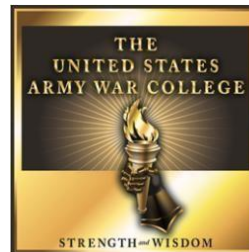


## The Military in the Public Eye: Esteemed but Not Understood

by

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### Abstract

United States civilian law enforcement agencies (LEAs) are largely ignorant of the capabilities and limitations inherent to our nation's armed forces. Specifically, they are unaware what assistance Active Duty (Title 10) forces can and can't offer when they approach capability or capacity limits. Consequently, there is a certain amount of friction between the military and the interagency communities, as well as a lack of adequate contingency planning on the part of both. This is due in no small part to the very limited exposure that most LEAs have to military operations. This research project explores the military-civilian relations problem and attempts to identify a means of bridging the knowledge gap. The ultimate goal of this work is increased exposure and a baseline of common understanding at the federal, state, tribal, and local levels.

## **The Military in the Public Eye: Esteemed but Not Understood**

We're facing a real challenge in our civil-military relations right now...It's going to take some hard thinking and some inspired leadership on the military side, as well as the civilian side, to figure out what we want to look like going forward.

—GEN Charles Jacoby (Ret)<sup>1</sup>

### The Knowledge Gap

In December, 2015, the US Army War College hosted a panel discussion bringing together civilian disaster response officials and resident war college students studying strategic planning in the homeland. The goal of the engagement was to discuss joint Department of Defense (DOD) and interagency (IA) operations and coordination, strategic domestic national security planning, and gaps in organizational understanding. The three panel members brought decades of experience to the table; all had coordinated DOD support to civilian authorities in multiple response situations. At one point, the Department of Homeland Security (DHS) representative – a Federal Coordinating Officer (FCO) – was asked his opinion about specific elements of military support. His response was startling, “I have no idea what you do or what your capabilities are.”

This troubling vignette – a senior civilian official openly expressing ignorance of the military support he is charged with coordinating – is indicative of a significant shortfall between the two groups charged with protecting the American homeland. This lack of familiarity is a symptom of a larger civilian-military (civ-mil) gap, a gap that is wider than it has been “in generations.”<sup>2</sup> This research project focuses on that divide and how it creates frictional issues that impede effective strategic planning and undermines unity of command and effort. On the pages that follow, the civ-mil gap will

first be defined and quantified. Evidence will show that the gap sponsors ignorance among the civilian population, and illusory legal boundaries only exacerbate the problem. The paper will provide an analysis of the effects of the problem on our response framework and show how friction is introduced into command and operational relationships as a result. It will offer recommendations on building greater familiarity between the military and the civilian world, and suggest ways to maximize communication between the strategic (national) and tactical (local) levels of concern. Finally, the paper will suggest other areas of similar concerns where more research is needed.

It bears mentioning that this project was necessarily narrow in focus, concentrating on the interaction between Title 10 (federal) military forces and civilian law enforcement agencies (LEA). This distinction is important because of the unique nature of this relationship. Civil authorities are accustomed to working with Title 32 (National Guard) forces; *Title 10* military support to civilian LEAs is relatively rare and presents a different set of opportunities and challenges. It is also important to note that Defense Support of Civilian Law Enforcement Agencies (DSCLEA) is but a subset of the overall Defense Support of Civil Authorities (DSCA) mission. Beyond these narrow parameters, there are multiple other facets of the civ-mil relationship worthy of additional study and consideration. However, the information and recommendations presented herein are germane to any discussion of military support and will facilitate cooperation across the spectrum of United States civ-mil affairs.

### The Gap Defined

The civ-mil divide in the United States refers to the widening chasm between our military and civilian populations; a detachment defined by the opinions and impressions

each hold about the other. The military's perception is that the civilian world doesn't appreciate the problems faced by the military or understand the sacrifices required by its mission.<sup>3</sup> Most civilian Americans agree with that premise, but also believe "there's nothing unfair about the outsized burden being shouldered by veterans."<sup>4</sup>

This lack of empathy and awareness is due, in no small part, to the ever-shrinking portion of the US population that has either been a veteran, or even knows someone who is. At the end of World War II, nearly 10 percent of the US population was on active duty in the military, meaning most able-bodied men of age had served. In the twenty years after the war, the standing force remained large and Americans maintained a direct military connection – most families still had at least one member in uniform.<sup>5</sup> Contrast that to today, when only about one in three Americans born since 1980 is closely related to anyone with military experience.<sup>6</sup> James Fallows put an even finer point on this disparity in his article "The Tragedy of the American Military" from the Jan/Feb 2015 issue of *The Atlantic*:

