Strategic Insight

Homeland Security and US Civil-Military Relations

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The American strategic policy community—for example, the US Commission on National Security in the 21st Century—was concerned with homeland *defense* prior to 9/11. After that fateful day, the Bush administration began using a new, more proactive sounding term: homeland *security*. The Pentagon, however, treated this new term not as a replacement for, but as separate from, homeland defense. A seemingly simple matter of semantics reveals a great deal about US civil-military relations.

America's post-9/11 obsession with securing the "homeland" shifted the domestic political landscape, including American civil-military relations. The American model of civil-military relations has been characterized by a contract according to which the military defends the nation's borders while domestic police keep order at home. "On September 11," in the words of DoD Transformation "czar" Arthur K. Cebrowski, "America's contract with the Department of Defense was torn up and a new contract is being written."[1] This Strategic Insight describes some of the forces compelling military changes in the historical context of US civil-military relations. Although the military itself may resist change, institution-building (outside and within that organization) and attitudinal changes in response to massive terrorist attacks at home cannot but alter American civil-military relations.

Much of the shift in American politics since 9/11 has to do with the nature and requirements of homeland security: it is both public and private, interagency (involving a number of government elements) and *civil-military*. Implementing the new national security strategy will require cooperation across sectors of activity and jurisdictions of authority.[2] Government-private sector coordination is vital to critical infrastructure protection. Agency-to-agency coordination is the foundation of any national response to security threats involving multiple levels of government in a nation consisting of more than 87,000 government jurisdictions.[3] Civil-military coordination is indispensable for ensuring adequate military support to civilian agencies responsible for homeland security. The quality of America's civil-military relations will be a factor in the effectiveness of America's "war on terror," while by the same token, the conduct of the war will irrevocably shape those relations. Given the US military's lead in homeland defense, civilian control of the military should be a topic of particular interest to anyone concerned with the function of democracy in wartime.

Internal Military Roles

The Bush administration introduced the prospect of expanded internal military roles shortly after the terrorist attacks on New York and Washington. Officials debated whether the National Guard, currently serving abroad in Iraq and conducting peace operations in Bosnia and Kosovo, should be limited to domestic roles. Existing restrictions on military participation in domestic law enforcement, codified in the Posse Comitatus Act of 1878, quickly came under scrutiny.[4]

Political pressures for a wider military role at home are coming, counter-intuitively, mainly from the civilian side. Given that the military seems to have the most to gain by empire-building in homeland security, a model of bureaucratic politics might predict the military would advocate for a large domestic role. Instead,

the military establishment, including the civilian secretary of defense, is strongly resisting domestic re-orientation. It may also seem surprising that famously freedom-loving Americans would want an expanded military role at home. The United States began its nationhood with little fondness for a standing army. While there have been many occasions on which military forces played internal roles, quelling riots and even hunting fugitive slaves, these activities have been regarded as exceptions to a rule.

Given that the US military is the government entity charged with primary responsibilities for national defense, many naturally expect the armed forces to play an important role in homeland security. Instead, military leaders are very clear that their forces will protect the homeland, but will play only a *supporting* role to civil agencies in homeland security. As defined by the DOD, the critical distinction between the two terms lies in whether the DOD acts in support of policy (homeland *security*) or takes the lead (homeland *defense*).

The website for NORTHCOM, a new combatant command responsible for the continental United States, emphasizes, "Homeland security (HLS) is not the same as Homeland defense (HLD)." Just in case the reader misses the message, the words "homeland security" link directly to the website of the new Department of Homeland Security. Homeland defense is defined as "the protection of U.S. territory, domestic population and critical infrastructure against military attacks emanating from outside the United States."[5] In sum, the US military chain of command continues to run through the Department of Defense (*not* the Department of Homeland Security) to the president as commander-in-chief. The secretary of homeland security may, however, arrange with the secretary of defense for military support. The Pentagon might be called upon to take some temporary or bridging actions under provisions of the Federal Response Plan, which sets out functional responsibilities and federal support for consequence management if state and local providers are overwhelmed, but there are very few scenarios in which the military will take the lead at home.

