The Threat of Terrorism Against the U.S. Homeland—
What Part Should the Military Play in the Federal Response?

by John Kreul

A little over two years ago, Secretary of Defense William Cohen used a prop on a national television appearance to dramatize the threat America faced from weapons of mass destruction. The image that remained with most viewers was that of the Secretary of Defense holding up a five-pound bag of Domino sugar, claiming that a similar quantity of anthrax, dispersed over the city of Washington, DC, could kill over half the city’s inhabitants.

Yet the Department of Defense (DoD) as a whole has not rushed to embrace the mission of defending the homeland from such attacks. “We are not seeking to become involved in this,” then-Deputy Secretary of Defense John Hamre said last year. “But we have been asked to be involved because we are the only part of the government that has the resources that can be mobilized.” DoD’s response to this threat is in part symptomatic of the overall federal response, which to date has been unfocused and hamstrung by a national security structure that was designed to face an entirely different foe.

In the decade since the end of the Cold War, the threat of terrorist attacks in the United States became a primary concern of the administration, Congress and the general public. While the initial anxiety has yielded in some quarters to a reassessment of the threat, all concerned parties are scrutinizing the merits of the federal response that is taking shape.

The Government Response to the Threat

The events of 1995 first spurred the government to take action to counter the threat. The destruction of the Alfred P. Murrah Federal Building in Oklahoma City and the sarin nerve gas attack on the Tokyo subway system, coming within a month of each other, convinced many that the 1993 World Trade Center bombing was not a fluke. America was vulnerable to terrorism, and terrorists could be arming themselves with weapons of mass destruction (WMD).

The reassuring dictum that terrorists wanted lots of people watching, but not a lot of people dead, appeared obsolete. America’s unrivaled military superiority looked impotent in the face of this “asymmetric” threat. The government’s response is defined by the following landmark measures:

**Presidential Decision Directive 39.** PDD 39, signed by President Clinton in June 1995, divided government responsibilities into “crisis response” (preventing and defusing an attack, as well as identifying and bringing to justice the perpetrators) and “consequence management” (planning and executing relief efforts in support of local authorities). The FBI and the Federal Emergency Management Agency (FEMA) were designated the lead federal agencies, respectively, for these missions when they take place within the continental United States (CONUS).

**The Defense Against Weapons of Mass Destruction Act.** This legislation, also known as the Nunn-Lugar-Domenici Act, became law in September 1996, as part of Public Law 104-201. Congress directed federal agencies to intensify planning for domestic terrorism incidents. It
established a Senior Interagency Coordination Group (SICG) on Terrorism, and mandated an interagency Domestic Preparedness Plan (DPP) to train and help equip local first responders.


**The Interagency Approach**

A dizzying array of brand new programs, organizations and response teams proliferated in response to a rash of largely uncoordinated executive and legislative initiatives. Not surprisingly, studies by the General Accounting Office (GAO) and others have concluded that this situation presents local authorities with a confusing array of often redundant options to call on in the event of a crisis.\(^2\)

This fragmented response can be explained in part by a sense of urgency that caused government leaders simply to beef up nascent capabilities in multiple agencies. Yet a more fundamental cause is that the U.S. national security structure is unsuited to deal with the terrorism threat.

The current national security structure is based on the National Security Act of 1947. The system’s sharp bureaucratic distinctions between military and law enforcement functions, and between domestic and foreign intelligence-gathering, focused resources on the struggle against the Soviet Union.

This structure is less suited to handle terrorism against the U.S. homeland, which falls between the cracks of those distinctions.\(^3\) No single agency currently has the capabilities or the authority to handle the mission on its own. This situation necessitates cumbersome interagency coordination, obscures responsibility, and fosters redundancies and turf battles. These deficiencies also apply to other transnational threats such as organized crime, environmental concerns, and cyberterrorism.

**DoD’s Skepticism**

From the start, the administration looked to DoD to play an important role in both crisis response and consequence management. The military possesses unique capabilities to rapidly mobilize a variety of resources, including logistic support, medical supplies, chemical/biological/radiological/nuclear (CBRN)-trained search and rescue teams, and personnel for maintaining law and order.