Many more young Americans will study abroad this year than will enlist in the military—nearly 300,000 students overseas, versus well under 200,000 new recruits. As a country, America has been at war nonstop for the past 13 years. As a public, it has not. A total of about 2.5 million Americans, roughly three-quarters of 1 percent, served in Iraq or Afghanistan at any point in the post-9/11 years, many of them more than once.<sup>7</sup>

One consequence of this trend is the knowledge gap, a societal lack of familiarity and inaccurate perception of the military and what it can and cannot do. Assuming LE draws its ranks from this larger population, it stands to reason that the knowledge gap will manifest itself in LE organizations at every level. In and of itself, this is not necessarily a problem – the military is not designed to perform domestic LE functions. However, they *are* tasked with supporting Civil LE in certain vital roles. Enter DSCLEA.

## The DSCLEA Connection

The DOD executes DSCLEA functions principally through US Northern Command (USNORTHCOM) based at Peterson AFB in Colorado Springs, CO. USNORTHCOM's primary missions are homeland defense, civil support, and security cooperation. It performs all of these functions by working with other commands, civilian agencies, and partner nations.<sup>8</sup> Civil support is more specifically referred to as DSCA and is arguably USNORTHCOM's most active area of current operations.<sup>9</sup>

DSCA is defined as support provided by the DOD in response to requests for assistance from civilian authorities for disaster recovery activities, domestic emergencies, LE support, and other special events or activities. "DOD" in this case includes federal forces (in Title 10 status), DOD civilians, DOD contract personnel, and National Guard forces in either Title 10 or Title 32 status.<sup>10</sup> As a reminder, Title 32 US Code allows the Governor, with the approval of the President or the Secretary of Defense (SECDEF), to place a soldier or airman in a full-time duty status under the command and control of the State, directly funded with Federal funds. Title 10 US Code outlines the roles of the armed services in active duty service to the United States. It also allows for the President to activate or federalize National Guard forces.<sup>11</sup> The different US Code Titles are important to keep in mind; they provide the lateral limits and legal boundaries of the military's various component roles within DSCA.

DSCLEA is considered the LE-support mission subset which resides within the overall DSCA mission. Generally speaking, USNORTHCOM's DSCLEA activities are restricted to indirect support roles as stipulated in Section 375 of Title 10.<sup>12</sup> However, federal law permits the military's *direct* participation in certain LE activities under exceptional circumstances, e.g. threats to DOD personnel or equipment, quelling civil

disturbances when directed by the President, protecting classified information, etc.<sup>13</sup>

Effective coordination in these situations demands that both the DOD and the supported civil component(s) have an understanding of the requirements and capabilities of one another.

Military support may become a viable option when state, local, or tribal LE resources approach capability and/or capacity limits. In these crisis scenarios, federal law clearly defines the roles and limitations of DOD forces. This outline of institutional responsibilities provides a baseline for planning and alleviates some of the stressors associated with potential civ-mil cooperation. Nonetheless, large-scale DSCLEA events involving state or local LE are exceedingly rare. It is reasonable to assume those organizations have little perceived need to spend time and money preparing for the low likelihood of requesting DOD support.

#### Experience and Probability

Joint Pub 3-28 defines DSCA as “support to prepare, prevent, protect, respond, and recover from domestic incidents including terrorist attacks, major disasters, both natural and man-made, and planned domestic special events.”<sup>14</sup> The military response to non-DSCLEA situations, i.e. disaster response or planned events, is well understood and practiced. The military and emergency management authorities, FEMA in particular, have a long-standing relationship developed through numerous cooperative efforts over the years. Major recent examples include hurricanes Katrina and Sandy (2005, 2012), the Deepwater Horizon oil spill (2010), and the Waldo Canyon and Black Forrest fires in Colorado (2012, 2013). State agencies are also familiar with DOD disaster response capabilities; they interact with their respective National Guard units on a fairly regular basis.<sup>15</sup> Wildland firefighting, flood recovery, and winter storm assistance are a few of



the examples where this relationship is exercised routinely.<sup>16</sup> In contrast, examples of DSCLEA activities are comparatively rare.<sup>17</sup>

The military could support LEAs through a number of activities, including counter-drug operations (detection and monitoring), protecting critical infrastructure (either civilian or DOD), quelling of civil disturbances, or transporting law enforcement officials or equipment.<sup>18</sup> Low frequency of cooperation in these roles does not lend itself to a continuity of familiarity. Nor does the low probability of an event requiring DOD support to LEAs. Both of these factors put little pressure on the civilian LE community to maintain a knowledge of military capabilities, especially on the local level. The result is a low priority for understanding what DOD could bring to the table in a potential DSCLEA arrangement. This is likely to induce inefficiency and indecisiveness at a moment when timely assistance may make the difference between a successful and a failed response.