Many cite the Posse Comitatus Act, which prohibits the military from participating *actively* in the execution or enforcement of civilian legal matters, as a legal rationale for limiting the military role in domestic affairs.[6] Those provisions, however, do not restrict the military from taking a supporting role in domestic operations, and enable direct involvement under certain circumstances. More important than legal restraints is the reluctance by the military itself to become involved in domestic roles. According to a report by the Defense Science Board, less than two percent of 2001 federal resources for defense and intelligence were dedicated to protecting the homeland. The newly designated Northern Command, which assumed responsibility for homeland security, initially was assigned fewer than 1,000 personnel. Unless Congress forces the DOD to focus on the home front with targeted financial legislation, it seems unlikely that the military will shift its priorities.

Military Civil Affairs

When political leaders instructed the military to protect the homeland while simultaneously waging war on terrorism abroad, both these fronts required military leaders to focus on civil affairs. State and local governments might submit a number of requests for military support at home, listed under the rubric of Military Assistance to Civil Authorities, including immediate actions, support to law enforcement, assistance for civil disturbances, and consequence management (for example, from a high yield explosive attack or from an attack that is chemical, biological, radiological or nuclear in nature).

Domestic military operations require the military to operate in sensitive civilian environments under constitutional constraints, and to work with multiple civilian agencies that may have very different ways of doing things. The military has performed many civil-military activities requiring such sensitivity in the past, including support to law enforcement (counter drug operations and riot relief), disaster relief (e.g., after hurricanes), and management of immigration crises (e.g., housing Cuban émigrés at Guantanamo Bay). Civil affairs responsibilities have been prominent in unilateral interventions (as in Panama), multilateral peacekeeping (in the Balkans) and numerous humanitarian missions abroad. The United States military does not lack experience conducting civil-military operations, but does lack enthusiasm for such chores. There are both bureaucratic and cultural issues underlying military hesitation to become involved in civil

affairs. These issues come to the fore amid institutional changes and intensified general public insecurity since 9/11.

Institution-building

Some of the most obvious civil-military issues in homeland defense and security are political-bureaucratic. With new institutions and domestic military operations come new concerns of resource competition, division of labor and civilian control. These stresses exist at multiple levels: between the department of defense and other federal agencies; within the department of defense; between the federal government and the states; and between the military and local first-responders.

The American government has gone through some major bureaucratic changes in a short time. The tumultuous civilian agency realignment undertaken to form the new Department of Homeland Security (DHS) in January 2003 was widely acclaimed as the biggest government restructuring since the National Security Act of 1947.[7] The Department of Defense experienced its own post-9/11 bureaucratic changes. The 2003 Defense Authorization Act borrowed language from the 1986 Goldwater-Nichols legislation—which established the position of assistant secretary of defense for Special Operations and Low Intensity Conflict—to create the office of the assistant secretary for Homeland Defense. The Joint Chiefs of Staff already had surprised many on October 1, 2002, when they revised the unified command plan in order to create Northern Command (NORTHCOM), for the first time making a geographic combatant commander responsible for the US homeland.

The creation of DHS adds a competitor to the already hotly contested interagency arena in which the DOD plays. Inside the DOD—itself a complex organizational structure—the establishment of NORTHCOM introduces another bureaucratic component and competitor for resources.

Cultural Change

The cultural context for civil-military relations in the United States constitutes an additional layer of civil-military issues related to, and at least as important as, institutional constructs. American strategic culture is partly about how the people perceive and thus support the military, and how they conceive of the military's value and role in both domestic politics and world affairs.

The relationship between the military and the American people has been profoundly altered by the events of September 2001. Consider, for example, that in 1975, just after the end of the Vietnam War, when Americans aged eighteen to twenty-nine were asked how much confidence they had in the people who ran the military, a mere twenty percent said "a great deal." In contrast, a March 2003 poll of college undergraduates found seventy-five percent trusted the military "all of the time" or "most of the time" to "do the right thing."[8] This change may be due to a variety of factors, such as the elimination of the draft, military success in the first Gulf War, and positive portrayals of the military through marketing and in Hollywood films. More favorable attitudes may also reflect renewed patriotism and, since we were attacked at home, a perception that the military is working to avenge the dead and prevent another 9/11 (as in Afghanistan and Iraq). As Peter Feaver so eloquently put it, heightened fear gives rise to a "more personal connection to the mission of the military."[9]

The US military traditionally has been uncomfortable contemplating domestic operations. For generations, American war fighters have met responsibility for national security through projection of power—taking the battle to the enemy. The military in general stayed out of the domestic sphere, leaving police forces and federal civilian agencies such as the Federal Bureau of Investigation and Bureau of Alcohol, Tobacco and Firearms to kept order at home. The external-internal division of labor has been a defining feature of the US civil-military contract, strengthened since the post-Vietnam termination of the draft reshaped the armed services as professional volunteer forces supplemented by a large volunteer reserve. The civilian realm provides funding for military programs, technological innovations for battlefield advantages, and

moral support to the armed forces; the military realm provides its expertise in the science of violence and the art of strategy.

