

Agencies and Missions

CHAPTER 5

Homeland Security at the Federal Level

CHAPTER LEARNING OBJECTIVES

This chapter will enable readers to do the following:

1. Compare and contrast federal bureaucracy prior to and after the September 11, 2001, terrorist attacks
2. Discuss the roles of law enforcement and service agencies as well as interagency challenges
3. Critically track the post-9/11 bureaucratic transformation and the dawn of modern homeland security
4. Distinguish the role of the Department of Homeland Security
5. Understand the homeland security roles of other federal agencies
6. Discuss the complexity of the intelligence craft and the roles of intelligence agencies
7. Evaluate the homeland security nexus with the military

OPENING VIEWPOINT

Homeland Security Policing in a Federal System

The question of how to create an effective law enforcement mechanism within

the homeland security enterprise can be a complicated process in the United States. Federal agencies possess law enforcement authority, but they do not enforce state and local laws. This is because there is no

national police force in the United States similar to the French *gendarmarie* or Mexico's *Policia Federal*. The reason for this is the constitutionally established system of federalism and reserved powers conferred to the states under the Tenth Amendment to the U.S. Constitution.

Authority to enforce state laws is constitutionally reserved for the states, and therefore,

local policing authority is devolved to state agencies. However, many federal agencies are authorized to carry out law enforcement duties to support their specified missions. Federal law enforcement agencies often take the lead in investigating incidents of domestic terrorism, with other agencies performing a supportive role and assisting in resolving cases.

The federal homeland security bureaucracy is a network of specialized agencies that contribute to the overall mission of securing the United States from terrorist threats. Many of these agencies are subsumed under the direction of the secretary of homeland security, while others are directed by cabinet-level or independent officials.

The federal counterterrorist bureaucracy is, conceptually, an amalgamation of many functions of law enforcement and intelligence agencies as well as branches of the military. The bureaucratic ideal of rationality and efficiency requires that these sectors of the government coordinate their counterterrorist missions to promote homeland security. For example, federal agencies with law enforcement authority must be kept apprised of terrorist threats that may be discovered abroad by intelligence agencies or the military; the challenge is how to implement this collaborative ideal in these and other scenarios. The U.S. Department of Homeland Security and several sector-specific agencies carry out homeland security–related bureaucratic duties assigned to them.

The modern intelligence community comprises mission-specific agencies representing the predictive and analytical arm of the federal government. It manages the collection and analysis of an enormous quantity of information derived from an extremely diverse array of sources. The intelligence community must filter this information in order to create actionable intelligence, which is critically necessary for predicting, preventing, and analyzing terrorist events. The role of the military is fundamentally one of defending the nation from external threats. However, in the age of the New Terrorism, adversaries are frequently intent on carrying out attacks domestically in the United States, and the military's homeland defense mission must be adapted to this reality in support of the homeland security enterprise.

The discussion in this chapter will review the following:

- The scope of the homeland security bureaucracy
- The Department of Homeland Security
- The homeland security missions of other federal agencies
- The intelligence community
- The role of the military

❖ The Scope of the Homeland Security Bureaucracy

Strong proposals were made to revamp the domestic homeland security community within nine months of the September 11, 2001, attacks. This occurred because of the apparent failure of the pre-September 11 domestic security community to adapt to the new terrorist environment as well as because of highly publicized operational problems.

Conceptual Background: The Bureaucratic Context

Ideally, governments act rationally and efficiently to resolve problems. To do so, government functions are organized in operational arrangements known as *bureaucracy*. Max Weber invented the term to describe and explain rationality and efficiency in managing governments—a field of public administration known as organizational theory. It should be obvious that many functions of government require professional bureaucracies and trained managers to ensure social stability and the delivery of critical services. For example, efficiency in regulating interstate commerce permits the delivery of essential commodities throughout the nation. Many of these bureaucratic functions are literally life-and-death missions, such as emergency preparedness and disaster response. In terrorist environments, the consequences can be quite dire if homeland security bureaucracies are not flexible, efficient, and collaborative. Operationalizing the bureaucratic ideal in practice is often a complex and difficult task.

The Federal Bureaucracy Prior to September 11, 2001

Prior to the domestic attacks of September 11, 2001, the United States relied on administratively separated federal law enforcement and services agencies to provide what is now referred to as *homeland security*. These agencies performed mission-specific duties that were frequently unsynchronized in the carrying out of domestic security operations.

Federal Law Enforcement Agencies

Federal law enforcement agencies are bureaus within the large cabinet agencies that are charged with enforcing federal criminal laws. The Federal Bureau of Investigation (FBI); Drug Enforcement Administration; and Bureau of Alcohol, Tobacco, Firearms, and Explosives are examples of federal law enforcement agencies. Prior to the September 11 attacks, these agencies investigated security threats in the same manner that they investigated crimes: by working cases and making arrests.

Federal Services Agencies

Services agencies regulate and manage services for the general population. Federal services agencies include large cabinet agencies, regulatory agencies, and independent agencies. The U.S. Departments of Health and Human Services, Energy, and Defense and the Central Intelligence Agency are examples of services agencies. Prior to the September 11 attacks, these agencies had a variety of missions, including regulating immigration, inspecting nuclear facilities, and responding to emergencies.

❖ Case in Point: The Problem of Interagency Disconnect

Among law enforcement agencies, the FBI was one of the few agencies that performed a quasisecurity mission, explicitly adopting as one of its primary missions the protection of the United States from foreign intelligence and terrorist threats. The FBI did this through one of its five functional areas, the foreign counterintelligence functional area. The FBI also established missions in several U.S. embassies to coordinate its investigations of cases with international links. Among the services agencies, several bureaus performed a variety of security missions. For example, the Secret Service (at that time affiliated with the Department of the Treasury) protected the president, and the Federal Emergency Management Agency (FEMA) responded to natural and human disasters. An ideal policy framework would have required the FBI and CIA to coordinate and share counterterrorist intelligence in a spirit of absolute cooperation. In theory, the FBI would focus on investigating possible domestic security threats, and the CIA would pass along foreign intelligence that might affect domestic security.

One problem that became quite clear during the year following the September 11 homeland attacks was that the old organizational model did not adapt well to the new security crisis. This failure to adapt proved to be operationally damaging; it was politically embarrassing, and it projected an image of disarray.

Table 5.1 summarizes the pre–September 11 security duties of several U.S. federal agencies.

Bureaucratic Transformation After September 11, 2001

Consolidation of the domestic security community into an efficient homeland security enterprise became a critical priority in the aftermath of the September 11 attacks. Two efforts were given particular priority: transformation of the intelligence community and creation of a new homeland security institutional culture.

Mitigating Interagency Disconnect: The Case of Intelligence Transformation

A series of revelations and allegations called into question assertions by the FBI and CIA that neither agency had prior intelligence about the September 11 homeland attacks. For example, it was discovered that

- the FBI had been aware for years prior to September 2001 that foreign nationals were enrolling in flight schools, and
- the CIA had compiled intelligence data about some members of the al-Qaeda cell that carried out the attacks.

These allegations were compounded by a leak to the press of a memorandum from an FBI field agent that strongly condemned the FBI director's and headquarters' handling of field intelligence reports about a suspect named Zacarias Moussaoui. Moussaoui was alleged to have been a member of the September 11, 2001, al-Qaeda cell; he had been jailed prior to the attacks. Moussaoui had tried to enroll in flying classes, in which he was apparently interested only in how to *fly* airplanes and uninterested in the *landing* portion of the classes.

Table 5.1 Federal Agencies and Homeland Security: Before the September 11, 2001, Organizational Crisis

Prior to the September 11, 2001, organizational crisis, homeland security was the responsibility of a number of federal agencies. These agencies were not centrally coordinated, and they answered to different centers of authority. Cooperation was theoretically ensured by liaison protocols, special task forces, and oversight. In reality, there was a great deal of functional overlap and bureaucratic “turf” issues.

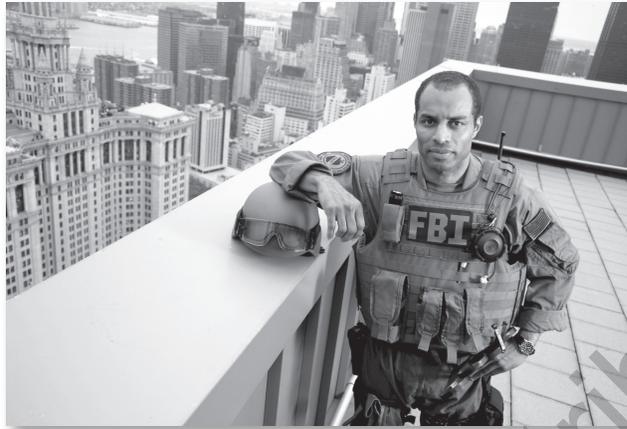
The following table summarizes the activity profiles of several bureaus prior to the post-September 11 organizational crisis.