#### Democratic Ideals and Legal Boundaries

The civ-mil relationship in the DSCA and DSCLEA context is defined by civilian agencies retaining the lead in a crisis situation involving DOD support. This is a result of the legal realities and self-imposed restrictions of our democratic form of government. Within a democracy, control of the military by civilian officials is fundamental. The military is one of the least democratic institutions in history, its customs and procedures are in direct conflict with the democratic values of individual freedom and civil liberty. “Civilian control allows [the] nation to base its values and purposes, its institutions and practices, on the popular will rather than on the choices of military leaders, whose outlook by definition focuses on the need for internal order and external security.”<sup>19</sup> This arrangement leads to inevitable stress in the civ-mil relationship.

Few take issue with supportive domestic military missions that are benign and helpful, i.e. operations to relieve suffering, support to Americans in need, etc. When the discussion moves to using the military in an “offensive” or potentially coercive role, uneasiness and hesitancy enter the equation. The American people are historically sensitive to the use of military power in the homeland, they want their military to defend and protect them, not control them.<sup>20</sup> DSCLEA mission sets require the military to work alongside LE, in a role that often visibly displays traditional military power. Public perception does not distinguish between direct and indirect support to LE, or discern its intent; they only see the military as in a position to assert authority over its civilian masters. It was perceptions of this potential abuse of federal authority that led to the passage of the Posse Comitatus Act, the provisions of which continue to impact operations today.<sup>21</sup>

### Posse Comitatus as an Inhibitor

The most notable legal restriction imposed on military support to LEAs is the Posse Comitatus Act of 1878 or 18 U.S. Code § 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 not more than \$10,000 or imprisoned not more than two years, or both.<sup>22</sup>

The act was signed into law at the end of the Reconstruction period that followed the Civil War. It was designed as part of a deal between northern Republicans and southern Democrats that would allow the latter to reassert control over their domestic affairs. It essentially prohibited federal civil authorities from using the Army to enforce federal authority, and “nothing more.”<sup>23</sup> It is often referenced by both the military and

civilian communities, but it is widely misunderstood. A deeper look into the specifics of the Posse Comitatus Act (PCA) is required to understand its relevance (or lack thereof) to the civ-mil relationship.

The PCA applies to all active duty personnel in the military, including DOD civilians and Reserve and Active Duty personnel on Title 10 orders. The PCA is only applicable in the territorial confines of the United States and prohibits Title 10 forces from performing “active” law enforcement functions, e.g. interdiction of vehicles, search and seizure, arrest or apprehension. It does not apply to National Guard or Reserve personnel on other than Title 10 orders, and it does not apply to a number of functions authorized under federal statute.<sup>24</sup> Examples of these include civil disturbance operations (as designated by the President), military support to presidential protection, response to a WMD incident, and support to counter-drug operations.<sup>25</sup>

Taken at face value, the PCA appears to be a decisive limiting agent of DSCLEA. As one LE official remarked, “the PCA explicitly prohibit[s] the [military] from conducting domestic law enforcement operations.”<sup>26</sup> Upon closer examination though, the PCA is not as restrictive as that statement would indicate. In fact, virtually any LE activity can be undertaken by a combination of forces from across the active, reserve, and Guard components. There are also a number of lawful exceptions, alluded to above and codified in 10 US Code, sections 371-378, that make it exceedingly difficult to violate the PCA.<sup>27</sup> Furthermore, the penalties imposed by an infraction are archaic and insignificant; it is no surprise that nobody has ever been convicted of violating the PCA. In the end, succinctly put, the PCA is “not a significant impediment to DOD participation in law enforcement or homeland security.”<sup>28</sup>

Low probability of military interaction, lack of exposure or experience, and a perceived legal hurdle all combine to mollify the civilian demand for even the most basic institutional knowledge of the military. The next portion of this thesis will concentrate on the effect of this ignorance on our system of DSCA and DSCLEA application – the National Response Framework (NRF). The research and conclusions presented will validate the premise that the civ-mil relations environment is framed by a divide in perception and lack of corporate knowledge regarding US military capabilities and capacity.

### The National Response Framework

“Many civilians are inclined to believe that military operations are fairly straightforward – more or less like other business and commercial activities. And this, in turn, leads them to be overly-optimistic about what missions the military can accomplish, and at what cost.”<sup>29</sup> Professor Tammy Biddle’s quote perfectly captures the mentality military planners are faced with when planning for civ-mil operations within the NRF.

