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Homeland Defense: Policy Judgments and Lessons Learned
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Todd M. Rosenblum

Center for Cyber
& Homeland Security

THE GEORGE WASHINGTON UNIVERSITY

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After twenty-seven years of federal service, including the last six as a senior official at the Departments of Homeland Security and Defense, I am now able to reflect and offer lessons learned from the experience. It is daunting to help lead complex national efforts on homeland security, homeland defense, and defense support of civil authorities – issues that are central to national security. My experiences also provide examples of how disparate groups can come together in defense of the nation.

In recent years, I gained new appreciation for the primacy of strategy and planning, the value of realistic exercises and constant engagement across the whole-of-nation preparedness and response spectrum; an understanding of why resiliency is central to national security; and an admiration of FEMA Administrator Craig Fugate's "go big, go fast, go smart" mantra.

I also learned that the reality of planning and mission oversight is, by design, ugly, unpredictable and built for competition. To misappropriate verbiage from the late, great Yogi Berra about overseeing defense support of civil authorities: "the most consistent operational planning variable is that the constants will be different each time."

So, in recognition of and gratitude for our whole-of-nation homeland security and homeland defense warriors, I want to share the primary lessons learned from my period of temporary stewardship. Bottom line: the United States approach to resiliency, response and recovery is generally sound, but is influenced by factors such as organizational rivalry, misunderstanding, institutional bias, and money in ways that are not well-understood by outsiders. This is true not only across the federal inter-agency but also across whole-of-nation state, local and private sector stakeholders.

This essay examines these issues within the larger strategic context, and highlights frameworks, strategies, planning assumptions, and operational business models that were effective and relevant during my tenure.

I. Drivers

Two seminal events in the first decade of the 21st century elevated the nation's recognition of the importance of having smart, effective national resiliency, homeland security and defense support of civil authorities plans to meet today's challenges. The first was the horrific terrorist attack against the nation on September 11, 2001. That event stoked fear about national readiness for man-made strikes within the United States.

The second seminal event was Hurricane Katrina in August 2005 and the associated stark shortcomings across the national planning and response community. The awful imagery of U.S. citizens pleading for help from the rooftops of their homes, the inability and indecisiveness in evacuating the people of New Orleans that led to the loss of lives, the breakdown of cooperation between and among the Governor, Mayor, and FEMA Administrator, and the infighting in the federal response effort led to an outcome that was late to address critical needs, inefficient, and painfully slow in recovery. The woeful response also led to great erosion in public confidence about the government's

ability (at all levels) to provide for its people in dire circumstances. This last point is especially worrisome in the age of easy adversary reach into our homeland.

On the positive side, the tragedy of 9/11 and the failed response to Hurricane Katrina led to significant, decisive changes in response planning and mission execution. Presidents Bush and Obama both deserve great credit for absorbing the lessons learned from those events, and thanks to their leadership, we now have a proactive, layered, whole-of-nation response framework that is stronger, more effective, saves more lives, and leads to faster recovery.

II. The Official Rule Set

So what are the national organizing principles for the post-9/11 and Hurricane Katrina response model? There are many, but first and foremost they are captured in the National Response Framework (NRF), first published in January 2008 and updated in important ways in May 2013.¹ Also crucial is Presidential Policy Directive 8 (PPD-8) signed by President Obama in September 2011.² These two documents delineate whole-of-nation roles and missions, and expectations and planning assumptions for national preparedness, resiliency, response and recovery. A slew of sub-national and department-specific emergency response plans flow from, and correlate with, these over-arching planning documents. If you want to understand the broad model of U.S. national preparedness, start with the NRF and PPD-8.

Naturally, the Department of Defense has its own strategy and plan for successfully executing its assigned missions and tasks in the NRF and PPD-8. In fact, one of my proudest accomplishments at the Department of Defense was directing the publication of DoD's updated *Strategy for Homeland Defense and Defense Support to Civil Authorities* in February 2013.³

III. How Defense Support Really Works

What do the national and DoD strategies tell us about the Pentagon's approach for mission success? They tell us about the plan on paper. What they do not tell us is much about the underlying tensions and competing pressures that inevitably flow from the plan, which are constant in response and recovery operations.