US Civil-Military Relations Prior to 9/11

Even stable democracies like the United States experience tensions in civil-military relations. The military competes for public resources. Civilian and military leaders may hold different perspectives on national security questions, such as what threats to counter, whether to go to war, and what tools and approaches are best to achieve the purposes of war. America's approach to civilian control of the military was shaped by early cultural reluctance to maintain a large standing army, and by political division of authority over the military. Consequently, the United States has experienced its share of institutional struggles over force structure and command of military forces.

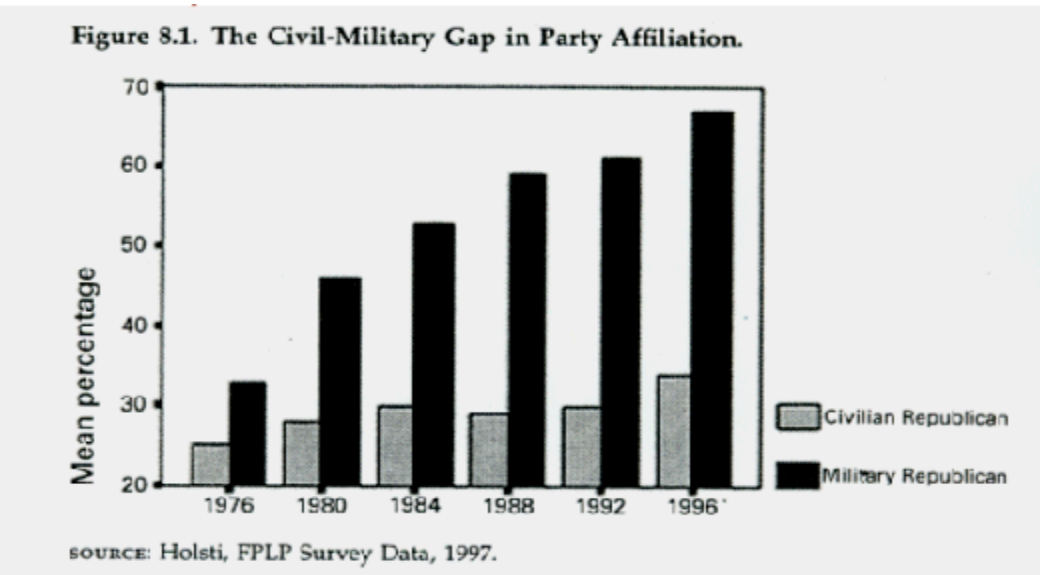
America's involvement in Vietnam created some bitterness in the civil-military relationship. It seems no coincidence that those born in 1952 have shown the lowest level of trust in the military, as this demographic cohort came of age during Vietnam, experienced the draft, and witnessed (often participated in) the peak of the antiwar movement.[10] The generation that followed has been living with residual resentment on the part of the military, stemming from two perceptions: 1) that civilian leaders tied officers' hands in the conduct of the war in Vietnam; and 2) that the reward for military sacrifice in Vietnam from the American people was a "stab-in-the-back." Acknowledging these sentiments, policy makers reached out to the military. On November 28, 1984, U.S. Secretary of Defense Caspar Weinberger spoke to the National Press Club in Washington, D.C. on "The Uses of Military Power."[11] The Weinberger doctrine, later reiterated by Dick Cheney and Colin Powell, laid out criteria for the use of force, including an insistence upon clearly defined goals, adequate resources to fight, and the moral support to win.

Frustration has not, however, been exclusive to the military side. As the security environment changed with the end of the Cold War, some prominent civilians became convinced the military was stuck in its ways and failing to take accurate cues from changes in foreign policy. Exasperated with officers' reluctance to overcome inter-service rivalries or to wage low-intensity conflict, Congress passed the so-called Goldwater-Nichols legislation in 1986, which gave more influence to the Chairman of the Joint Chiefs of Staff, created the Special Operations Command, and established the office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

Military confidence in civilian leadership is particularly vital during war. Likewise, civilian leaders must be confident in the quality of military advice. President Bill Clinton inherited a humanitarian assistance mission in Somalia from his predecessor that crept into an enforcement mission and went to hell October 1993, culminating in an ambush that killed eighteen American soldiers in Mogadishu. After this debacle, Clinton reaffirmed the Weinberger doctrine in a Presidential Decision Directive, and subsequently avoided becoming involved in the genocidal conflict in Rwanda, despite several warnings and clear evidence of an impending disaster there. The Clinton administration also stalled for years on taking action in the latest Balkan wars. Political officials ultimately included separate military and civilian annexes in the Dayton Accords to end the war in Bosnia, and then argued with the uniformed services over how to conduct the fight for Kosovo.

