be reasonably expected to cause excessive collateral damage is prohibited.

B. Reprisals are forbidden.

C. Minimum force is to be used at all times.

4. Specific Rules

A. UNOSOM Forces may use deadly force in response to a hostile act, or when there is clear evidence of hostile intent.

B. Crew served weapons are considered a threat to UNOSOM Forces and the relief effort, whether or not the crew demonstrates hostile intent. Commanders are authorized to

use all necessary force to confiscate and demilitarize crew-served weapons in the area of operations.

C. Within those areas under the control of UNOSOM Forces, armed individuals may be considered a threat to UNOSOM, and the relief effort, whether or not the individual demonstrated hostile intent. Commanders are authorized to use all necessary force to disarm and demilitarize groups or individuals in those areas under control UNOSOM. Absent a hostile or criminal act, individuals and associated vehicles will be released after any weapons are removed/demilitarized.

D. If UNOSOM Forces are attacked or threatened by unarmed hostile elements, mobs and/or rioters, UNOSOM Forces are authorized to employ reasonable minimum force to repel the attacks or threats. UNOSOM Forces may also employ the following procedures: verbal warnings to demonstrators, show of force including use of riot control formations, and warning shots.

E. Unattended means of force. Unattended means of force, including booby traps, mines, and trip guns, are not authorized.

F. Detention of Personnel. Personnel who interfere with the accomplishment of the mission or otherwise use or threaten deadly force against UNOSOM, U.N., or Relief Material, Distribution Site, or Convoys, may be detained. Person who commit criminal acts in areas under the control of U.N. Forces may likewise be detained. Detained personnel will be evacuated to a designated location for turnover to military police.

5. Definitions. The following definitions are used:

A. Self-Defense: Action to protect oneself or one's unit against a hostile act or hostile intent.

B. Hostile Act: The use of force against UNOSOM personnel or mission-essential property, or against personnel in an area under UNOSOM responsibility.

C. Hostile Intent: The treat of imminent use of force against UNOSOM Forces or other person in those areas under the control of UNOSOM.

D. Minimum Force: The minimum authorized degree of force which is necessary, reasonable, and lawful under the circumstances.

6. Only the Force Commander, UNOSOM may approve changes to these ROE.

LTG BIR

**APPENDIX D. UNOSOM II FRAGMENTARY ORDERS 39 AND 101
ROE CHANGES EFFECTIVE 11 AUGUST 1993**

Source: Task Force Ranger After Action Report.

The Force Commander has approved the following changes to the Rules of Engagement:

1. Organized, armed militias, technicals and other crew-served weapons are considered a threat to UNOSOM II Forces and may be engaged without provocation.
2. A. Armed Somalis in vehicles moving from known militia areas on the outskirts of the city in the direction of or near UNOSOM II forces during hours of darkness are considered a demonstration of hostile intent and a threat to UNOSOM II forces and may be engaged by air without provocation. Weapons must be clearly identified and collateral damage must be minimized.

B. Prior to engaging such targets, permission must be obtained from the QRF Bde Commander in the case of U.S. aircraft and Contingent Brigade Level Commanders in the case of contingent aircraft. All reasonable efforts must be made to identify the vehicle. Where hostile intent cannot be clearly ascertained but is suspected, warning shots should be fired to determine the intent of the vehicle occupants.

APPENDIX E. TASK FORCE RANGER ROE

Source: Tab B and D (Task Force Ranger Rules of Engagement) to Enclosure 7 (Rules of Engagement) to after action report of Task Force Ranger in support of UNOSOM II.

Task Force Ranger Rules of Engagement

Employ Reasonable minimum force to repel unarmed hostile mobs/rioters

Verbal Warnings:

Shout in English: "U.N., stop or I will fire," or

Shout in Somali: "U.N., ka hanaga joogo ama waa guban"

Riot Control Agents

Less Lethal Munitions

Warning Shots

Deadly force authorized against:

Militia

Any armed civilian acting in a hostile manner.

Unarmed but hostile mobs when less lethal force is ineffective.