Simply put, the NRF guides the nation’s response to large-scale disaster and emergency situations. It uses scalable, flexible, and adaptable concepts identified in the National Incident Management System (NIMS) to align key roles and responsibilities across the whole of government. The NIMS concepts include focus areas such as preparedness, resource management, communications and information, and command and management. The NRF is intended to be a holistic approach to response – an all-inclusive concept to be used by “individuals, families, communities, the private and nonprofit sectors, faith-based organizations, and local, state, tribal, territorial, insular

area, and Federal governments.”<sup>30</sup> The upshot of this approach is the necessity of efficient participation vertically and laterally across the framework to optimize response.

The NRF uses the Strategic National Risk Assessment (SNRA) to identify the threats and hazards which present the greatest risk to the United States. These threats run the gamut from manmade and natural disasters, to virulent pandemics and infrastructure failure, to terror and cyberspace attacks. In response to these risks the NRF sets doctrine for capabilities across five main mission areas: prevention, protection, mitigation, response, and recovery. This doctrine is directed towards applying NIMS concepts to those areas.<sup>31</sup>

The NRF goes on to describe roles and responsibilities at all levels of response and for all five mission areas. Common to virtually every level of response are the themes of communication, coordination, and unified command. Effective communication is at the core of any coordinated effort and is often the weakest link in a joint endeavor. Information must flow quickly between multiple organizations and be made readily available to decision makers responsible for employing resources. From strong lines of communication flows efficacious coordination. In other words, synergistic response efforts are only possible when leaders of disparate organizations can accurately communicate requirements, capabilities, and intentions in a timely fashion.

The first two themes – communication and coordination – are vital elements and crucial enablers of the third, unified command. “Effective, unified command is indispensable to response activities and requires a clear understanding of the roles and responsibilities of all participating organizations.”<sup>32</sup> It aligns the leadership and efforts of multiple organizations along common lines of effort. It should be noted that unified

command maintains a fundamental difference with the military term “unity of command.”<sup>33</sup> Unified command attempts to strategically align multiple agencies while unity of command places all forces under a single commander, responsible for achieving unified action. Understanding the unique roles and responsibilities along both the DOD and interagency chain of command is essential. Ignoring this important distinction leads to friction in the civ-mil relationship and detracts from operational synergy.

### Friction

The application of the term “friction” in this case does not represent a condition that most would assume to be prevalent in government agency interaction – animosity and an unwillingness to cooperate. The friction generated in the planning and interactive efforts between LEA and DOD organizations is similar to the resistance encountered by moving objects. The civ-mil societal gap and the resultant knowledge gap serve to slow the military support process down and must be overcome by smoothing the resistant forces at work. The NRF tries to counter these impediments by fostering integration and capability synchronization throughout the incident response mission area.<sup>34</sup>

The NRF describes a graduated local-to-federal system of response apportionment and consequence management. Most incidents begin and are managed at the local level. These are often handled by first responders (e.g. police, fire), the private sector, or non-governmental organizations (NGOs).<sup>35</sup> Some of these incidents grow to require support from neighboring districts, regions, or states. A small number of these will eventually require federal support or are federally led. In all cases, the NRF is designed to be adaptable and flexible to provide only the required resources to the affected area. In the case of an incident requiring federal support, the NRF allows for

rapid, efficient application of resources tailored to meet each situation. Likewise, it is designed to effect a rapid and efficient transition to recovery and back to localized problem management at the most appropriate level of authority.<sup>36</sup> The federal and DOD approach is in effect, “get in, get them help, get out.”<sup>37</sup>

The idea of friction presents itself most noticeably when the jump is made from a localized response to the federal level. As mentioned before, the level of exposure and experience leads to a low prioritization for requesting military support, if not an outright lack of consideration. In a typical DSCLEA scenario, local law enforcement will likely reach out to neighboring jurisdictions for assistance as they approach capability or capacity limitations. If the event is large enough, assistance may flow to the state and federal levels as well. All along this chain responders should logically anticipate confusion, incorrect information, and inaccurate analysis; the fog and friction of war applied to domestic law enforcement. The timeline of response could be shortened if local law enforcement even had a base level of comprehension – knowing what capabilities are available and how they could be applied to an event. In short, support needs and purpose refinement could begin at the lowest possible level, maximizing support effectiveness and expediting DOD response. Overcoming this friction is not a simple task; it will be even more difficult due to yet another factor: the political reality of the civ-mil relationship.