Agency	Activity Profile		
	Parent Organization	Mission	Enforcement Authority
Central Intelligence Agency	Independent agency	Collection and analysis of foreign intelligence	No domestic authority
Coast Guard	Department of Transportation	Protection of U.S. waterways	Domestic law enforcement authority
Customs	Department of the Treasury	Examination of people and goods entering the United States	Domestic inspection, entry, and law enforcement authority
Federal Bureau of Investigation	Department of Justice	Investigating and monitoring criminal and national security threats	Domestic law enforcement authority
Federal Emergency Management Agency	Independent agency	Responding to natural and human disasters	Coordination of domestic emergency responses
Immigration and Naturalization Service	Department of Justice	Managing the entry and naturalization of foreign nationals	Domestic inspection, monitoring, and law enforcement authority
Secret Service	Department of the Treasury	Establishing security protocols for president, vice president, and special events	Domestic protection of president and vice president and special law enforcement authority (including counterfeiting)

Policymakers and elected leaders wanted to know why neither the FBI nor the CIA had “connected the dots” to create a single intelligence profile. Serious interagency and internal problems became publicly apparent when a cycle of recriminations, press leaks, and congressional interventions damaged the “united front” image projected by the White House. Policymakers determined that problems in the homeland security community were directly related to:

- Long-standing interagency rivalries
- Entrenched and cumbersome bureaucratic cultures and procedures

- A lack of central coordination of homeland security programs
- Fragmentation of counterterrorist operations
- Poor coordination of counterterrorist intelligence collection and analysis
- Disconnect between field offices and Washington headquarters
- “Turf”-based conflict between the FBI and CIA



(U.S. Federal Bureau of Investigation)

❖ Photo 5.1

Member of an FBI Special Weapons and Tactics unit. The FBI maintains ready-action units for fast deployment domestically.

Subsequent commission reports led to sweeping changes in the U.S. intelligence community. In July 2004, the National Commission on Terrorist Attacks Upon the United States, also known as the 9/11 Commission, issued a detailed report on the September 11 attacks.¹ In March 2005, the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction issued a detailed report on intelligence failures regarding the possession and proliferation of weapons of mass destruction.

A **National Counterterrorism Center (NCTC)** was established to integrate and coordinate the counterterrorism efforts of the intelligence community. Although some jurisdictional tension existed between the NCTC and the CIA's Counter-Terrorism Center, the NCTC became an important component of the new homeland security culture in the United States. Clearly, the attacks of September 11, 2001, were the catalyst for a broad and long-standing reconfiguration of the American security environment.²

A New Culture: The Dawn of Homeland Security

In July 2002, the first clarification of the newly emerging homeland security culture was promulgated by the Office of Homeland Security with the publication of the **National Strategy for Homeland Security**.³ The *National Strategy for Homeland Security* identified essential homeland security missions, established priorities for coordinating the protection of critical domestic infrastructure, and explicated the concept of homeland security.

- The Office of Homeland Security, placed under the administration of the White House, was dissolved after the passage of the Department of Homeland Security Act of 2002. The **Department of Homeland Security (DHS)** was created on November 25, 2002, with the enactment of the Homeland Security Act. The new department was tasked with five main areas of responsibility.

National Counterterrorism Center (NCTC)

A center established to integrate the counterterrorism efforts of the intelligence community in the wake of the September 11, 2001, attacks.

National Strategy for Homeland Security

Published in 2002, this was the first clarification of the newly emerging homeland security culture. The document explicated the concept of homeland security, identified essential homeland security missions, and established priorities for coordinating the protection of critical domestic infrastructures.

Department of Homeland Security (DHS)

The Homeland Security Act was enacted on November 25, 2002, and created the Department of Homeland Security. The new department was tasked with five main areas of responsibility, reflecting the underlying missions of the former emergency response and security agencies subsumed under the authority of DHS.

❖ **Photo 5.2**

Official seal of the U.S. National Counterterrorism Center.



These areas of responsibility reflected the underlying missions of the former security and emergency response agencies that were subsumed under the authority of the new DHS. The five areas of responsibility were as follows:

- Guarding against terrorism.
- Securing our borders
- Enforcing our immigration laws
- Improving our readiness for, response to, and recovery from disasters
- Maturing and unifying the department⁴

National Security Strategy The process of clarifying the new homeland security enterprise is ongoing, and publications regularly clarify the homeland security enterprise. One of those publications is the 2010 *National Security Strategy*.

National Strategy for Counterterrorism The process of clarifying the new homeland security enterprise is ongoing, and publications regularly clarify the homeland security enterprise. One of those publications is the 2011 *National Strategy for Counterterrorism*.

Thus, the concept of homeland security incorporated counterterrorism and other domestic security and emergency response functions.

Clarifying the new homeland security enterprise is an ongoing process. In years subsequent to the 2002 publication of the *National Strategy for Homeland Security*, additional publications regularly clarified the new homeland security enterprise. These included the 2010 *National Security Strategy*⁵ and the 2011 *National Strategy for Counterterrorism*.⁶

Table 5.2 summarizes the security duties of several U.S. federal agencies immediately after the creation of the new department.

❖ The Department of Homeland Security

The Department of Homeland Security (DHS) is an extensive department in the federal government whose secretary holds cabinet-level authority. The major components of the department are a result of the consolidation of agencies with critical domestic missions in the aftermath of the September 11, 2001, attacks. Homeland security is a new concept and a new mission of the federal government. DHS is by far the largest and most mission-diverse department in the homeland security bureaucracy. Broadly defined, its mission is “to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards.”⁷ More specifically, its five core missions (which have been updated) are as follows:⁸

- Prevent terrorism and enhancing security
- Secure and manage our borders
- Enforce and administer our immigration laws
- Safeguard and secure cyberspace
- Ensure resilience to disasters

Table 5.2 Federal Agencies and Homeland Security: After the September 11, 2001, Organizational Crisis

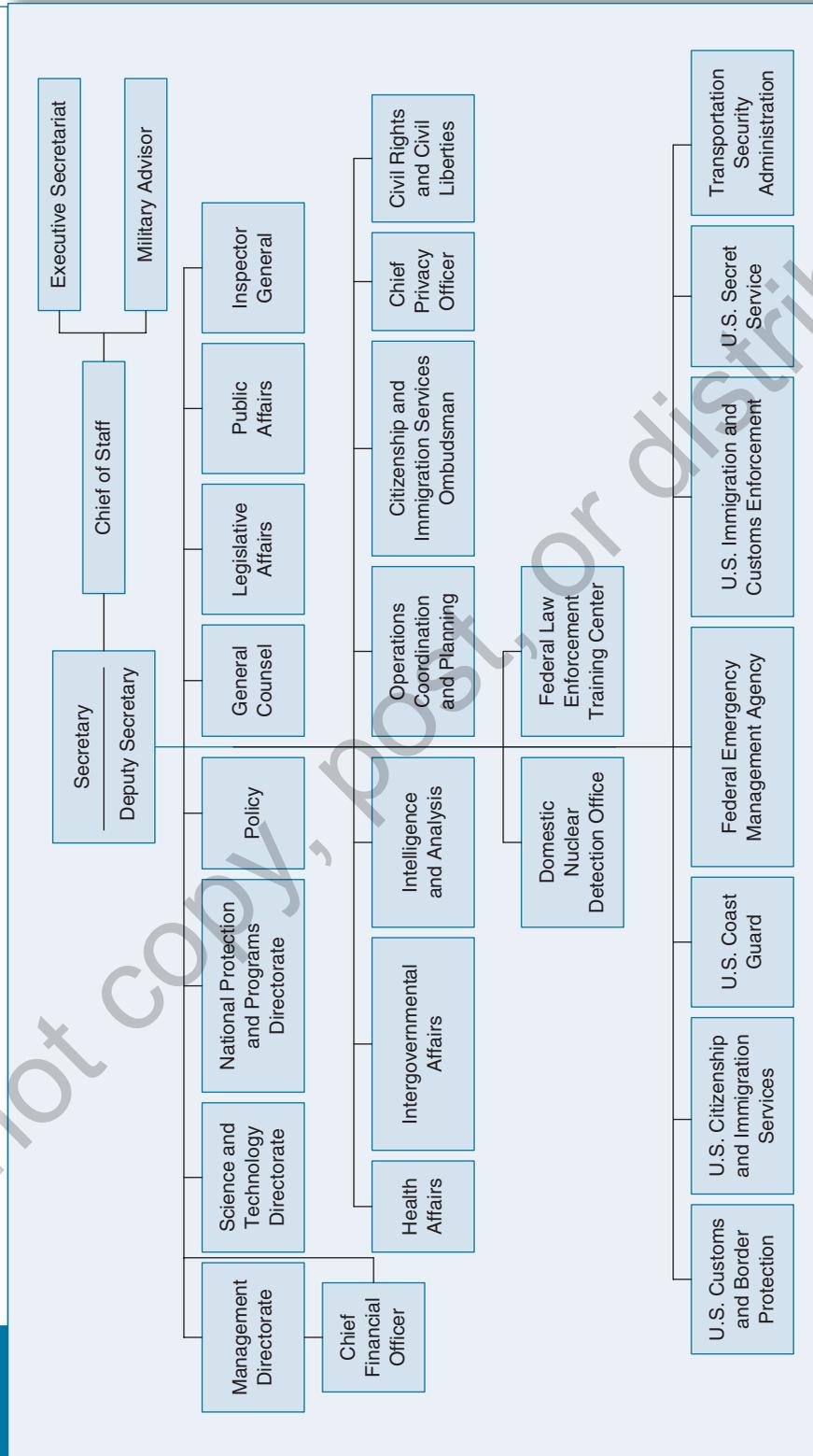
In the wake of the post-September 11 organizational crisis, the Bush administration subsumed the homeland security duties of several federal agencies under the jurisdiction of a new Department of Homeland Security. The goal was to coordinate operations and to end overlapping duties.