The US armed forces were already in the midst of change before the war on terrorism got underway. With the dissolution of the Soviet Union, the rise of new war-fighting technologies, and population shifts, military planning and force structure in the early 1990s came under scrutiny. The presidential administrations of the 1980s and 1990s began to press for major changes in war-fighting doctrine that culminated in recent years in force "transformation." Post-Cold War downsizing compelled the force structure to rely more heavily on mobilization of reserve forces, extending to the use of the National Guard for stability operations abroad. This reconfiguration led to a smaller, highly professional active duty force that was becoming increasingly politicized as well.

The Clinton era marked what many saw as a low point in US civil-military relations, as military leaders publicly expressed disagreement with administration policy on gays in the military, and even on foreign policy. Demographic trends also worked against Clinton. One was the marked decrease in the number of civilian leaders with a record of military service in general (the specific lack of service by this commander-in-chief in particular was a sore point with his subordinates). Another was the emergence of startling differences in party affiliation. Survey data compiled by Ole Holsti revealed that the US military, despite a long non-partisan tradition, had become (and remains) overwhelmingly Republican, in great disproportion compared to the civilian population.[12]



The tide turned under Secretary of Defense Donald Rumsfeld, who entered office in 2001 with an agenda to transform the military. For years the norm of American civil-military relations, as defined in Samuel Huntington's *The Soldier and the State*, was military control of operations as a corollary to civilian control of the military institution.[13] The George W. Bush administration clearly has taken an alternate view (more closely following Clemenceau) that "War is too important to be left to the generals." Eliot Cohen, in contrast to Huntington, argues that civilians need to give active direction to military leaders and engage in selective meddling. His 2002 book *Supreme Command* attracted much discussion in Washington, and was reportedly President Bush's holiday reading.[14] The rest of America saw these alternate perspectives play out in exchanges between Secretary Rumsfeld and military leaders—active duty and retired—during Operation Iraqi Freedom in 2003.

The significance of a largely Republican military for homeland defense and security has yet to be sorted out. One might speculate that Republican leaders would be better positioned than their Democratic counterparts to push for institutional changes to the armed forces, including a shift to domestic operations. Although Secretary Rumsfeld has shown no reluctance to push for transformation in structure and operations, however, when it comes to homeland security, he has sided with the uniformed services to preserve their insulation from domestic operations.

Home and Away Games: The Trade-Off

One explanation for military reluctance to embrace domestic roles is found in a general statement by Charles Moskos and Paul Glastris, that the military "resists all change."[15] The best explanation for military reluctance to emphasize domestic roles is a combination of threat assessment and organizational imperative. The Pentagon is a powerful national symbol, and the operations it oversees command a preponderance of US government resources—the president has requested $379.9 billion for the Department of Defense for FY 2004. The DOD nonetheless has organizational interests like any other

government entity. For all its wealth, the Pentagon lacks the resources to achieve the goal of victory in two simultaneous medium regional conflicts (MRC) abroad. Recognizing this, the 2001 Quadrennial Defense Review (QDR) shifted to an approach based on capabilities rather than threat. This strategy calls on the military to fight overlapping conflicts, in a win-hold-win approach rather than simultaneous victory. From the perspective of the Pentagon, the homeland constitutes a third MRC.