### Political Reality

The so-called recent “Militarization of the Police” is a phenomena largely born in the aftermath of the September 11, 2001 terrorist attacks. The Pentagon stepped up its program of providing civilian LEAs with excess equipment such as heavy caliber weapons, armored vehicles, and camouflage uniforms to civilian LEAs across the

country.<sup>38</sup> Federal officials viewed civilian LEAs as a critical line of defense against terrorism. As fears of more attacks were reinforced by conflict overseas and mass shootings like the 2012 movie theater massacre in Aurora, Colorado, there was little criticism about providing military equipment to local law enforcement.<sup>39</sup>

The tide of sentiment began to change as the distance increased from 9/11 and the wars in Iraq and Afghanistan began to wind down. Many critics became leery of civilian police departments using military gear.<sup>40</sup> They feared that heavily arming officers could make them more prone to using excessive force and employing aggressive military-style tactics leading to serious injury or death, especially in minority communities.<sup>41</sup> “We’ve seen how militarized gear can sometimes give people a feeling like there’s an occupying force,” President Obama said last year, “as opposed to a force that’s part of the community, that’s protecting them and serving them.”<sup>42</sup> These politically-charged ideas reinforce the very real fear of military-style force being used by civilian LEAs. It is a logical progression from that notion that the use of the DOD in the homeland for DSCLEA activities will meet with significant resistance from LEAs and the public at large. Solutions to the gap must account for this perception or they could be doomed to fail.

### Recommendations

The goal of this project was twofold – identify the civ-mil knowledge gap and examine ways that the military and LE communities could develop a stronger institutional understanding and relationship. Research led to several lines of effort that could successfully bring the different sides closer together in both the near and long term. The ideas proposed include a military-to-civilian outreach program, increasing the number of domestic civ-mil exercises, and embracing new ways of thinking about how



the military interacts with its civilian masters and how the general public perceives the role of the military.

### Installation Outreach

The first solution proposed is an outreach program conducted by a combination of Active Duty, Reserve, and National Guard Forces. Active Duty (Title 10) would take the lead as they are the least likely to be utilized (therefore, enjoy the lowest level of familiarity), but may nevertheless prove to be the most resource-capable. The Reserves and National Guard would serve as enablers; but more on that below. Outreach could take any number of forms, but the basic component of any program would be person-to-person interaction. Members of all the services would meet with the police and sheriff's departments on a fairly frequent basis, perhaps monthly or semi-monthly. Meetings would include briefings and social interaction designed to engender trust and common understanding. Typical topics for briefing would tackle the most likely of military support activities including: transport, crowd control, counter-drug, etc. Equipment and tactics familiarization would also be an essential part of interaction.

Initial outreach efforts would be focused on larger metropolitan centers, as these areas could plausibly require an expedited, large-scale DSCLEA response. They are usually close to more than one major Active Duty installations as well (within 2-3 hours).<sup>43</sup> Furthermore, LEAs in major cities may be more likely to have sufficient resources and funding to allow this type of interaction and take best advantage of it. As these programs become normalized, larger LEAs could reach out to smaller local and tribal organizations.

The Reserves and National Guard will play a crucial role as facilitators in this arrangement. The nature and composition of both organizations mean they are already

well integrated into the communities that civilian LEAs serve. These citizen soldiers have often worked with first response organizations on a regular basis; they are the often called on to support DSCA efforts and disaster response.<sup>44</sup> The relationships that they have already cultivated could provide a ready means of developing inroads in outreach-type activities.

### Regional Exercises

The military's primary means of accomplishing realistic training and ensuring readiness is through exercising its capabilities and infrastructure in set scenarios – commonly referred to as “exercises.” As a case in point, USNORTHCOM conducts several such exercises every year. One of these, ARDENT SENTRY, is focused on DSCA and is designed to exercise a whole-of-government response to a complex catastrophe.<sup>45</sup> It takes place over the course of several days and involves coordinating the whole-of-government response of several DOD and civilian agencies.

The DOD and federal LEAs should work in concert to develop a program of smaller, regularly scheduled regional exercises focused on DSCLEA. These would be organized at a higher federal level, but the goal would be to employ LEAs at every level in a complex scenario involving a wide range of DOD support. The centerpiece would be exercising the NRF, employing the concept of rapid, graduated response that transitions authority and responsibility from the local to the federal level, and would ultimately culminate with the transition back to recovery/normalizing operations. This regular interaction between LEA and DOD would be yet another means of creating a baseline of mutual understanding.

It should be mentioned that there is a significant hurdle to jump in the implementation of these exercise – media attention and its effect on public awareness

and opinion. A study of 2015's JADE HELM exercise was enlightening as it revealed the pitfalls of not suitably preparing the public for these type of events. JADE HELM was a Special Operations-centric exercise that took place over large swaths of land in the southwest United States. The goal was to practice unconventional warfare tactics over an area that would react to any out-of-the-ordinary behavior. The general public was largely unaware of the exercise and it became the subject of intense criticism and a myriad of conspiracy theories.<sup>46</sup> If more of these types of exercise were to be conducted, a robust civilian engagement program would be required to assuage doubts and concerns over military encroachment into civilian affairs.