The following table is a good snapshot of a nation's reorganization of national security in response to a significant shift in a terrorist environment. It is also an example of how two security agencies that arguably precipitated the organizational crisis—the FBI and CIA—were able to maintain their independence.

Agency	Activity Profile		
	New Parent Organization	New Directorate	New Directorate's Duties
Central Intelligence Agency	No change; independent agency	No change	No change; collection and analysis of foreign intelligence
Coast Guard	Department of Homeland Security	Border and Transportation Security	Coordination of all national entry points
Customs	Department of Homeland Security	Border and Transportation Security	Coordination of all national entry points
Federal Bureau of Investigation	No change; Department of Justice	No change	No change; investigating and monitoring criminal and national security threats
Federal Emergency Management Agency	Department of Homeland Security	Emergency Preparedness and Response	Coordination of national responses to terrorist incidents
Immigration and Naturalization Service (some functions)	Department of Homeland Security	Border and Transportation Security	Coordination of all national entry points
Secret Service	Department of Homeland Security	Secret Service	Establishing security protocols for president and special events

DHS comprises an eclectic amalgamation of formerly independent agencies and former bureaus housed in other cabinet-level departments. When DHS effectively began its operations in January 2003, it initially comprised approximately 179,000 employees and 22 formerly independent agencies. It has since grown to more than 200,000 employees and is the third-largest federal agency, after the Departments of Defense and Veterans Affairs.

Figure 5.1 Organization Chart of the U.S. Department of Homeland Security



Source: U.S. Department of Homeland Security, April 1, 2012.

The Office of the Secretary

The secretary of homeland security is a cabinet-level official, the first having been former Pennsylvania governor Tom Ridge. The central administrative office of DHS is the Office of the Secretary, which operates within the following guidelines:

The Office of the Secretary oversees Department of Homeland Security (DHS) efforts to counter terrorism and enhance security, secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws, safeguard and secure cyberspace, build resilience to disasters, and provide essential support for national and economic security—in coordination with Federal, state, local, international and private sector partners.⁹

- The Office of the Secretary carries out its administrative duties through a variety of mission-focused offices that essentially coordinate the entire DHS bureaucracy. These offices are organized as follows: *Privacy Office*. The Privacy Office addresses legitimate concerns about protecting the privacy of individuals during the course of accomplishing DHS's mission. The Privacy Office “works to preserve and enhance privacy protections for all individuals, to promote transparency of Department of Homeland Security operations, and to serve as a leader in the privacy community.”¹⁰
- *Office for Civil Rights and Civil Liberties (CRCL)*. CRCL was created to address public concerns about protecting civil rights and to prevent infringement of civil liberties during the implementation of homeland security initiatives. CRCL “provides legal and policy advice to Department leadership on civil rights and civil liberties issues, investigates and resolves complaints, and provides leadership to Equal Employment Opportunity Programs.”¹¹
- *Office of Inspector General*. The Office of Inspector General oversees and audits the efficiency and effectiveness of DHS initiatives. It is also tasked with recommending improvements. The Office of Inspector General is “responsible for conducting and supervising audits, investigations, and inspections relating to the programs and operations of the Department, recommending ways for the Department to carry out its responsibilities in the most effective, efficient, and economical manner possible.”¹²
- *Citizenship and Immigration Services Ombudsman*. The Citizenship and Immigration Services Ombudsman is a problem-solving office in regard to immigration issues. The Ombudsman “provides recommendations for resolving individual and employer problems with the United States Citizenship and Immigration Services in order to ensure national security and the integrity of the legal immigration system, increase efficiencies in administering citizenship and immigration services, and improve customer service.”¹³
- *Office of Legislative Affairs*. Every cabinet-level agency has created an office of legislative liaison, and the Office of Legislative Affairs provides such outreach to each branch of the federal government for DHS. It “serves as primary liaison to members of Congress and their staffs, the White House and Executive Branch, and to other Federal agencies and governmental entities that have roles in assuring national security.”¹⁴

- *Office of the General Counsel.* DHS possesses a relatively large legal office in comparison to other agencies. The Office of the General Counsel “integrates approximately 1700 lawyers from throughout the Department into an effective, client-oriented, full-service legal team and comprises a headquarters office with subsidiary divisions and the legal programs for eight Department components. The Office of the General Counsel includes the ethics division for the Department.”¹⁵
- *Office of Public Affairs.* Clear communication to the media and public is imperative for DHS. The Office of Public Affairs “coordinates the public affairs activities of all of the Department’s components and offices, and serves as the Federal government’s lead public information office during a national emergency or disaster. Led by the Assistant Secretary for Public Affairs, it comprises the press office, incident and strategic communications, speechwriting, Web content management, and employee communications.”¹⁶
- *Office of the Executive Secretariat (ESEC).* ESEC manages administrative support for chief administrators in DHS. ESEC “provides all manner of direct support to the Secretary and Deputy Secretary, as well as related support to leadership and management across the Department. This support takes many forms, the most well-known being accurate and timely dissemination of information and written communications from throughout the Department and [its] homeland security partners to the Secretary and Deputy Secretary.”¹⁷
- *Military Advisor’s Office.* Because of the importance of promoting coordinated management of homeland security responses and terrorist threats, the Military Advisor’s Office “advises on facilitating, coordinating and executing policy, procedures, preparedness activities and operations between the Department and the Department of Defense.”¹⁸
- *Office of Intergovernmental Affairs (IGA).* IGA was established to integrate homeland security initiatives at all levels of government. “IGA has the mission of promoting an integrated national approach to homeland security by ensuring, coordinating, and advancing Federal interaction with state, local, tribal, and territorial governments.”¹⁹

Department of Homeland Security Administrative Centers

DHS comprises a variety of administrative centers. Directorates and offices oversee administrative duties of several mission-specific bureaus. Other administrative centers comprise formerly independent agencies. The DHS’s administrative centers and their multiple missions include the following:

- *Directorate for National Protection and Programs.* The Directorate for National Protection and Programs is essentially a risk reduction directorate. It “works to advance the Department’s risk-reduction mission. Reducing risk requires an integrated approach that encompasses both physical and virtual threats and their associated human elements.”²⁰
- *Directorate for Science and Technology.* Research and development are important functions of DHS. The Directorate for Science and Technology is “the primary

research and development arm of the Department. It provides Federal, state and local officials with the technology and capabilities to protect the homeland.”²¹

- *Directorate for Management*. The Directorate for Management is the chief administrative directorate for DHS. It is “responsible for Department budgets and appropriations, expenditure of funds, accounting and finance, procurement; human resources, information technology systems, facilities and equipment, and the identification and tracking of performance measurements.”²²
- *Office of Policy*. Clear planning and policy preparation are coordinated centrally in DHS. The Office of Policy is “the primary policy formulation and coordination component for the Department of Homeland Security. It provides a centralized, coordinated focus to the development of Department-wide, long-range planning to protect the United States.”²³
- *Office of Health Affairs*. Many terrorist threat and natural disaster scenarios envision significant medical consequences. The Office of Health Affairs “coordinates all medical activities of the Department of Homeland Security to ensure appropriate preparation for and response to incidents having medical significance.”²⁴
- *Office of Intelligence and Analysis*. DHS has organized its own intelligence and analysis office. The Office of Intelligence and Analysis is “responsible for using information and intelligence from multiple sources to identify and assess current and future threats to the United States.”²⁵
- *Office of Operations Coordination*. The Office of Operations Coordination is DHS’s central office for monitoring and coordinating homeland security activities nationwide. It is “responsible for monitoring the security of the United States on a daily basis and coordinating activities within the Department and with governors, Homeland Security Advisors, law enforcement partners, and critical infrastructure operators in all 50 states and more than 50 major urban areas nationwide.”²⁶
- *Federal Law Enforcement Training Center (FLETC)*. FLETC is the hub for an inter-agency network of training for law enforcement professionals. FLETC “provides career-long training to law enforcement professionals to help them fulfill their responsibilities safely and proficiently.”²⁷
- *Domestic Nuclear Detection Office*. The Domestic Nuclear Detection Office monitors potential nuclear hazards and threats. It “works to enhance the nuclear detection efforts of Federal, state, territorial, tribal, and local governments, and the private sector and to ensure a coordinated response to such threats.”²⁸
- *Transportation Security Administration (TSA)*. TSA “protects the nation’s transportation systems to ensure freedom of movement for people and commerce.”²⁹
- *United States Customs and Border Protection (CBP)*. CBP is “responsible for protecting our nation’s borders in order to prevent terrorists and terrorist weapons from entering the United States, while facilitating the flow of legitimate trade and travel.”³⁰
- *United States Citizenship and Immigration Services (USCIS)*. USCIS is “responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities.”³¹