Crew-served weapons

Individuals surrendering will be treated humanely

Non-lethal force (binding, gagging, flextieing) may be used to seize and restrain designated individuals

Avoid Collateral casualties or unnecessary destruction of property

Actions at roadblocks and secure defensive positions:

- Any vehicle attempting to breach a checkpoint/roadblock may be attacked for the purpose of disabling it.

- Any vehicle which persists in attempting to breach a checkpoint after UN Forces attempt to disable the vehicle or which return/initiates is presumed to be hostile and may be fired on

- Command-detonated mines may be used to protect secure defensive positions.

APPENDIX F. ROE USED BY SOF SNIPERS IN ADDITION TO
UNOSOM II ROE

Source: LCDR Mike McGuire.

CRITERIA FOR USE OF LETHAL FORCE

* GENERAL:

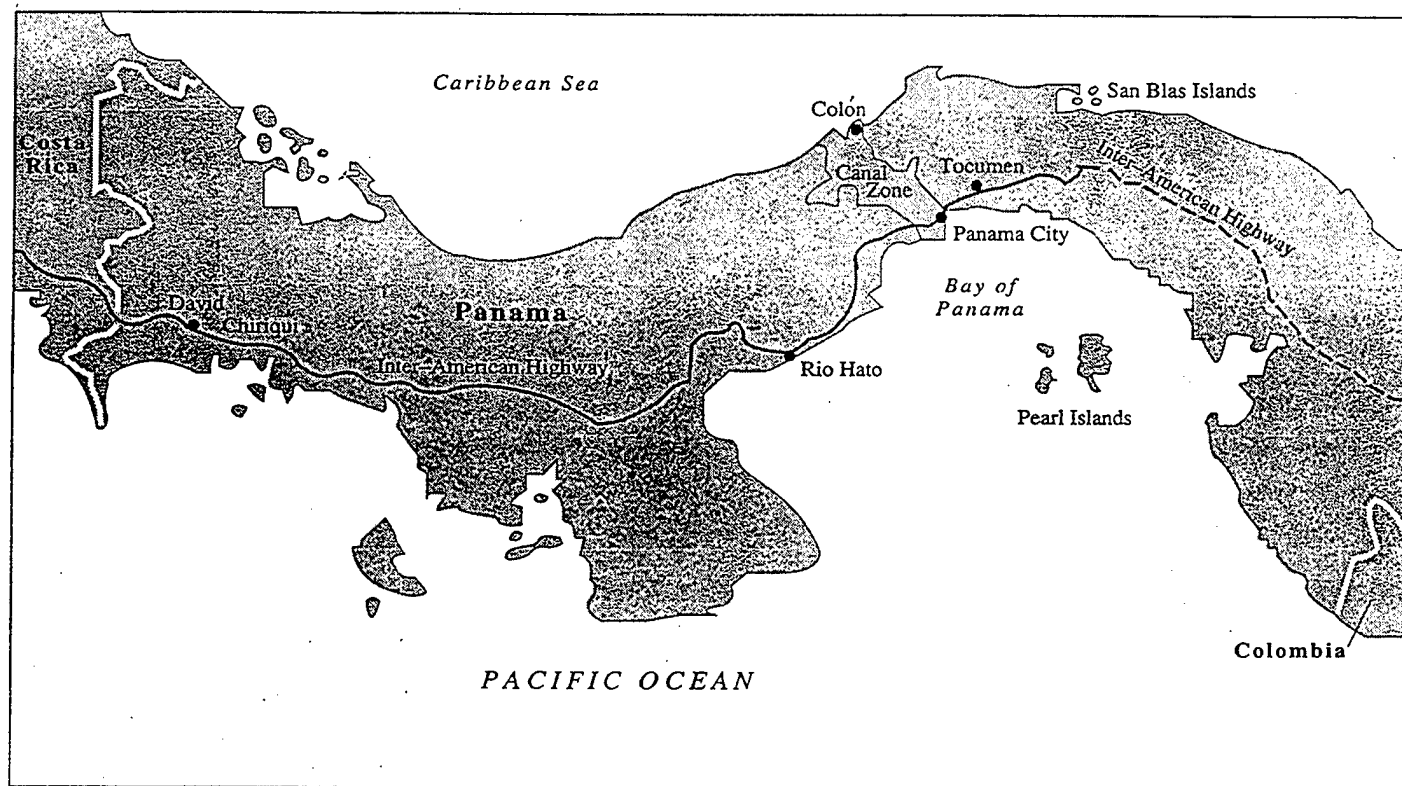
- | | | |
|------------------|--------|-----------------|
| - HOSTILE INTENT | TOWARD | SELF |
| - HOSTILE ACT | TOWARD | U.S. PERS |
| | | OTHER COALITION |
| | | FORCES |