### Transforming Attitudes

Beyond simple familiarization and training efforts, there are certain fundamental shifts in mindset that could also improve civ-mil relations. There are two specific areas of emphasis that, while institutionally challenging, could yield a more cohesive civ-mil association. The first involves senior military and civilian leadership transitioning away from rigid adherence to the principles of civilian "objective control" of our armed forces. The other psychological pivot requires an application of critical thought by primarily civilian leadership – viewing the military and its capabilities through a lens of skepticism.

In his 1957 book *The Soldier and the State*, political scientist Samuel Huntington describes optimal civilian authority over the military as "objective control." Central to his theory is "autonomous military professionalism," which contends that an officer corps allowed sufficient independence to organize itself and focus on its own professionalism without interference, will be politically neutral and less likely to intervene in politics.<sup>47</sup> For almost 60 years senior military leaders have embraced this as the gold standard in civ-mil relations. However, today's complex strategic environment has eclipsed the orderly,

appealing concepts of Huntington.<sup>48</sup> The demands of leadership in a potentially catastrophic DSCLEA situation require a thorough understanding of decision-making processes both in and outside of the military realm.

The onus is on the strategic military leader to achieve a level of political competence and intellectual fidelity on all issues across the whole-of-government. “Political” refers to the realities involved in institutional perspective and compromise; exercising sound judgment when interacting with multiple civil and DOD agencies. Military leaders must be cognizant of larger strategic goals and the political climate they are derived in; options and associated courses of action presented to civilian leaders must be underpinned by a broader understanding of policy objectives. It is only by doing this that they can provide the most accurate and well-reasoned military advice.

The DOD must increase its focus on developing leaders that are able to understand, and maneuver in, the complex national security decision-making environment. The officer corps of all services must place more focus on understanding the role they play within a broader, non-military context and embrace “strategic mindedness.” In the case of a DSCLEA event, all stakeholders will expect representatives of the military to understand and appreciate the organizational dynamics and culture that define the civilian decision-making process.

Waiting until military officers have achieved senior rank before exposing them to these principles is unacceptable. Familiarity with the world outside service lanes is a critical building block that must be introduced early in the career cycle. This is not to say that early officer education should not focus on developing basic leadership abilities, technical skills etc.; but the aforementioned “political competence” should assume a

larger role within that developmental curriculum. The young officer should be taught to appreciate the civilian side of the national security equation, including exposure to civil government at all levels. If this is started early, this trait will become a natural part of leader development and not something that must be assimilated later in life.

The second mental paradigm-shift calls for a higher level of civilian scrutiny. In some respects, the military's own success has worsened the civ-mil division. 14 years of war replete with tactical victory have created an atmosphere wherein the American public has lost their ability to critically evaluate the role and purpose of their armed forces. James Fallows summed up this state of affairs rather well,

This has become the way we assume the American military will be discussed by politicians and in the press: Overblown, limitless praise, absent the caveats or public skepticism we would apply to other American institutions, especially ones that run on taxpayer money. A somber moment to reflect on sacrifice. Then everyone except the few people in uniform getting on with their workaday concerns.<sup>49</sup>

A healthy dose of critical thought, and a desired appreciation for the role the military plays in the national security context is an essential part of bridging the civ-mil gap, particularly when viewed in the post-conflict era we are now in (Iraq and Afghanistan). Applied scrutiny would facilitate an understanding that our armed forces are indeed fallible, creating a desire for knowledge and developing at least a cursory understanding of its capabilities and limitations.

### Areas for Further Research

It was mentioned in the beginning of this thesis that the scope of civ-mil interaction would be narrowly focused on DSCLEA. However, the recommendations proposed have applicability outside of the LEA realm and provide multiple opportunities for further research. Theater Security Cooperation efforts conducted by USNORTHCOM

follow distinct training and implementation regimens. Service members often work with the military and civilian governmental organization in other nations. Their experiences and procedures may be applicable to DSCLEA or DSCA. More study is also required in how best to implement a civil government exposure and training regimen within the officer corps, especially at lower ranks. Likewise, effectively promoting scrutiny or skepticism within the civilian community, political and otherwise, would also be a valuable line of research and strategic thought. Finally, research is required in determining the best possible way of increasing civilian participation in military exercises without causing undue public concern and negative attention.