- *United States Immigration and Customs Enforcement (ICE)*. ICE is “[the] largest investigative arm of the Department of Homeland Security, is responsible for identifying and shutting down vulnerabilities in the nation’s border, economic, transportation and infrastructure security.”³²
- *United States Coast Guard*. The Coast Guard “protects the public, the environment, and U.S. economic interests—in the nation’s ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security.”³³
- *Federal Emergency Management Agency (FEMA)*. FEMA “prepares the nation for hazards, manages Federal response and recovery efforts following any national incident, and administers the National Flood Insurance Program.”³⁴
- *United States Secret Service*. The Secret Service “protects the President and other high-level officials and investigates counterfeiting and other financial crimes, including financial institution fraud, identity theft, computer fraud; and computer-based attacks on our nation’s financial, banking, and telecommunications infrastructure.”³⁵

.....
sector-specific agencies Sector-specific homeland security missions have been identified for federal agencies in addition to establishing the Department of Homeland Security. These agencies are known as sector-specific agencies.

Department of Agriculture (USDA) The Department of Agriculture is tasked to manage the quality of the food supply for the nation.

❖ The Homeland Security Missions of Other Federal Agencies

To ensure the implementation of protective priorities, in addition to establishing the Department of Homeland Security, other federal agencies have also been assigned sector-specific homeland security missions. These agencies are known as **sector-specific agencies**. These federal agencies have been tasked with protecting critical infrastructure in the United States from terrorist attacks. Key U.S. government responsibilities for critical infrastructure are discussed in this section.

Table 5.3 summarizes the emergency support functions of sector-specific agencies for critical infrastructure/key resources (CIKR). Further discussion of CIKR is provided in Chapter 9.

❖ Photo 5.3

A U.S. Coast Guard rescue swimmer in heavily turbulent water. Such operations involve elite personnel and require intensive training.



(U.S. Coast Guard HH60SurfRS)

The Department of Agriculture

Agricultural and food security are critical to the nation. The primary mission of the **Department of Agriculture (USDA)** is to ensure a “safe, sufficient and nutritious food supply for the American people.”³⁶ USDA’s critical infrastructure responsibility is securing the nation’s food supply and agricultural infrastructure.

Table 5.3

Relationship of Emergency Support Functions to Critical Infrastructure/Key Resources (CIKR) Duties of Sector-Specific Agencies

This table shows how the 15 emergency support functions map to the 17 critical infrastructure/key resources sectors.¹

<i>Emergency Support Function</i>	<i>Related CIKR Sectors</i>
<p>ESF Primary Agencies Coordinate Resources Support and Program Implementation for Response, Recovery, Restoration, and Mitigation programs directly related to incident management functions.</p>	<p>Sector-Specific Agencies (SSAs) Coordinate efforts to protect the Nation's CIKR from terrorist attacks and for helping to strengthen preparedness, timely response, and rapid recovery in the event of an attack, natural disaster, or other emergency.</p>
<p>ESF #1 – Transportation Primary Agency: Department of Transportation</p>	<p>Transportation Systems SSA: DHS/Transportation Security Administration Postal and Shipping SSA: DHS/Transportation Security Administration Emergency Services SSA: DHS/Infrastructure Protection</p>
<p>ESF #2 – Communications Primary Agencies: DHS/Cybersecurity and Communications/National Communications System DHS/Federal Emergency Management Agency</p>	<p>Information Technology SSA: DHS/Cybersecurity and Communications Communications SSA: DHS/Cybersecurity and Communications/National Communications System Emergency Services SSA: DHS/Infrastructure Protection</p>
<p>ESF #3 – Public Works and Engineering Primary Agencies: DHS/Federal Emergency Management Agency DOD/U.S. Army Corps of Engineers</p>	<p>Drinking Water and Water Treatment Systems SSA: Environmental Protection Agency Dams SSA: DHS/Infrastructure Protection Energy SSA: Department of Energy Emergency Services SSA: DHS/Infrastructure Protection</p>
	<p>Government Facilities SSA: DHS/Immigration and Customs Enforcement/Federal Protective Service National Monuments and Icons SSA: Department of the Interior</p>

(Continued)

Table 5.3 (Continued)

<i>Emergency Support Function</i>	<i>Related CIKR Sectors</i>
ESF #4 – Firefighting Primary Agency: USDA/Forest Service	Emergency Services SSA: DHS/Infrastructure Protection Government Facilities SSA: DHS/Immigration and Customs Enforcement/Federal Protective Service
ESF #5 – Emergency Management Primary Agency: DHS/Federal Emergency Management Agency	Emergency Services SSA: DHS/Infrastructure Protection Government Facilities SSA: DHS/Immigration and Customs Enforcement/Federal Protective Service
ESF #6 – Mass Care, Emergency Assistance, Housing, and Human Services Primary Agency: DHS/Federal Emergency Management Agency	Emergency Services SSA: DHS/Infrastructure Protection Public Health and Healthcare SSA: Department of Health and Human Services
ESF #7 – Logistics Management and Resource Support Primary Agencies: General Services Administration DHS/Federal Emergency Management Agency	All
ESF #8 – Public Health and Medical Services Primary Agency: Department of Health and Human Services	Emergency Services SSA: DHS/Infrastructure Protection Public Health and Healthcare SSA: Department of Health and Human Services
ESF #9 – Search and Rescue Primary Agencies: DHS/Federal Emergency Management Agency DHS/U.S. Coast Guard DOI/National Park Service DOD/U.S. Air Force	Emergency Services SSA: DHS/Infrastructure Protection
ESF #10 – Oil and Hazardous Materials Response Primary Agencies: Environmental Protection Agency DHS/U.S. Coast Guard	Chemical SSA: DHS/Infrastructure Protection Nuclear Reactors, Materials, and Waste SSA: DHS/Infrastructure Protection Emergency Services SSA: DHS/Infrastructure Protection

<i>Emergency Support Function</i>	<i>Related CIKR Sectors</i>
ESF #11 – Agriculture and Natural Resources Primary Agencies: Department of Agriculture Department of the Interior	Agriculture and Food SSA: Department of Agriculture and Department of Health and Human Services/ Food and Drug Administration National Monuments and Icons SSA: Department of the Interior
ESF #12 – Energy Primary Agency: Department of Energy	Energy SSA: Department of Energy Nuclear Reactors, Materials, and Waste SSA: DHS/Infrastructure Protection Dams SSA: DHS/Infrastructure Protection
ESF #13 – Public Safety and Security Primary Agency: Department of Justice	Emergency Services SSA: DHS/Infrastructure Protection Postal and Shipping SSA: DHS/Transportation Security Administration All others as appropriate
ESF #14 – Long-Term Community Recovery Primary Agencies: Department of Agriculture DHS/Federal Emergency Management Agency Department of Housing and Urban Development Small Business Administration	Banking and Finance SSA: Department of the Treasury Commercial Facilities SSA: DHS/Infrastructure Protection Drinking Water and Water Treatment Systems SSA: Environmental Protection Agency
ESF #15 – External Affairs Primary Agency: DHS/Federal Emergency Management Agency	All

¹Federal Emergency Management Agency, *Critical Infrastructure and Key Resources Support Annex* (Washington, DC: FEMA, 2008), 32–34.

The Department of Defense

Defending the homeland from foreign threats is of paramount importance to the overall security of the nation. The mission of the **Department of Defense (DOD)** “is to provide the military forces needed to deter war and protect the security” of the United States.³⁷

Its critical infrastructure responsibility is to secure DOD installations, military personnel, and defense industries. The role of the military and DOD’s homeland defense mission are discussed further in this chapter.

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Department of Defense (DOD) The Department of Defense is tasked to manage the armed forces of the United States.