* HARD:

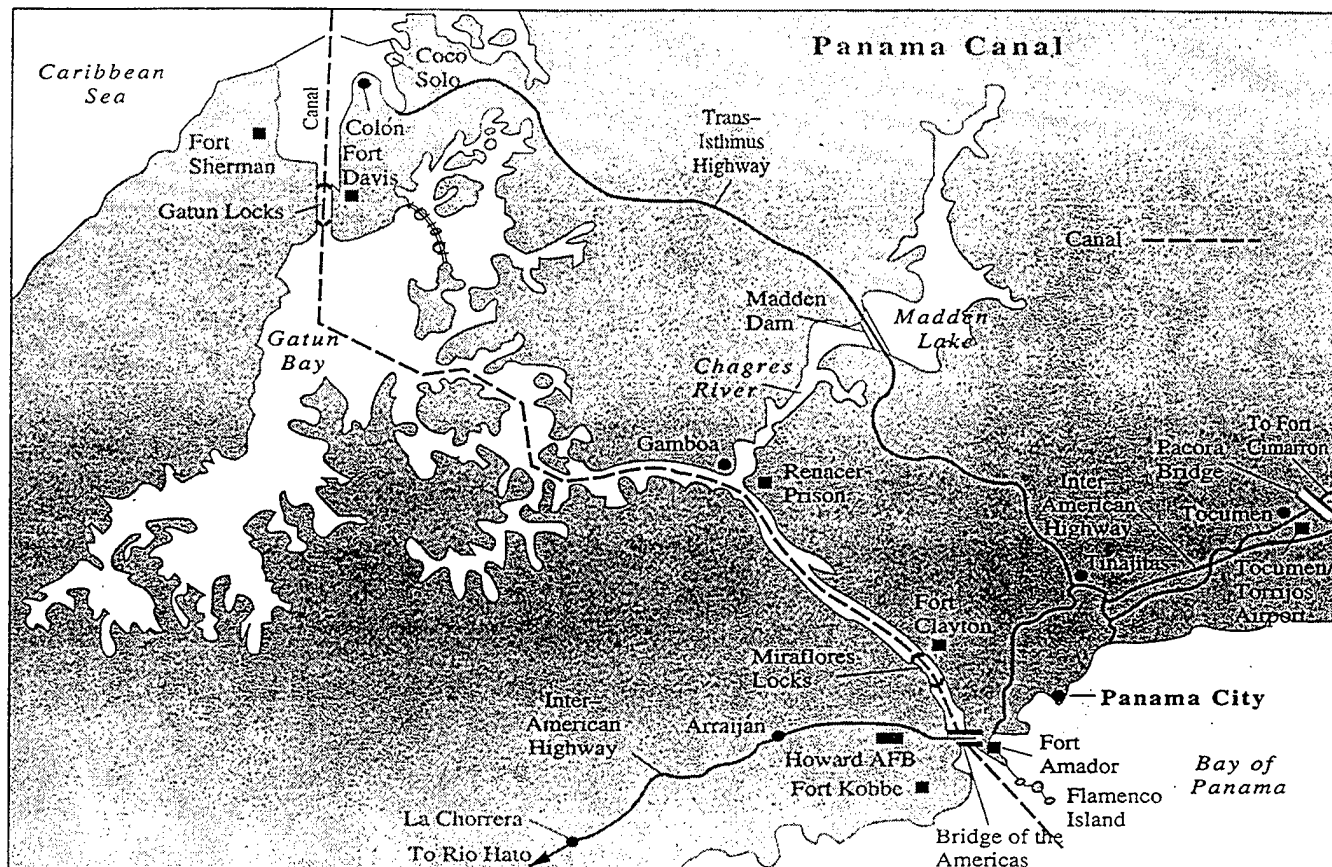
- HOSTILE INTENT OR ACT
- TECHNICAL VEHICLE OR CREW SERVED WEAPON
- ANTI-AIRCRAFT WEAPON (IE., RPG)
- SCOPED WEAPON