### Conclusion

There is a saying in the emergency management community: “During the disaster is not the time to exchange business cards.”<sup>50</sup> That idea is perhaps no more prescient than in the DSCLEA domain. Unfortunately, the current state of civ-mil relations has left open the possibility that LE and military officials may be doing just that when the next inevitable crisis threatens domestic security. The societal divide between our civilian and military cultures is perhaps more pronounced than ever. The American military is smaller than it has been since before World War II; we no longer live in an era where virtually every citizen knows somebody serving in the armed forces.<sup>51</sup> This disparity nurtures an ignorance that manifests itself in the greater population as a knowledge gap, a lack of basic understanding of our military’s capabilities and limitations.

Narrowing this divide will require effort all along the spectrum of civ-mil LE interaction. Strategic leaders throughout government, from local to state to federal, must work to understand the legal boundaries and enablers that frame DSCLEA efforts. The

military and the LE communities must develop effective means of facilitating communication and cooperation, two fundamental principles that will provide the means of closing the knowledge gap. The future environment must include opportunities for organizations across the civ-mil enterprise to practice and learn the capabilities and limitations of each other. Finally, senior leaders must embrace new, unorthodox ways of thinking that embrace broad-minded thinking and skepticism. In an uncertain and complex future, the defense of the homeland and the safety of its people will require the military and the civilian communities to work side by side. By educating civilian authorities we can begin to narrow the divide between these two communities.

#### Endnotes

<sup>1</sup> Gen Charles Jacoby, "I Loved Being a Soldier," *War on the Rocks*, October 15, 2015, <http://warontherocks.com/2015/10/i-loved-being-a-soldier/> (accessed December 18, 2015).

<sup>2</sup> Ibid.

<sup>3</sup> Paul Gronke and Peter D. Feaver, "Uncertain Confidence: Civilian and Military Attitudes About Civil-Military Relations," in *Soldiers and Civilians: The Civil-Military Gap and American National Security*, ed. Peter D. Feaver and Richard H. Kohn (Cambridge, MA: Harvard University, 2001), 143.

<sup>4</sup> Jason Ukman, "The American Military and Civilians, Worlds Apart," *The Washington Post*, October 5, 2011.

<sup>5</sup> James Fallows, "The Tragedy of the American Military," *The Atlantic*, January/February 2015, <http://www.theatlantic.com/magazine/archive/2015/01/the-tragedy-of-the-american-military/383516/> (accessed December 19, 2015).

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> *U.S. Northern Command Home Page*, <http://www.northcom.mil> (accessed December 23, 2015).

<sup>9</sup> US Pacific Command (USPACOM) shares the same domestic mission burden as US NORTHCOM. As referenced in U.S. Joint Chiefs of Staff, *Defense Support of Civil Authorities*, Joint Publication 3-28 (Washington, DC: U.S. Joint Chiefs of Staff, July 31, 2013), II-7, they are "the DOD's principle planning agents for DSCA and have the responsibility to provide joint

planning and execution directives for peacetime assistance rendered by DOD within their assigned areas of responsibility (AOR).” The observations and assertions throughout this paper are equally applicable to both geographic combatant commands

<sup>10</sup> Ibid., vii.

<sup>11</sup> National Guard Association of the United States, “NGAUS Fact Sheet, Understanding the Guard’s Duty Status,” <http://www.ngaus.org/sites/default/files/Guard%20Statues.pdf> (accessed January 6, 2016).

<sup>12</sup> U.S. Department of Defense, *Defense Support to Civilian Law Enforcement Agencies*, Instruction 3025.21 (Washington, DC: U.S. Department of Defense, February 27, 2013), 15-16.

<sup>13</sup> 10 U.S. Code, Chapter 15, *Insurrection*, <https://www.law.cornell.edu/uscode/text/10/subtitle-A/part-I/chapter-15> (accessed January 15, 2016).

<sup>14</sup> U.S. Joint Chiefs of Staff, *Defense Support of Civilian Authorities*, I-2.

<sup>15</sup> National Interagency Fire Center, “Military Support in Wildland Fire Suppression,” [https://www.nifc.gov/fireInfo/fireInfo\\_military.html](https://www.nifc.gov/fireInfo/fireInfo_military.html) (accessed March 16, 2016); National Guard Association of the United States, “Issues and Advocacy: The Evolving Role of the Citizen-Soldier,” <http://www.ngaus.org/advocating-national-guard/evolving-role-citizen-soldier> (accessed March 16, 2016).

<sup>16</sup> Ibid.

<sup>17</sup> Bert B. Tussing, “Homeland Defense and Defense Support of Civil Authorities: Philosophy and Ethos, Reality and Constraints,” in *Introduction to Homeland Defense and Defense Support of Civil Authorities (DSCA): The U.S. Military’s Role to Support and Defend*, ed. Bert B. Tussing and Robert McCreight (Boca Raton, FL: CRC Press), 28.