The Department of Energy

Securing energy resources, transportation, and markets requires an overarching national agenda. The “overarching mission” of the **Department of Energy (DOE)** “is

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Department of Energy (DOE) The Department of Energy is tasked to manage the nation’s energy security and promote scientific research to support this task. DOE is also tasked with environmental cleaning of the nuclear weapons complex.
.....

to advance the national, economic, and energy security of the United States; to promote scientific and technological innovation in support of that mission; and to ensure the environmental cleanup of the national nuclear weapons complex.”³⁸ Within this context, DOE’s critical infrastructure responsibility is to secure power plants, weapons production facilities, oil and gas, and research laboratories. DOE is designated a sector-specific agency for coordinating planning for the energy sector. For example, DOE handles initiatives for collaboration between the electricity subsector and the oil and natural gas subsector “to plan for and counter cybersecurity threats to energy infrastructure operations.”³⁹

The Department of Health and Human Services

Protecting and monitoring the health of the nation is a fundamental mission of the **Department of Health and Human Services (HHS)**. HHS is “the United States government’s principal agency for protecting the health of all Americans and providing essential human services.”⁴⁰ The agency’s critical infrastructure responsibility is to

.....
Department of Health and Human Services (HHS) The Department of Health and Human Services is tasked with promoting the health of the nation and providing services to do so.
.....

secure the nation’s health care and public health system. To accomplish this responsibility, HHS is tasked to coordinate implementation of the National Health Security Strategy and Implementation Plan (NHSS). The purpose of the NHSS is “to strengthen and sustain communities’ abilities to prevent, protect against, mitigate the effects of, respond to, and recover from disasters and emergencies.”⁴¹

The Department of the Interior

The primary mission of the **Department of the Interior (DOI)** “is to protect and provide access to our Nation’s natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.”⁴²

.....
Department of the Interior The Department of the Interior is tasked with protecting natural and cultural infrastructure and overseeing Native American affairs.
.....

The department’s critical infrastructure responsibility is to protect national monuments and lands under its jurisdiction. To accomplish this responsibility, DOI collaborates with agencies subsumed under the U.S. Department of Homeland Security. For example, in September 2010 DOI entered into an Inter-Agency Agreement with U.S. Customs and Border Protection to “fund environmental mitigation projects that will benefit several species of fish and wildlife affected by border security projects in the Southwest.”⁴³

The Department of the Treasury

The nation’s wealth and treasure are hallmarks of the United States. The overarching mission of the **Department of the Treasury** is to “maintain a strong economy and create economic and job opportunities by promoting the conditions that enable economic growth and stability

.....
Department of the Treasury The Department of the Treasury is tasked to promote a strong and stable economy and protect the nation’s financial system.
.....

at home and abroad, strengthen national security by combating threats and protecting the integrity of the financial system, and manage the U.S. Government's finances and resources effectively."⁴⁴ Its critical infrastructure mission is to secure the U.S. financial and banking system. To accomplish this responsibility, the department was tasked to oversee ongoing security-related programs. For example, the department launched a Terrorist Financial Tracking Program (TFTP) "to identify, track, and pursue terrorists—such as al-Qaida—and their networks."⁴⁵

The Environmental Protection Agency

Securing and preserving the nation's environment and resources is a critical component of homeland security. The overarching mission of the **Environmental Protection Agency (EPA)** is to lead "the nation's environmental science, research, education and assessment efforts . . . [and] protect human health and the environment."⁴⁶ EPA's critical infrastructure responsibility is to secure the nation's drinking water and water treatment infrastructure. For example, the EPA assists local utilities in their efforts to comply with the Bioterrorism Act of 2002 that requires local utilities to conduct vulnerability assessments and develop emergency response plans.

.....
Environmental Protection Agency (EPA) The Environmental Protection Agency is tasked to coordinate environmental science, research, education, and assessment initiatives.

❖ The Intelligence Community

Intelligence collection and analysis are important components of the homeland security enterprise. The intelligence mission is unique in the sense that it is responsible for securing the American homeland from both internal and external threats. That is, although intelligence operations have a significant effect on domestic security, their scope of operations incorporates extensive activities conducted outside the borders of the nation.

Background: Intelligence Collection and Jurisdiction

Federal National Security Intelligence Collection

In the United States, national security intelligence collection is divided among agencies that are separately responsible for domestic and international intelligence collection. This separation is mandated by law. For example, the **Federal Bureau of Investigation** performs domestic intelligence collection, and the **Central Intelligence Agency** operates internationally. The FBI is also a law enforcement agency that uses criminal intelligence to enforce the law and provides important assistance to state and local law enforcement agencies. However, the FBI also has primary jurisdiction over domestic counterintelligence and counterterrorist surveillance and investigations. The CIA is not a law enforcement agency and, therefore, officially performs a supportive role in domestic counterterrorist investigations.

Other federal agencies, such as the **Diplomatic Security Service**, also assist in tracking suspects wanted for acts of terrorism. The Diplomatic Security Service is a security bureau within the U.S. Department of State

.....
Federal Bureau of Investigation (FBI) An investigative bureau within the U.S. Department of Justice. It is the largest federal law enforcement agency, and among its duties are domestic counterterrorism and intelligence collection.

.....
Central Intelligence Agency (CIA) The principal intelligence agency in the United States and the theoretical coordinator of American foreign intelligence collection.

.....
Diplomatic Security Service A security bureau within the U.S. Department of State that protects diplomats and other officials.

❖ **Photo 5.4**

Official seal of the U.S. Central Intelligence Agency, located in the foyer of original main office complex.



Rewards for Justice Program An international bounty program managed by the U.S. Diplomatic Security Service. The program offers cash rewards for information leading to the arrest of wanted terrorists.

databases are readily adaptable to providing information relevant to the national security mission of the homeland security enterprise. Modern databases are frequently linked to the FBI's criminal and forensic databases, thus creating an intertwined system of intelligence-sharing and -tracking capability. Collaborative networks and initiatives have been established to promote collaboration on intelligence sharing. Examples of these networks and initiatives include the following:

- *Homeland Security Information Network (HSIN)*. "The Homeland Security Information Network (HSIN) is the trusted network for homeland security mission operations to share Sensitive But Unclassified information. . . . The Homeland Security Information Network (HSIN) provides law enforcement officials at every level of government with a means to collaborate securely with partners across geographic and jurisdictional boundaries."⁴⁷
- *National Criminal Intelligence Sharing Plan (NCISP)*. Developed in 2003, "this plan represents law enforcement's commitment to take it upon itself to ensure that the dots are connected, be it in crime or terrorism. The plan is the outcome of an unprecedented effort by law enforcement agencies, with the strong support of the Department of Justice, to strengthen the nation's security through better intelligence analysis and sharing."⁴⁸
- *Regional Information Sharing System (RISS)*. Created in 1973, RISS "offers secure information sharing and communications capabilities, critical analytical and investigative support services, and event deconfliction to enhance officer safety. RISS supports efforts against organized and violent crime, gang activity, drug activity, terrorism, human trafficking, identity theft, and other regional priorities."⁴⁹

intelligence community The greater network of intelligence agencies. In the United States, the Central Intelligence Agency is the theoretical coordinator of intelligence collection.

The U.S. Intelligence Community: Members and Mission

The United States has attempted to coordinate intelligence collection and analysis by creating a cooperative **intelligence community**.

that, among other duties, manages an international bounty program called the **Rewards for Justice Program**. The program offers cash rewards for information leading to the arrest of wanted terrorists. The Rewards for Justice Program has successfully resulted in the capture of suspects.

State and Local Intelligence Collection

State and local intelligence collection has its origin in crime prevention and prediction. Law enforcement agencies have a long history of building criminal intelligence databases for the purpose of preventing and predicting criminal activity, and these

This philosophy of cooperation is the primary conceptual goal of the American counterterrorist intelligence effort. In practice, of course, there have been very serious bureaucratic rivalries. To reduce the incidence of these rivalries, in December 2004, the Intelligence Reform and Terrorism Prevention Act was passed to reorganize the intelligence community, which effectively resulted in members of the community being subsumed under the direction of a new **Office of the Director of National Intelligence (ODNI)**. President George W. Bush appointed John Negroponte, former U.S. ambassador to Iraq, as the United States' first director of national intelligence (DNI). Officially confirmed by the Senate in April 2005, the DNI became responsible for coordinating the various components of the intelligence community. Members of the American intelligence community include the National Security Agency, the Central Intelligence Agency, the Defense Intelligence Agency, and the Federal Bureau of Investigation.

The National Security Agency

The **National Security Agency (NSA)** is the technological arm of the U.S. intelligence community. Using state-of-the-art computer and satellite technologies, the NSA's primary mission is to collect communications and other signals intelligence. It also devotes a significant portion of its technological expertise to code-making and code-breaking activities. Much of this work is done covertly from secret surveillance facilities positioned around the globe.

The Central Intelligence Agency

The CIA is an independent federal agency. It is the theoretical coordinator of the intelligence community. The agency is charged with collecting intelligence outside the borders of the United States, which is done covertly using human and technological assets. The CIA is legally prohibited from collecting intelligence inside the United States.

The Defense Intelligence Agency

The **Defense Intelligence Agency (DIA)** is an agency within the Department of Defense. It is the central intelligence bureau for the U.S. military. Each branch of the military coordinates its intelligence collection and analysis with the other branches through the DIA.