In assessing the formal and informal ways to get the job done, I relied on three well-known core principles: (1) defense support should come from the total force; (2) defense support will (almost) always be in support of a civil authority; and (3) the military must never be late to address need.

¹ http://www.fema.gov/media-library-data/20130726-1914-25045-1246/final_national_response_framework_20130501.pdf

² <https://www.whitehouse.gov/blog/2011/10/07/ppd-8-announcing-national-preparedness-goal>

³ <http://fas.org/man/eprint/homedefstrat.pdf>

Adherence to the three core principles seems straightforward. In reality, this is where the ugly sausage-making takes place. The federal military response effort, led and directed (almost) always by the Commander of United States Northern Command, must attempt to harmonize these three principles, which can be challenging. Principles one (total force planning) and two (always in support) may conflict with or undermine principle three (never late to address need). My job also was to preserve the Secretary's decision space in very rushed and tense political circumstances that included pressure from diverse stakeholders, including Congress, the White House, the news media (never, ever underestimate the impact of media imagery on tactical priorities), States, the uniformed military, State military forces and non-governmental associations. Many of these stakeholders were frequently keen to see the exception to the core principles as the preferred norm.

Why was sticking to the core principles so hard? Let's begin with efforts to stay true to the total force planning process. The concept of total force planning is a core mission for the military, especially the Joint Staff. Total force planning means it is the responsibility of the uniformed military in the Joint Staff to work with the Military Services, Commands and DoD components (i.e. the U.S. Army Corps of Engineers and the Defense Logistics Agency) to identify the most efficient and effective capability to meet a mission assignment, and do so in a way that balances military readiness and requirements worldwide. This can be a relatively quick process, or it can be lengthy and emotional. (For example, which Command gets access to the insufficient number of unmanned aerial systems for intelligence, reconnaissance and surveillance needs is a legitimately vexing challenge).

However, the total force sourcing process simply is not built for meeting the needs of identifying emergency response requirements during time-sensitive domestic events. Response operations most often mean providing critical capabilities within the life-saving and life-sustaining window of the first 24-72 hours after an event. Also, and unlike overseas contingency operational planning, choosing the "right" domestic response capability is fraught with domestic political variables that immediately get the attention of the White House.

The rulebook says the Joint Staff will respond to a request for forces from the Commander of U.S. Northern Command after the Secretary of Defense receives a formal request for assistance from a lead federal agency. The Joint Staff is supposed to source the right capability to the Commander in the right amount of time. The reality is that the Joint Staff is not the appropriate body to adjudicate the dominant *political* variables for sourcing, although those variables are often the most vexing questions needing resolution in DoD's senior leadership decision-making process for domestic events. Deepening the swirl is the fierce competition for response leadership, and the debate over who pays the bill for executing mission assignments, most especially between the DoD Comptroller, National Guard and Active Components of the military.

Few outside of this decision-making process can appreciate the intensity of views from States about their perceived right to rely on federal defense dollars for State National Guard response and recovery activities, even though in practice their needs rarely exceed State (or multi-State) capabilities. The National Guard can operate as either a State force under the command and control of the Governor, or as a federal force under the command and control of the Secretary of Defense. In rare circumstances, the

Secretary of Defense can agree to pay for National Guard operations even when the Guard is operating under the command and control of the State (Title 32 authority). The NRF and PPD-8 establish that the States are responsible for response and recovery, and requests for help from the federal government (and use of DoD training dollars) are supposed to happen only when events exceed State capacity.

One more wrinkle. The 1933 U.S. Economy Act,⁴ as well as DoD policy, stipulates that spending of defense dollars (to include training dollars) in this fashion must be “in the best interest of the government and that the required goods, supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source.” In plain English, this means training dollars are not supposed to be used for response and recovery operations if a private contractor or civilian agency can provide the service. (And, turning to DoD is most often more costly than far less-expensive private sector or other federal response options.)

Under this reading of the law, total force sourcing rules *should* preclude approval of federal defense training dollars for activities that could be performed by private contractors or in a State-only capacity. Reality, of course, is that denial of these requests will lead to an immediate call from the Governor to the President. In most situations, prudence rules the day as it is never pleasant to explain to the Secretary of Defense why forcing the President into a difficult political situation with a Governor over a miniscule percentage of the training budget is worth it because this is what it says to do in policy and strategy.