DoD’s ambiguous response to the mission is the result of two principal considerations. First, the military tends to view it as a distraction that siphons resources and training time away from its primary warfighting mission. Second, the military is concerned that its public support would suffer if it became heavily involved in policing or intelligence-gathering activities that appear to threaten civil liberties. Incidents associated with military patrols on the Mexican border and questions concerning the limited involvement of Joint Task Force 6 in the Waco fiasco illustrate the risks of these types of missions.\(^4\) For this reason, DoD backed off the term “homeland defense” in favor of the more understated “military support to civil authorities” (MSCA).

In January, Joint Chiefs Chairman General Henry H. Shelton warned Congress that soldiers are not policemen. The Chairman was discussing Kosovo, but his warning applies to concerns about MSCA as well.

**The Military’s Legacy of Homeland Defense**

Despite its skepticism of the new tasks, the military—charged with defending against all foes, foreign and domestic—has a long history of “homeland defense” going back to the Whiskey Rebellion of 1794. During the Cold War the United States forward deployed its military to counter communist threats, but soldiers—particularly members of the National Guard—continued to be active in CONUS through disaster relief alongside other federal agencies.

These activities expanded in the last decade, including operations in support of law enforcement’s counterdrug activities. Local National Guard units as well as 3,500 active duty soldiers were committed to
help resolve the 1992 Los Angeles riots. In 1995, 800 members of the National Guard and 400 active duty soldiers responded to the bombing in Oklahoma City. Over 23,000 active and reserve component soldiers participated in the Hurricane Andrew relief effort.

The types of missions envisioned in terrorism crisis response and consequence management, then, are not new. While acknowledging the importance of not alarming the public on civil liberties issues, the military also recognizes that in the event of a catastrophic terrorist attack Americans would expect their armed forces to come to the rescue—and would be quick to hold the military responsible if they felt necessary precautions weren’t taken.

DoD’s attempts to address this mission have produced some of the same confusions and duplication present at the overall federal level as well. Part of the difficulty arises from DoD’s need to address both crisis response and consequence management, roles that require vastly differing assets and mentalities. Secretary Cohen recently appointed a Special Assistant to the Secretary of Defense for Civil Support to coordinate the department’s efforts in this area. Other measures include:

**The Domestic Preparedness Plan (DPP).** DoD is the lead agency for the DPP—the federal effort to help local authorities prepare for consequence management. The responsibility for coordinating the DPP will transfer to the National Domestic Preparedness Office (NDPO), under the FBI, later this year.

**Joint Task Force—Civil Support.** JTF-CS, commanded by a major general from the Army National Guard, is part of Joint Forces Command. Its mission is to develop doctrine, conduct planning, and coordinate DoD resources for consequence management in the event of a terrorist incident.

**Chemical Biological Incident Response Force (CBIRF).** This Marine Corps rapid-reaction unit is staffed with 330 members with skills to handle the full range of consequence management tasks in a hot zone.

**WMD Civil Support Teams.** Formerly known as RAID (Rapid Assessment and Initial Detection) teams, these 22-member, full-time Army National Guard units are designed to be deployed within hours of a terrorist attack. The first ten teams will be operational this spring, with 17 more currently in the works.

**Limits to DoD’s Role**

Despite these efforts, several factors limit DoD’s contribution. Budgetary constraints and the need to maintain warfighting readiness will continue. Military units are able to mobilize quickly, but as a GAO study pointed out, even the WMD Civil Support Teams cannot be relied on to provide assistance in the critical “golden hour” following an attack.\(^5\) Local first-responders necessarily will have to fulfill this role themselves.

Legal restrictions also exist. Military participation in law enforcement activities is famously prohibited by the 1878 Posse Comitatus Act. However, a host of subsequent legislation has introduced numerous exceptions. For better or for worse, the military cannot use Posse Comitatus as a legitimate excuse to stand on the sidelines. Though the legal authorities and rules of engagement are confusing and poorly understood, when in force they do provide the military a large scope for action.\(^6\)

DoD also has difficulties sharing intelligence with law enforcement agencies. The National Security Agency (NSA) and other military intelligence agencies are prohibited from spying on U.S. persons. While this is an important safeguard for civil liberties, it does complicate interagency cooperation. Much of their intelligence could not meet the FBI’s strict evidentiary standards for use in a criminal prosecution.