The Federal Bureau of Investigation

The FBI is a bureau within the Department of Justice. It is a law enforcement agency that is charged, in part, with conducting domestic surveillance of suspected spies and terrorists. The agency also engages in foreign intelligence analysis and has been deployed to American embassies around the world. For example, foreign counterintelligence investigations at the sites of the 1998 bombings of the U.S. embassies in Kenya and Tanzania and the 2012 attack on the U.S. diplomatic mission in Libya included an FBI presence.

.....
Office of the Director of National Intelligence (ODNI) In December 2004, the intelligence community was reorganized with the passage of the Intelligence Reform and Terrorism Prevention Act. Members of the community were subsumed under the direction of a new Office of the Director of National Intelligence, responsible for coordinating the various components of the intelligence community.

.....
National Security Agency (NSA) An American intelligence agency charged with signals intelligence collection, code making, and code breaking.

.....
Defense Intelligence Agency (DIA) The central agency for military intelligence of the U.S. armed forces.

❖ Case in Point: The Early Warning Role of Intelligence

Intelligence agencies involve themselves with the collection and analysis of information. The underlying purpose of intelligence is to construct an accurate activity profile of terrorists. Data are collected from overt and covert sources and evaluated by expert intelligence analysts. This process—intelligence collection and analysis—is at the heart of counterterrorist intelligence. The outcome of high-quality intelligence collection and analysis can range from the prevention of terrorist events to the construction of profiles of terrorist organizations to tracking the movements of terrorists. An optimal outcome of counterterrorist intelligence is the ability to *anticipate* the behavior of terrorists and to thereby predict terrorist incidents.

However, exact prediction is relatively rare, and most intelligence on terrorist threats is generalized rather than specific. For example, intelligence agencies have had success in uncovering threats in specific cities by specific groups but less success in predicting the exact time and place of possible attacks.

Intelligence predictive capabilities are predicated on the collection of credible information. This can be a difficult process, but it is nevertheless a critical task. Chapter Perspective 5.1 discusses several important methods of intelligence collection.

.....
signals intelligence (SIGINT) Intelligence that has been collected by technological resources.

.....
human intelligence (HUMINT) Intelligence that has been collected by human operatives rather than through technological resources.

CHAPTER PERSPECTIVE 5.1: Sources of Actionable Intelligence

SIGINT—Signals Intelligence

Intelligence collection and analysis in the modern era require the use of sophisticated technological resources. These technological resources are used primarily for the interception of electronic signals, known as SIGINT. **Signals intelligence** is used for a variety of purposes, such as interceptions of financial data, monitoring communications such as cell phone conversations, and reading e-mail or social-networking media messages. The use of satellite imagery is also commonly used by intelligence agencies, and sophisticated computers specialize in code breaking. However, the practicality of these technologies as counterterrorist options is limited in the era of the New Terrorism. Because of the cellular organizational structure of terrorist groups and their insular interactions (i.e., based on personal relationships), technology cannot be an exclusive counterterrorist resource. Human intelligence is also a critical component.

HUMINT—Human Intelligence

The collection of **human intelligence**, also referred to as HUMINT, is often a cooperative venture with friendly intelligence agencies and law enforcement officials. This sharing of information is a critical component of counterterrorist intelligence gathering. Circumstances may also require the covert manipulation of individuals affiliated with terrorist organizations or their support groups, with the objective of convincing them to become intelligence agents. The manipulation process can include making appeals to potential spies' sense of justice or patriotism, paying them with money and other valuables, or offering them something that they would otherwise be unable to obtain (such as asylum for their family in a Western country). One significant problem with finding resources for human intelligence is that most terrorist cells are made up of individuals who know each other very well. Newcomers are not openly

welcomed, and those who may be potential members are usually expected to commit an act of terrorism or other crime to prove their commitment to the cause. In other words, intelligence agencies must be willing to use terrorists to catch terrorists. This has been a very difficult task, and groups such as al-Qaeda have proven very difficult to penetrate with human assets.

OSINT—Open-Source Intelligence

Open-source intelligence is information collected from publicly available electronic and print outlets. It is information that is readily available to the public but used for intelligence analysis. Examples of open sources include newspapers, the Internet, journals, radio, videos, television, and commercial outlets.

IMINT—Imagery Intelligence

Images are regularly collected to provide actionable intelligence. Collection technologies range from relatively routine hand-held equipment to very sophisticated means. IMINT includes “intelligence information derived from the collection by visual photography, infrared sensors, lasers, electro-optics, and radar sensors.”^a

MASINT—Measurements and Signatures Intelligence

The use of a broad array of technical and scientific disciplines to measure the characteristics of specified subjects. For example, tracking communications signatures or measuring water and soil samples. MASINT is “intelligence information obtained by quantitative

and qualitative analysis of data derived from specific technical sensors for the purpose of identifying any distinctive features associated with the source, emitter, or sender.”^b

GEOINT—Geospatial Intelligence

The collection and assessment of topography and geographical features can provide actionable intelligence regarding locations, timeframes, and other information. GEOINT is “the all-source analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on earth.”^c

Discussion Questions

1. Should greater disclosure be given to the public about the collection of signals intelligence?
2. Because human intelligence operations may require the infiltration of operatives into extremist organizations, should there be a limit on what such an operative should be willing to do to become accepted by the extremists?
3. Because there exists an enormous amount of information and data, is intelligence collection and analysis accurate, or is it essentially an exercise in deciding on a “best guess” about the accuracy of information?

Notes

^aRobert M. Clark, *Intelligence Collection* (Washington, DC: CQ Press, 2014), 490.

^b*Ibid.*, 492.

^c*Ibid.*, 489.

The U.S. Intelligence Community: Challenges

Problems of Intelligence Coordination

The collection and analysis of intelligence are often covert processes that do not lend themselves easily to absolute cooperation and coordination between countries or between members of domestic intelligence communities. National intelligence

agencies do not readily share intelligence with allied countries; they usually do so only after careful deliberation. The same is true of intelligence communities within countries.

For example, prior to the September 11, 2001, homeland attacks, dozens of federal agencies were involved in the collection of intelligence about terrorism. This led to overlapping and competing interests. A case in point is the apparent failure by the FBI and CIA to collaboratively process, share, and evaluate important intelligence between their agencies. In the case of the FBI, there was also an apparent failure of coordination between the agency's field and national offices. These problems precipitated a proposal in June 2002 by President George W. Bush to completely reorganize the American homeland security community.

Problems of Collection and Analysis

Intelligence collection and analysis are not always an exact or low-risk science. They can reflect only the quality and amount of data that are available. Because of the nature of counterterrorist intelligence collection and analysis, some experts in the United States have concluded that the inherent difficulties in both collection and analysis of intelligence on terrorism mean that there will never be tactical warning of most attempted terrorist attacks or even most major attempted attacks against U.S. targets.⁵⁰

This observation became controversially apparent on July 7, 2004, when the U.S. Select Committee on Intelligence issued an extensive report titled *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*.⁵¹ The 521-page report's findings were a scathing critique of intelligence failures regarding Iraq. For example, its first conclusion found that "most of the major key judgments in the Intelligence Community's October 2002 National Intelligence Estimate (NIE), *Iraq's Continuing Programs for Weapons of Mass Destruction*, either overstated, or were not supported by, the underlying intelligence reporting. A series of failures, particularly in analytic trade craft, led to mischaracterization of the intelligence."⁵²

In another highly critical report, a presidential commission known as the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction essentially labeled the American intelligence community as being dysfunctional. It also said that the causes for the failure in the Iraq case continued to hinder intelligence on other potential threats, such as the nuclear programs of adversaries. The commission's 601-page report was delivered in March 2005.

❖ **Case in Point: Intelligence Miscalculation and the Iraq Case**

One of the most disturbing scenarios involved the delivery of weapons of mass destruction (WMDs) to motivated terrorists by an aggressive authoritarian regime. This scenario was the underlying rationale given for the March 2003 invasion of Iraq by the United States and several allies.

In January 2002, U.S. president George W. Bush identified Iraq, Iran, and North Korea as the "axis of evil" and promised that the United States "will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons." In June

2002, President Bush announced during a speech at the U.S. Military Academy at West Point that the United States would engage in preemptive warfare if necessary.

Citing Iraq's known possession of weapons of mass destruction in the recent past and its alleged ties to international terrorist networks, President Bush informed the United Nations in September 2002 that the United States would unilaterally move against Iraq if the UN did not certify that Iraq no longer possessed WMDs. Congress authorized an attack on Iraq in October 2002. UN weapons inspectors returned to Iraq in November 2002. After a three-month military buildup, Iraq was attacked on March 20, 2003, and Baghdad fell to U.S. troops on April 9, 2003.