APPENDIX G. MAPS

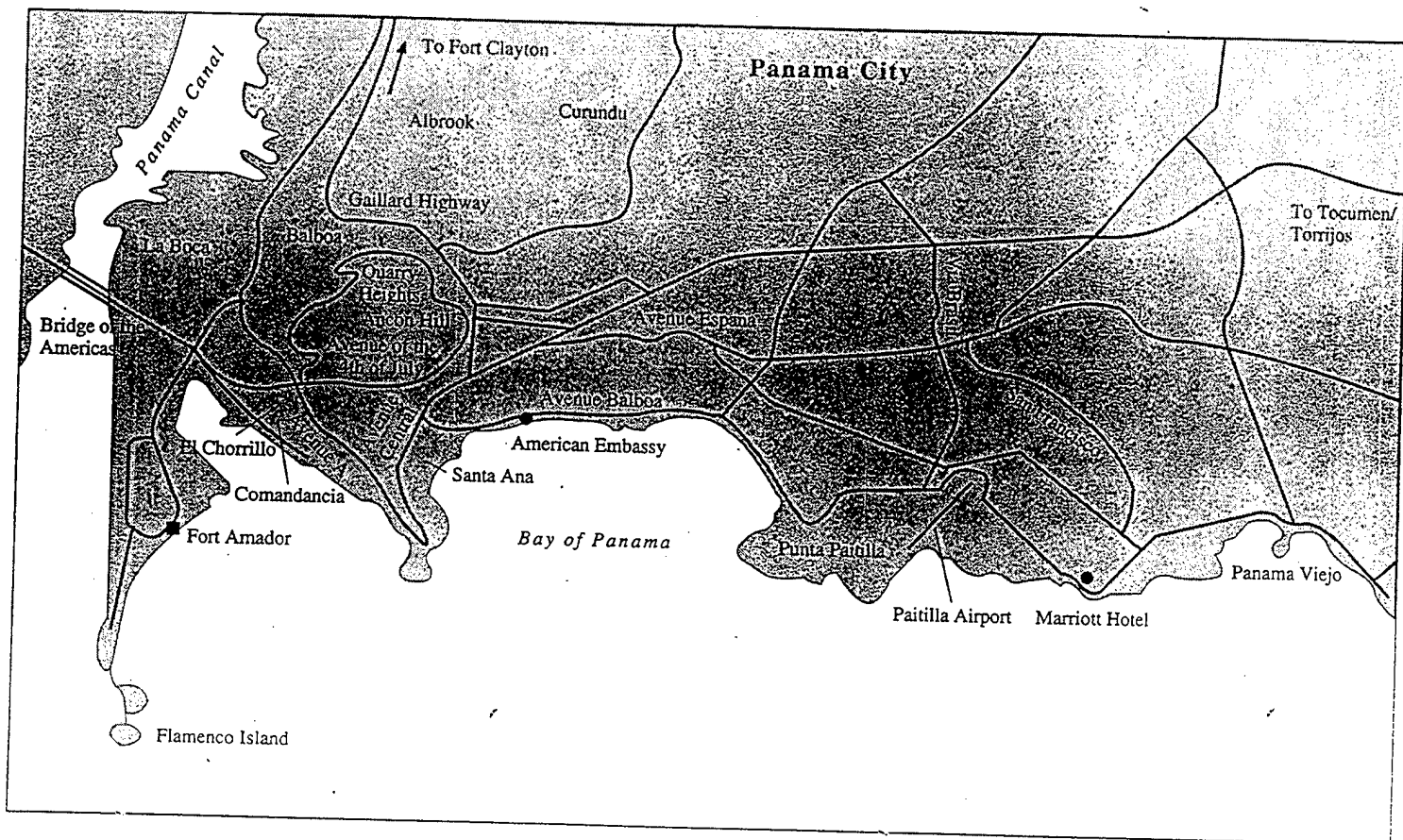
1. Panama Operations.