As we have seen in Afghanistan, the military's preferred approach is to take the battle to the enemy. The requirements of the "away game," however, may compete for resources with the "home game" against terror. In the midst of World War II, Americans worried about critical industry protection after Japanese submarines shelled the west coast and sabotage teams from German submarines landed in the east. Although these were minor incidents, they brought attention to a local shortage of security given that the War Department had federalized the National Guard. The result was "an overreaction," as John S. Brown describes it:

19 of 34 divisions then in training were diverted to domestic security. This disruption threw ground force mobilization timelines off schedule by as much as six months as guardsmen who should have been preparing to deploy were guarding beaches, dams, factories, and railway bridges.[16]

The balance between home and away priorities is of special concern to the National Guard, given the Guard's dual state and federal roles. State governors view the National Guard as a scarce resource for homeland security and other military aid to civil authority. On the one hand, the federal use of the Guard abroad takes these important assets from the states. This year, for example, mobilization for the war in Iraq left a number of states without sufficient resources as they sought to deal with natural disasters (e.g., major forest fires in Arizona). The home and away game trade-off is exacerbated by the demographics of the Guard and reserve. Many who serve in the Guard or reserve are police officers, fire fighters and nurses in their civilian lives, and constitute the front line in homeland security challenges such as consequence management.[17] Although confining the Guard to domestic roles is an option, will the regular Army and Air Force then be less inclined to equip and train them?

We have not yet experienced major military operations at home, such as might occur in the event of a quarantine due to biological attack, or combat operations on US soil. It is important to ask, what kind of support will other agencies provide to DOD in a homeland defense scenario?

Conclusion

The terrorist attacks of September 11 created a perceived crisis in homeland defense and security. The government response to this crisis has been to build institutions, which in turn affect the flow of political interaction, including civil-military relationships. More fundamentally, civil-military relations as part of the fabric of American strategic culture are shifting; the impact of attacks at home has been a recasting of the public's orientation toward the military. These developments compel adjustments to the organization and organizational culture of a military that was already in the throes of change prior to 9/11.
Civil-military relations are critical to homeland security because the military is required to support a large number and variety of civil agencies in the event of domestic upheaval. The significance of civil-military relations in those circumstances nevertheless may well pale in comparison to their importance in the context of homeland defense.

For more topical analysis from the CCC, see our Strategic Insights section.

For related links, see our Homeland Security Resources.

References

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2. National Strategy for Homeland Security, released on July 16, 2002. The objectives of the national strategy are to 1) prevent terrorist attacks within the United States; 2) reduce American vulnerability to terrorism; 3) minimize damage caused by terrorist attacks that do occur; and 4) recover from terrorist attacks.
3. US General Accounting Office, "Homeland Security: Effective Intergovernmental Coordination is Key to Success," Statement of Patricia A. Dalton, Director, Strategic Issues August 20, 2002.
4. Eric Schmitt, "Wider Military Role in US Is Urged," The New York Times July 21, 2002.
5. US Northern Command website downloaded July 23, 2003.
6. *"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."* -Title 18, U.S. Code, Section 1385.
7. President Bush announced plans for the DHS on June 6, 2002. The department dates its inception to January 24, 2003. The National Security Act of 1947 created the Department of Defense by merging the War and Navy Departments. It also established the CIA and the National Security Council.
8. The Harvard Institute of Politics study, cited in Robin Toner, "Trust in the Military Heightens Among Baby Boomer's Children," *New York Times* May 27, 2003, surveyed 1200 college undergraduates.
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10. Robin Toner, "Trust in the Military Heightens Among Baby Boomer's Children," *New York Times*, May 27, 2003. See David C. King and Zachary Karabell, *The Generation of Trust: How the US Military Has Regained the Public's Confidence Since Vietnam*, American Enterprise Institute for Public Policy Research, 2003.
11. Wienberger's statement followed the bombing of US Marine barracks in Lebanon in October 1983 that killed 241 Marines. There were six points:

1. The United States should not commit forces to combat unless the vital national interests of the United States or its allies are involved.
2. U.S. troops should only be committed wholeheartedly and with the clear intention of winning. Otherwise, troops should not be committed.
3. U.S. combat troops should be committed only with clearly defined political and military objectives and with the capacity to accomplish those objectives.
4. The relationship between the objectives and the size and composition of the forces committed should be continually reassessed and adjusted if necessary.
5. U.S. troops should not be committed to battle without a "reasonable assurance" of the support of U.S. public opinion and Congress.
6. The commitment of U.S. troops should be considered only as a last resort.
See Michael I. Handel, "Weinberger Doctrine," in The Reader's Companion to Military History.

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15. In this case, Moskos and Glastris were making an argument about why the US military today is resisting the draft: "the military itself opposes the draft—largely because it resists all change (the military opposed ending the draft in 1973)" in "To Secure and Reassure; This Time, A Draft for the Home Front, Too," *Washington Post,* Nov. 4, 2001, B1.
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