In addition to the dollar-driven pressure of total force sourcing, the Commander of U.S. Northern Command understandably wants all federally-funded military activities to take place under his or her command and control. Chain of command is sacrosanct for military leaders, and accounting for the role of uniformed military forces in State Active Duty (National Guard forces operating as a State militia under the direct command and control of the Governor-appointed State Adjutant General) confuses total force sourcing planners in the Joint Staff. Often, Joint Staff force allocators conclude that the technical read of the rules is a political maelstrom best avoided, and it is just better to accept the transfer of federal defense dollars to State-based command structures.

Another competitive pressure that muddies total force sourcing is the vitally important capability that installation commanders can provide assistance to localities under “immediate response” authorities. Immediate response authorities allow installation commanders, upon request by a local authority, to support first responders in the immediate geographic vicinity of events. This short-term authority saves lives, but also is not effectively captured in the total force sourcing process. Total force sourcing will only capture this capability after an installation commander informs his or her Service Chief, and the Service Chief, in turn, informs the Joint Staff. In practice, it takes time for this to happen, as it would in any entity as massive and complex as the U.S. Department of Defense.

Finally, total force sourcing does not effectively capture the activities of defense agencies like the Corps of Engineers and the Defense Logistics Agency, as well as the US

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http://comptroller.defense.gov/Portals/45/documents/fmr/archive/11aarch/11a_03_042000.pdf

Transportation Command, all of whom have direct, independent reporting and tasking relationships with FEMA, as codified by the NRF and PPD-8.

Military response efforts generally are extraordinarily effective, timely and cost efficient. Just do not look to the traditional total force sourcing model to drive capability allocation in the same way that it does for the more deliberative overseas sourcing process.

The second overarching principle (always in support) that defines appropriate defense support is that federal military assistance must always be in support of civil authorities. This concept is enshrined in the deservedly sacrosanct Posse Comitatus Act of 1878.⁵ In sum, this Act says there are activities that DoD forces can conduct in support of civil law enforcement agencies. The Insurrection Act is one such example, whereby the U.S. military may engage in civilian-type law enforcement activities outside a defense installation, but only in support of the Attorney General. It also means that the U.S. military may not employ forces outside a defense installation without the approval of the Governor and Secretary of Defense (or his delegate). This law is so ironclad that the uniformed military may not even engage in “hot pursuit” against criminals once they cross outside of the boundaries of military installations. Another key reason why DoD is always in support is because the National Response Framework and PPD-8 say so. These national documents designate civilian agencies to lead federal response and recovery efforts in single or multi-State operations.

This principle is sound, just, and respects our constitutional and legal limitations on military operations inside the homeland. However, it also can lead to late, slow and ineffective national responses. When DoD entities passively wait for formal Requests for Assistance (RFA) and subsequent approved Mission Assignments (MA) from the Joint Staff, it can cost lives and harm the recovery of people, property, critical infrastructure and economic activity.

Here too the job of a senior civilian defense official is to help preserve the balance of total force planning (principle one) with not being late to address need (principle three). Staying true to this balancing act means ensuring that too large and too fast of a military presence does not risk overly militarizing the response, in reality or perception, and that the Department stays within its formal and informal legal and political bounds.

Defense planners are trained to assume worst-case scenarios, and correctly assume military capabilities are uniquely able to provide large-scale support capabilities during major events. President Bush suffered a devastating loss of political credibility for being perceived as being ineffectual during the response to Hurricane Katrina. The standing guidance post-Katrina is that everyone, including DoD, must lean forward during response operations. The DoD has absorbed this lesson. It cannot, and should not, wait for formal requests for assistance before readying forces and capability to support large-scale consequence management events. General Charles Jacoby, former Commander of U.S. Northern Command, was brilliant at anticipating need. He repeatedly decided to pre-stage response capabilities at proximate defense installations so the military was ready, if called upon, to save lives and participate in recovery. However, this sometimes led others to believe that DoD should be the sourcing (and funding) solution of choice, even before States and lead federal agencies had yet to exceed their

⁵ <https://www.fas.org/sgp/crs/natsec/R42659.pdf>

own capacity to respond. Concurrently, DoD prepositioning often led to charges from States and lead federal agencies that the military was trying to “take over” response operations. This was a common balancing act throughout response operations.