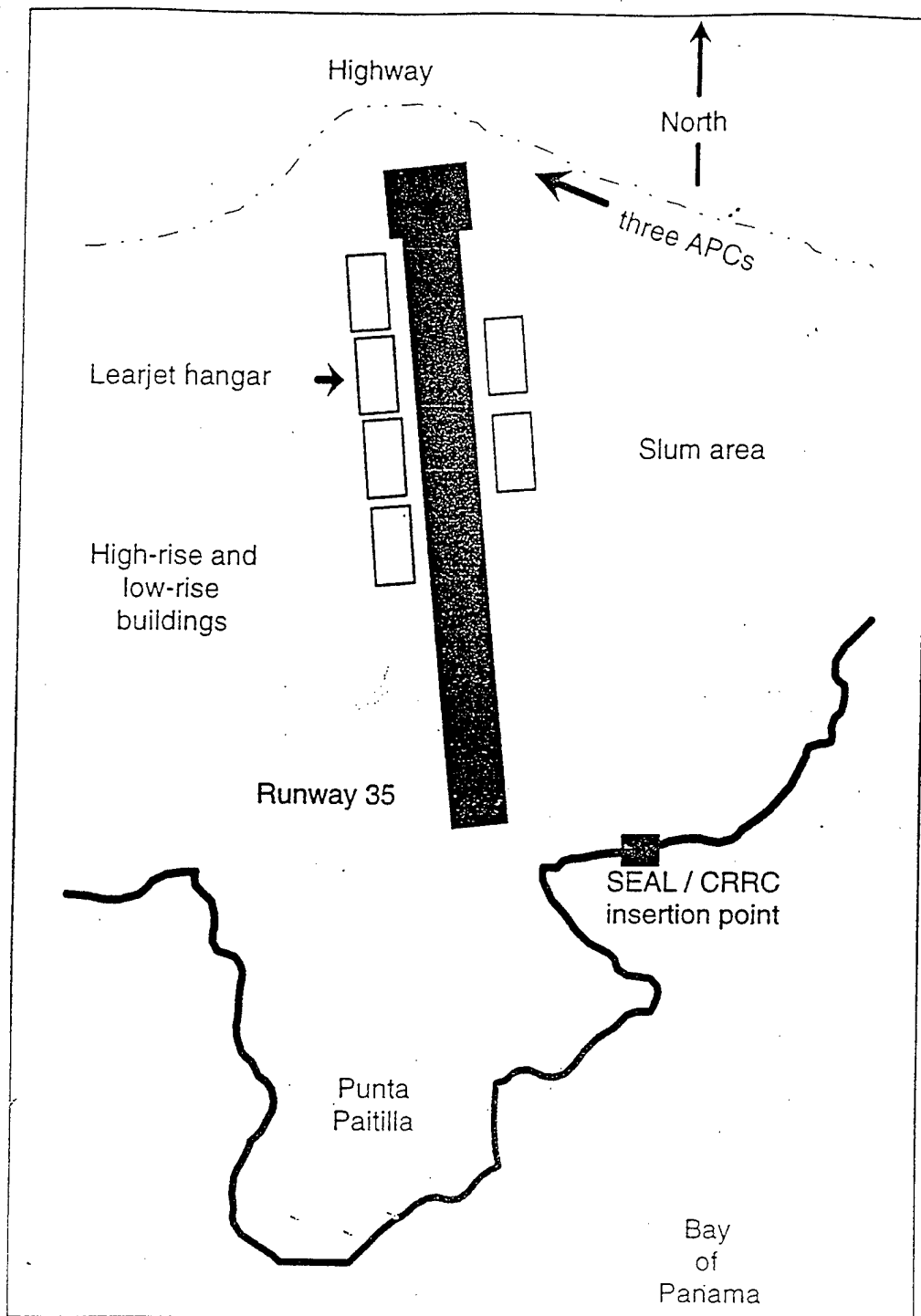
Map 1. Panama (McConnell).