**Military Response to the Threat**

DoD’s current initiatives are seen as welcome but insufficient steps by those who perceive the threat as particularly strong.\(^7\) One nightmare scenario is a number of simultaneous attacks with CBRN weapons, coordinated by a foreign state, against U.S. civil and military infrastructure in order to deter or cripple a military intervention.
Such a scenario, though it may be unlikely due to its sophistication and audacity, brings into relief the proper role of the military in homeland defense. Like a natural disaster, the physical damage of an isolated terrorist attack with a CBRN weapon along the lines of the World Trade Center bombing would be devastating. Yet it would not necessarily present a serious threat to national security.

The difference, of course, is that in addition to destruction, terrorist attacks are designed to produce terror. The resolve of American society is strong enough to withstand an isolated bombing by a fringe cult or fanatic loner. But if a credible organization with a political agenda were able to mount—or merely threaten—a series of devastating terrorist attacks, America’s freedom to pursue its national interests would be seriously jeopardized.

A well-publicized, robust consequence management program might help to deter or defuse this kind of foreign policy blackmail. But this threat scenario highlights a particular need for crisis response and retaliatory capabilities. It is in these areas that the military’s strengths can best be leveraged. Law enforcement approaches such as criminal prosecution and disruption of terrorist activities have been very successful to date. But with the stakes rising, these methods may prove unsatisfactory. It will be equally deficient to make symbolic gestures by launching a handful of cruise missiles at dubious targets. The nation will need the capability to physically destroy enemies—governments, groups or individuals—who engage in a war of terror against America.

Conclusions

To better support consequence management, DoD should continue to augment its dual-use CBRN response capabilities and work on its ability to cooperate with other federal agencies. More to the point, DoD should realize that highly-trained and well-supported Special Operations Forces are indispensable for the task of neutralizing specific terrorist threats.

Both conclusions require that intelligence-sharing with law enforcement—consistent with civil liberties—continues to improve. Misunderstandings about legal constraints, contradictory institutional mindsets, and outright distrust between different agencies make for generally unsatisfactory cooperation and intelligence-sharing. To facilitate this goal, and to rationalize overall federal efforts against terrorist threats, fundamental institutional reorganization needs to be examined as well.

The military indisputably has a role to play in defending America from terrorist attacks, but it should focus on those roles for which it is uniquely qualified. Though U.S. law gives the military great scope for involvement, it would not be wise to allow the military to be drawn into an area for which it is ill-suited and that would detract from its essential warfighting role.

DoD’s current guidelines are appropriate; they include ensuring that the military will act only in support of the lead agency and that its procurement decisions will be determined by warfighting needs. The National Guard should remain DoD’s primary resource for consequence management. The Guard possesses extensive decontamination, medical and transportation assets; it is best positioned for rapid response; and its status as a state-controlled force exempts it from Posse Comitatus and other legal restrictions.

But DoD must be deeply involved in all interagency planning and doctrine development to ensure that the proper law enforcement and disaster relief agencies are preparing to meet their responsibilities. If the necessary non-DoD resources aren’t funded and interagency relationships remain poorly defined, the military is likely to find itself saddled with an inappropriate share of the mission whether it wants it or not.
Endnotes


2. GAO has issued many reports on this topic. For example, see *Combating Terrorism: Issues to be Resolved to Improve Counterterrorism Operations*, GAO/NSIAD-99-135, May 1999.


6. Field Manual (FM) 100-19 (FMFM 7-10) is the Army’s handbook on Domestic Support Operations. Also see the Lujan article, as well as Christopher M. Schnaubelt, “Lessons in Command and Control from the Los Angeles Riots,” *Parameters*, Summer 1997.


8. The December 1999 Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (Gilmore Commission/Rand Corp.) report to the President and Congress offers a thorough threat assessment that discounts the likelihood of massive CBRN terrorist attacks.

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