Balancing the three principles also means channeling planning enthusiasm and planning assumptions in the Department of Defense. Law and policy guidance say DoD is (almost) always in support, and that the only time DoD will ever be in charge is if the President invokes the Insurrection Act of 1807 (President George W. Bush deliberated but opted not to invoke the Insurrection Act during Hurricane Katrina; President George H.W. Bush was the last President to invoke the Insurrection Act so federal military forces could execute law enforcement missions in support of the Attorney General during the Los Angeles riots of 1992 as well as in 1989 during Hurricane Hugo in the U.S. Virgin Islands).⁶ Short of such an extraordinarily rare declaration, there is almost no scenario in which DoD will be in charge of domestic response operations. Yet good defense planners take scenarios to and sometimes beyond their logical outcomes. This means defense planners will plan for times in which the President opts to put the uniformed military in charge of domestic security, response and recovery operations. While logical in some ways, it builds unrealistic mindsets into the DoD planning psyche. Curbing this enthusiasm without dampening its priority was an important part of my job.

IV. Conclusion

The United States has modern, effective frameworks for national preparedness, resiliency, response and recovery. Policy and law undergird these frameworks. DoD has a core role in ensuring that capacity is available to support responses to large-scale events. This makes sense. The uniformed military is the best trained and equipped force in the world to execute major operations involving airlift, logistics, communications, early warning, etc. And the standing DoD footprint residing in the homeland is enormous.

But one cannot be an effective civilian leader in the Department of Defense without playing a decisive role in balancing the competing principles of relying on the total force, being in support of civilian authorities, and never being late to address need. As the senior civilian advisor to the Secretary for defense support of civil authorities, my job required both that the Secretary’s decision space was preserved and executed upon, and that national policies were successfully followed. (Secretaries Panetta, Hagel and Carter were unequivocally clear to me that defense support will be effective and consistent with guidelines.)

Perception is reality, and *any* losses during response operations means someone fell short. This reality puts tremendous pressure on the three principles. It also means that flexibility is the unstated fourth principle.

Governors correctly hold dearly to their sovereign authority under the U.S Constitution, just as lead federal agencies cling to their assigned leadership. It’s just that

⁶ <https://www.law.berkeley.edu/library/resources/disasters/Crockett.pdf>

DoD is so big, so capable, and so quick to the scene that it feels bound, as it should, to act when American lives are at stake (just as do all first responders).

Thus, effective leadership in this role means recognizing that all elements of the defense community are essential actors in domestic support operations. There are tradeoffs and triangulations to manage; the battle rhythm relies on each element playing its appropriate role and making sure there is maximum harmony amongst component operational *AND* civilian parts. The formal rulebook has hard, bright lines that must not be crossed (e.g., the military remaining in support of lead federal agencies, not adversely impacting readiness for defense missions, never being late to need during the life-saving and life-sustaining window), but most other guidelines need to be treated as such, and not as sacrosanct in their purest form.

How to sustain the right balance between policy, perception, reality and saving lives is unique to each situation. Being the senior civilian in the room, but without any operational control, makes for a delicate dance. More than once I was forced to respond in the same day to the uniformed military saying that delays in recommending employing forces to the Secretary of Defense risked lives, while then having to speak with irate civilian and State officials, who feared that DoD was trying to “take over” response operations.

It was a fine line, and a line I cherished walking.

About the Author

Todd M. Rosenblum was the Principal Deputy and Acting Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs at the Department of Defense from May 2011 to March 2015. Prior to working at DoD, Rosenblum served as Deputy Under Secretary of Intelligence at the Department of Homeland Security from February 2009 to May 2011. He is now a Senior Executive for Worldwide Business Development at IBM, and a non-resident senior fellow with the GW Center for Cyber & Homeland Security. The views expressed in this article are those of the author and do not reflect the official policy of the Department of Defense or the U.S. Government or the IBM Corporation.

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