Map 2. Panama City and surrounding area (McConnell).

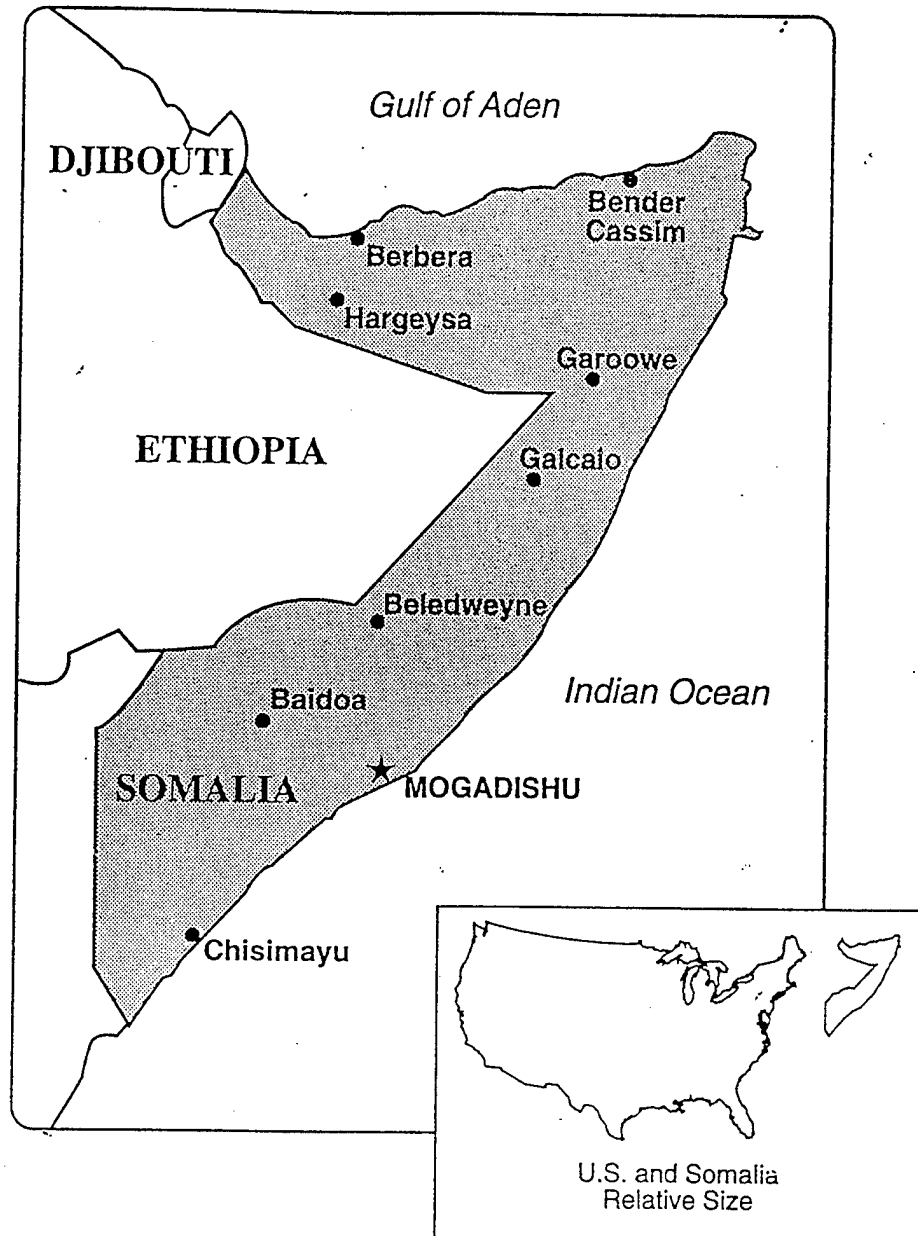


Map 3. Paitilla Airport and Surrounding Area (McConnell).