<sup>18</sup> U.S. Department of Defense, *Defense Support to Civilian Law Enforcement Agencies*, 19-20.

<sup>19</sup> Richard H. Kohn, “An Essay on Civilian Control of the Military,” *American Diplomacy, Foreign Service Dispatches and Periodic Reports on U.S. Foreign Policy*, March 1997, [http://www.unc.edu/depts/diplomat/AD\\_Issues/amdipl\\_3/kohn.html](http://www.unc.edu/depts/diplomat/AD_Issues/amdipl_3/kohn.html) (accessed January 15, 2016).

<sup>20</sup> Ivan Luke, *DOD Operations in the Homeland: Context and Issues for the Commander*, NWC 2067A (Newport, RI: U.S. Naval War College, Joint Military Operations Department, July 2012), 11.

<sup>21</sup> Ray A. Zuniga, *The Posse Comitatus Act: A Hindrance to National Security in Need of Change*, Research Report (Maxwell Air Force Base, AL: Air Command and Staff College, April, 2009), 12.

<sup>22</sup> David G. Bolgiano, “Military Support of Domestic Law Enforcement Operations: Working within Posse Comitatus,” *FBI Law Enforcement Bulletin* 70, no. 12 (December 2001): 16-24; 18



U.S. Code § 1385, *Use of Army and Air Force as posse comitatus*,  
<https://www.law.cornell.edu/uscode/text/18/1385> (accessed December 19, 2015).

<sup>23</sup> Luke, *DOD Operations in the Homeland: Context and Issues for the Commander*, 13.

<sup>24</sup> Bolgiano, "Military Support of Domestic Law Enforcement Operations: Working within Posse Comitatus," 18.

<sup>25</sup> *Ibid.*, 17.

<sup>26</sup> Chief Joel F. Shults, "Police Militarization and Preserving Posse Comitatus," *Passion for the Job*, blog entry posted August 14, 2013,  
<https://www.policeone.com/militarization/articles/6386147-Police-militarization-and-preserving-Posse-Comitatus/> (accessed January 18, 2016).

<sup>27</sup> 10 US Code, Chapter 18.

<sup>28</sup> Gary Felicetti and John Luce, "The Posse Comitatus Act: Liberation from the Lawyers," *Parameters* 34, no. 3 (Autumn, 2004): 94.

<sup>29</sup> Tammy Davis Biddle, "Strategy and Grand Strategy: What Students and Practitioners Need to Know," *Advancing Strategic Thought Series* (Carlisle Barracks, PA: U.S. Army War College, December, 2015), 41.

<sup>30</sup> The Department of Homeland Security, *National Response Framework*, 2<sup>nd</sup> ed. (Washington, DC: U.S. Department of Homeland Security, May, 2013), 3.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*, 6.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*, 2.

<sup>35</sup> *Ibid.*, 6.

<sup>36</sup> *Ibid.*

<sup>37</sup> U.S. Joint Chiefs of Staff, *Defense Support of Civilian Authorities*, II-5, III-3.

<sup>38</sup> Defense Logistics Agency, "DLA Disposition Services: 1033 Program FAQs,"  
<http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.asp>  
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<sup>39</sup> Timothy Williams, "Some Officers Bristle at Recall of Military Equipment," *The New York Times*, January 26, 2016.

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> Ibid.

<sup>43</sup> *Military Bases Home Page*, <http://militarybases.com> (accessed March 17, 2016).

<sup>44</sup> National Guard Association of the United States, "Issues and Advocacy: The Evolving Role of the Citizen-Soldier."

<sup>45</sup> *U.S. Northern Command Home Page*.

<sup>46</sup> Manny Fernandez, "Jade Helm Military Exercise Ends, With Little Fanfare and Less Paranoia," *The New York Times*, September 16, 2015.

<sup>47</sup> Kohn, "An Essay on Civilian Control of the Military."

<sup>48</sup> MG William E. Rapp, "Civil Military Relations: The Role of Military Leaders in Strategy Making," *Parameters* 45, no. 3 (Autumn 2015): 13.

<sup>49</sup> Fallows, "The Tragedy of the American Military."

<sup>50</sup> The State of Utah, "The Public Official's Guide to Disasters," <http://www.utah.gov/beready/community/documents/BRUPublicOfficialsGuideToDisasters.pdf> (accessed January 26, 2016).

<sup>51</sup> Harlan Ullman, "Smallest Army and Navy Since Before WW II: So What?" *Defense News*, <http://www.defensenews.com/story/defense/commentary/2015/08/10/smallest-army-and-navy-since-before-ww-ii-so-what/31428429/> (accessed March 16, 2016).