The Bush administration had repeatedly argued that Iraq still possessed a significant arsenal of WMDs at the time of the invasion, that Hussein's regime had close ties to terrorist groups, and that a preemptive war was necessary to prevent the delivery of these weapons to al-Qaeda or another network. Although many experts discounted links between Hussein's regime and religious terrorists, it was widely expected that WMDs would be found. Iraq was known to have used chemical weapons against Iranian troops during the Iran-Iraq War of 1980–1988 and against Iraqi Kurds during the Anfal Campaign of 1987.

In actuality, UN inspectors identified no WMDs prior to the 2003 invasion, nor were WMDs found by U.S. officials during the occupation of Iraq. Also, little evidence was uncovered to substantiate allegations of strong ties between Hussein's Iraq and al-Qaeda or similar networks. The search for WMDs ended in December 2004, and an inspection report submitted to Congress by U.S. weapons hunter Charles A. Duelfer essentially “contradicted nearly every prewar assertion about Iraq made by Bush administration officials.”⁵³

❖ Case in Point: Successful International Intelligence Cooperation

An example of successful international intelligence cooperation occurred in May 2002 between American and Moroccan intelligence agencies. In February 2002, Moroccan intelligence officers interrogated Moroccan al-Qaeda prisoners held by the United States at its naval base in Guantánamo Bay, Cuba. They received information from one of the prisoners about an al-Qaeda operative in Morocco and also received information about the operative's relatives. Moroccan officials obtained a sketched description of the man from the relatives and showed the sketch to the Guantánamo prisoner, who confirmed his likeness. The Moroccans located the suspect (a Saudi), followed him for a month, and eventually arrested him and two Saudi accomplices. The suspects eventually told the Moroccans that they were al-Qaeda operatives trained in Afghanistan and that they had escaped during the anti-Taliban campaign after receiving orders to engage in suicide attacks against maritime targets in Gibraltar. They had begun the process of inquiring about speedboats, and their ultimate targets were to be U.S. Navy ships passing through Gibraltar.

❖ The Role of the Military

Regular units of the United States armed forces are designed to defend the nation against foreign threats to national security. At the same time, states field National

Guard units that serve a dual purpose: to respond when called to federal deployment and to respond when states require emergency services during domestic emergencies. Thus, the National Guard has been deployed to maintain security after natural disasters such as the Tuscaloosa–Birmingham tornadoes in 2011, Hurricane Katrina in 2005, and the Oklahoma City bombing in 1995. Federalized National Guard units have also been deployed internationally, serving under the command of the U.S. Department of Defense. The following discussion emphasizes the role of the regular armed forces and National Guard units assigned to regular deployment.

The Homeland Defense Mission of the Department of Defense

In the modern era of the *New Terrorism*, domestic security considerations often require the policy and operational melding of homeland security and national defense initiatives. In fact, the genesis of modern homeland security was predicated on national defense imperatives, so that homeland security, counterterrorism, and national defense institutions necessarily require clear long-term collaboration and cooperation. Further discussion of the New Terrorism is provided in Chapter 7.

Defining Homeland Defense

Although the primary mission of the U.S. Department of Defense is to prepare for global expeditionary deployment, DOD is also an integral partner in the homeland security enterprise. In this regard, DOD differentiates between its homeland defense mission and homeland security. DOD defines *homeland security* as “a concerted national effort to prevent terrorist attacks within the United States, reduce the vulnerability of the United States to terrorism, and minimize the damage and assist in the recovery from terrorist attacks.”⁵⁴ *Homeland defense* is defined as “the military protection of United States territory, domestic population, and critical defense infrastructure against external threats and aggression. It also includes routine, steady state activities designed to deter aggressors and to prepare U.S. military forces for action if deterrence fails.”⁵⁵

In order to promote the homeland defense mission, DOD established an Office of Homeland Defense and Global Policy operating under the direction of an assistant secretary. DOD also created a combatant command known as Northern Command, or NORTHCOM, with an authorized mission to defend the air, land, and sea approaches to the United States. NORTHCOM’s geographic responsibility includes the continental United States, Alaska, Canada, Mexico, Puerto Rico, and the U.S. Virgin Islands.

❖ Case in Point: The Posse Comitatus Act

Debate on whether the armed forces of the United States can be deployed domestically and the conditions for such deployment is a longstanding political and legal issue. This debate centers on the concept of posse comitatus.

Posse comitatus is a very old concept in the Anglo-American legal tradition. It originally permitted a sheriff to summon the population of a county (the posse comitatus) to assist in enforcement of the law. From this medieval beginning, the concept grew to

generally refer to a government's mobilization of the population or militia to enforce the law. Posse comitatus was famously applied in the United States in the Old West and elsewhere by local law enforcement officials.

The Posse Comitatus Act was enacted in 1878 during the administration of President Rutherford B. Hayes. The purpose of the law is to limit the federal government's authority to use the military to enforce domestic policies—in essence, forbidding its deployment as a posse comitatus. Relevant provisions of the U.S. Code for this limitation state the following:

18 U.S.C. § 1385. Use of Army and Air Force as Posse Comitatus

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

And,

10 U.S.C. § 375. Restriction on Direct Participation by Military Personnel

The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.

The act initially only referred to the domestic deployment of the U.S. Army as a posse comitatus, but in 1956, it was amended to include the U.S. Air Force. The U.S. Navy and Marine Corps were not mentioned in the act, but those services are governed by regulations that impose the same constraints as the Posse Comitatus Act. The Posse Comitatus Act does not apply to the U.S. Coast Guard or state National Guard units, both of which may be deployed domestically to enforce the law or restore order.

Waging War in the Era of the New Terrorism

When the war on terrorism was declared in the aftermath of the September 11 attacks on the United States, it became readily apparent that this was a new kind of conflict against a new form of enemy. From the outset, policymakers understood that this war would be fought in an unconventional manner, primarily against shadowy terrorist cells and elusive leaders. It was not a war against a nation, but rather against ideas and behavior. It would be a war fought domestically and internationally. Homeland security and national defense institutions would become the front line in the new war. The mobilization of resources necessary to defend the homeland and deploy forces across the globe would require the coordination of emergency management, law enforcement, intelligence, and military assets.

War in the Shadows

The new security environment required the adoption of innovative counterterrorist tactics. Domestically, suspected terrorist cells were identified and dismantled by law enforcement agencies, often as a result of undercover operations by law enforcement officers. Internationally, covert operations by special military and intelligence units became the norm rather than the exception as covert operatives worked secretly around the globe. New protocols were implemented for processing suspects captured abroad, and many were detained at the U.S. naval base in Guantánamo Bay, Cuba, and other secret detention facilities.

However, this war has not been fought solely in the shadows and has often involved large deployments of conventional military assets.

Overt Conflict: The Deployment of Military Assets

In contrast to the deployment of small law enforcement and covert military or intelligence assets, the U.S.-led invasions of Afghanistan and Iraq involved the commitment of large conventional military forces. In Afghanistan, reasons given for the invasion included the need to eliminate state-sponsored safe havens for al-Qaeda and other

.....
Operation Iraqi Freedom The U.S.-led invasion of Iraq, involving the commitment of large conventional military forces.

international mujahideen (holy warriors). In Iraq, reasons given for the invasion included the need to eliminate alleged stockpiles of weapons of mass destruction and alleged links between the regime of Saddam Hussein and terrorist networks. The U.S.-led operation in Iraq was symbolically named **Operation Iraqi Freedom**.

One significant challenge for waging war against extremist behavior—in this case, against terrorism—is that victory is not an easily definable condition. For example, on May 1, 2003, President George W. Bush landed on the aircraft carrier *Abraham Lincoln* to deliver a speech in which he officially declared that the military phase of the Iraq invasion had ended and that the overthrow of the Hussein government was “one victory in a war on terror that began on September 11, 2001, and still goes on.”⁵⁶ Unfortunately, President Bush’s declaration was premature. A widespread insurgency took root in Iraq, with the resistance

employing both classic hit-and-run guerrilla tactics and terrorism. Common cause was found between remnants of the Hussein regime and non-Iraqi Islamist fighters. Thousands of Iraqis and occupation troops became casualties during the insurgency. In particular, the insurgents targeted foreign soldiers, government institutions, and Iraqi “collaborators,” such as soldiers, police officers, election workers, and interpreters. Sectarian violence also spread, with Sunni and Shi’a religious extremists killing many civilians.

❖ Photo 5.5

The War on Terrorism. U.S. Army soldiers on patrol in Afghanistan.



(U.S. Army Website)

Is the war on terrorism being won? How can victory reasonably be measured? Assuming that the New Terrorism will continue for a time, perhaps the best measure of progress in the war is to assess the degree to which terrorist behavior is being successfully *managed*—in much the same manner that progress against crime is assessed. As the global community continues to be challenged by violent extremists during the new era of terrorism, the definition of victory is likely to continue to be refined and redefined by nations and leaders.

❖ Global Perspective: Actionable Intelligence: Israel and the Hunt for “The Engineer”

This chapter’s Global Perspective discusses Israel’s hunt for master bomb-maker Yehiya Ayyash, also known as “The Engineer.” The manhunt is an instructive case on the response of security forces to an ongoing and imminent threat of terrorist violence.