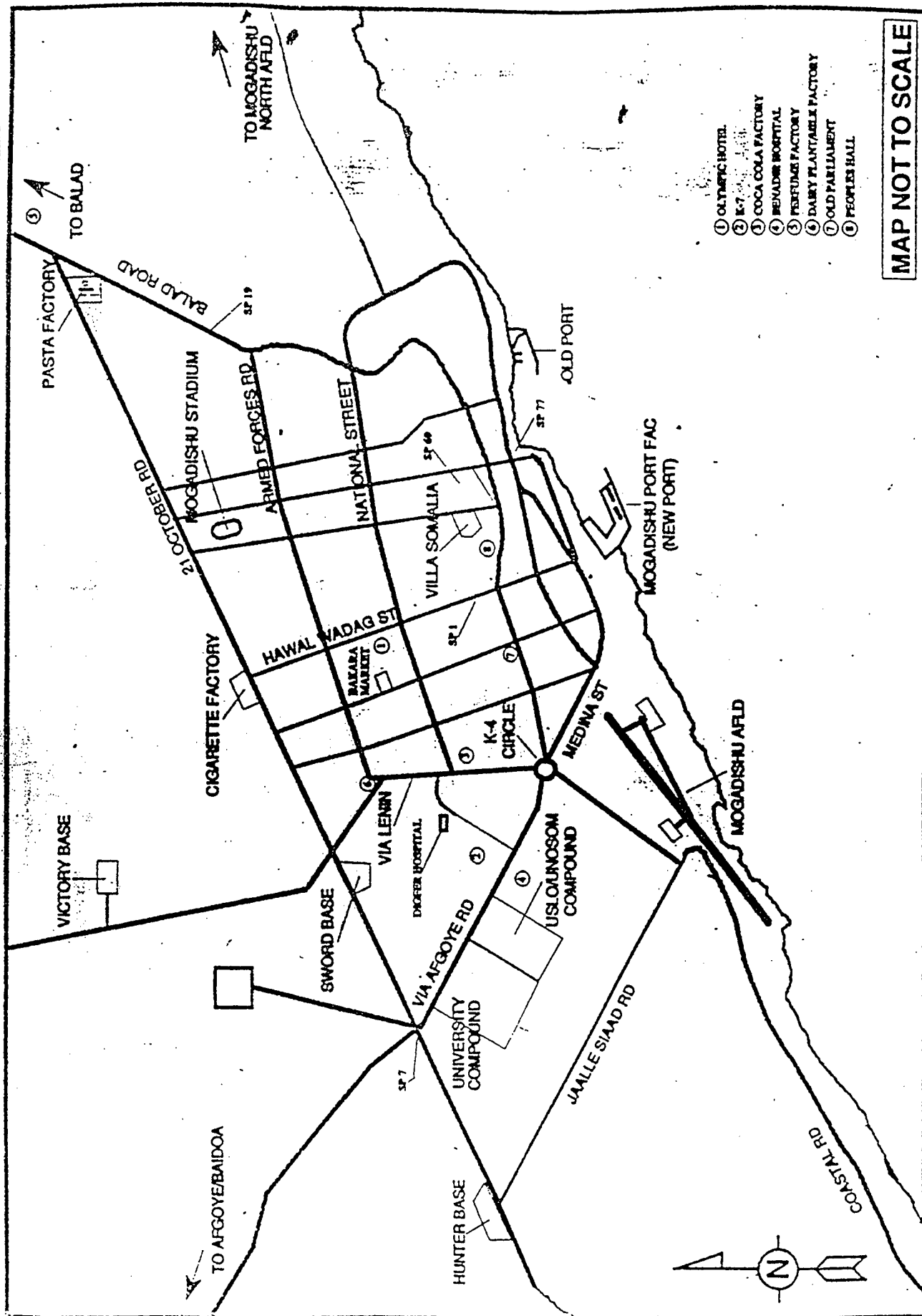


Map 4. Paitilla Airport (McConnell).

2. Somalia Operations.



Map 1. Somalia (Allard)



Map 2. Mogadishu (LCDR Mike McGuire)

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