GLOBAL PERSPECTIVE: Actionable Intelligence: Israel and the Hunt for “The Engineer”^a

Yehiya Ayyash, a master bomb maker better known as “The Engineer,” was a model activist within Hamas’s cell-based organizational structure. Unlike PLO-style groups, Hamas required its operatives to organize themselves into small semiautonomous units. Ayyash was an al-Qassam cell (and later a “brigade”) commander, but he had very few outside contacts and built his bombs in an almost solitary setting. He taught others to make bombs and how suicide bombers should position themselves for maximum effect.

The Engineer’s first bomb was a Volkswagen car bomb that was used in April 1993. When Hamas began its suicide bombing campaign after the February 1994 Hebron massacre, Ayyash was the principal bomb maker. His bombs were sophisticated and custom made for each mission. They were particularly powerful compared to others previously designed by Hamas.

Ayyash was killed in January 1996. The cell phone he was using to carry on a conversation with his father had been booby-trapped by Israeli security agents and was remotely detonated. The assassination occurred as follows:

Fifty grams of RDX [plastic] explosives molded into the battery compartment of a telephone had been designed to kill only the man cradling the phone to his ear. The force of the concentrated blast caused most of the right side of Ayyash’s face to implode. . . . The booby-trapped cellular phone had been . . . so target specific, that the left side of Ayyash’s face had remained whole. The right hand which held the telephone was neither burnt or damaged.^b

The Engineer had been directly and indirectly responsible for killing approximately 150 people and injuring about 500 others.

Notes

^aPrimarily from Samuel M. Katz, *The Hunt for the Engineer: How Israeli Agents Tracked the Hamas Master Bomber* (New York: Fromm International, 2001).

^b*Ibid.*, 260–61.

Chapter Summary

Because of revelations about bureaucratic inefficiency in the aftermath of the September 11 attacks, the United States implemented a restructuring of its homeland security community. When examining homeland security agencies and missions, it is important to consider that they operate within the context of counterterrorist and anti-terrorist options. Many federal agencies are participants in the overall homeland security enterprise, the Department of Homeland Security being the largest and most mission-diverse federal organization. Intelligence agencies and the military perform a critical international role in securing the domestic homeland security environment. The intersection of their missions with those of domestic agencies creates a large and intricate establishment for combating terrorism domestically and internationally.

The intelligence community occupies a central role in maintaining a viable homeland security enterprise. Intelligence agencies are charged with distinct missions within the intelligence community

and are led by the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation. Intelligence coordination and cooperation are critically necessary to the success of homeland security, but on occasion, there have been problems and rivalries that have affected intelligence collection and analysis.

An underlying theme throughout this discussion has been that homeland security is an evolving concept. Organizational cooperation and coordination are certainly desirable, but it must be remembered that these can occur only if political and policy responses are able to adapt to changes in the terrorist environment. Homeland security in the post-September 11 era has adapted to new and emerging threats. These threats reflect the creativity and determination of those who wage terrorist campaigns against the United States and its allies. Disruption of terrorist operations requires broad cooperation and commitment to protecting the homeland from these adversaries.

Discussion Box

This chapter's Discussion Box is intended to stimulate critical thinking about the perception of homeland security training exercises by distrustful residents.

Military Training Exercises: The Politics of Jade Helm 15

Jade Helm 15 was a multistate military training exercise that began on July

15, 2015, and ended on September 15, 2015. The exercise was a training operation in unconventional warfare for members of the U.S. Army's Special Operations Command and the Joint Special Operations Command. It took place across several states, including Arizona, Florida, Louisiana, Mississippi, New Mexico, Texas, and Utah.

As planning for Jade Helm 15 progressed and the operation began, strong public opposition to the exercise arose from some quarters, including citizen groups, tabloid media, and politicians. Interestingly, much of the opposition was predicated on the notion that the exercise was not simply a training operation but was, in fact, a prelude to a federal crackdown in support of an international takeover. Elaborate conspiracy rumors included allegations of planned federal seizures of firearms, declarations of martial law, the stockpiling of weapons for Chinese soldiers in closed Walmart stores, closed Walmart stores being prepared for FEMA detention centers, the rounding up of political opponents, and preparations

made for an invasion of Texas. Other similar conspiracy rumors were also spread. The governor of Texas ordered the Texas State Guard to monitor the exercise to ensure that there were no violations of constitutional rights and liberties of residents.

In the end, Jade Helm 15 took place within its declared schedule, and none of the feared events occurred.

Discussion Questions

1. How should institutions such as the Department of Defense prepare the public for training exercises in their communities?
2. How should similar responses by local communities be addressed by homeland security officials?
3. What measures should be taken to ensure collaboration and coordination between national and local homeland security institutions?
4. Was the Texas governor's deployment of the Texas State Guard appropriate?

Key Terms and Concepts

The following topics were discussed in this chapter and can be found in the glossary:

- Department of Agriculture (USDA)
- Central Intelligence Agency (CIA)
- Defense Intelligence Agency (DIA)
- Department of Defense (DOD)
- Department of Energy (DOE)
- Department of Health and Human Services (HHS)
- Department of Homeland Security (DHS)
- Department of the Interior
- Department of the Treasury

- Diplomatic Security Service
- Environmental Protection Agency (EPA)
- Federal Bureau of Investigation (FBI)
- human intelligence (HUMINT)
- intelligence community
- National Counterterrorism Center (NCTC)
- National Security Agency (NSA)
- *National Security Strategy*
- *National Strategy for Counterterrorism*
- *National Strategy for Homeland Security*
- Office of the Director of National Intelligence (ODNI)
- Operation Iraqi Freedom
- Rewards for Justice Program
- sector-specific agencies
- signals intelligence (SIGINT)

On Your Own

The open-access Student Study Site at <http://study.sagepub.com/martinhs2e> has a variety of useful study aids, including eFlashcards, video and web resources, and journal articles. The websites, exercises, and recommended readings listed below are easily accessed on this site as well.

Recommended Websites

The following websites provide information about federal homeland security agencies:

Central Intelligence Agency: www.cia.gov

Department of Agriculture: www.usda.gov

Department of Defense: www.defense.gov

Department of Energy: www.energy.gov

Department of Health and Human Services: www.hhs.gov

Department of Homeland Security: www.dhs.gov

Department of the Interior: www.doi.gov

Department of the Treasury: www.ustreas.gov

Drug Enforcement Administration (DEA): www.usdoj.gov/dea

Environmental Protection Agency: www.epa.gov

Office of the Director of National Intelligence: www.dni.gov

SITE Intelligence Group (USA): www.siteintelgroup.org

Web Exercise

Using this chapter's recommended websites, conduct an online investigation of the role of federal agencies in designing a nationwide homeland security enterprise.

1. What are the primary documents explaining the underlying purpose and missions of homeland security?
2. How would you describe the differences between the Department of Homeland Security and services agencies?
3. In your opinion, what practical options exist for coordinating

national defense institutions with homeland security agencies?

To conduct an online search on research and monitoring organizations, activate the search engine on your Web browser and enter the following keywords:

“Homeland security agencies”

“Homeland security and the war on terrorism”

Recommended Readings

The following publications provide discussions of federal agencies and their missions:

- Andrew, Christopher. 1987. *Her Majesty's Secret Service: The Making of the British Intelligence Community*. New York: Penguin.
- Bamford, James. 2001. *Body of Secrets: Anatomy of the Ultra-Secret National Security Agency, From the Cold War Through the Dawn of a New Century*. New York: Doubleday.
- Berentsen, Gary. 2008. *Human Intelligence, Counterterrorism, and National Leadership: A Practical Guide*. Dulles, VA: Potomac Books.
- Coulson, Danny O. and Elaine Shannon. 1999. *No Heroes: Inside the FBI's Secret Counter-Terror Force*. New York: Pocket.
- Dolnik, Adam and Keith M. Fitzgerald. 2007. *Negotiating Hostage Crises With the New Terrorists*. Westport, CT: Praeger.
- Graff, Garrett M. 2011. *The Threat Matrix: The FBI at War in the Age of Global Terror*. New York: Little, Brown.
- Monje, Scott C. 2008. *The Central Intelligence Agency: A Documentary History*. Westport, CT: Greenwood.
- Pedahzur, Ami. 2010. *The Israeli Secret Services and the Struggle Against Terrorism*. New York: Columbia University Press.
- Pushies, Fred J. 2009. *Deadly Blue: Battle Stories of the U.S. Air Force Special Operations Command*. New York: American Management Association.
- Thomas, Gordon. 2009. *Gideon's Spies: The Secret History of the Mossad*. 5th ed. New York: St. Martin's Press.
- Warrick, Joby. 2011. *The Triple Agent: The al-Qaeda Mole Who Infiltrated the CIA*. New York: Doubleday.