

DoD – Not The Department of Disaster

COLONEL RICHARD CHAVEZ

Director, Consequence Management
Office of the Secretary of Defense for Homeland Defense

PROFESSOR BERT B. TUSSING

Director, Homeland Defense and Security Issues
The United States Army War College, Center for Strategic Leadership

The notion that the Department of Defense (DoD) should serve as the lead federal agency for major disasters and catastrophic events is not new. In 1992, in the aftermath of Hurricane Andrew, discussions took place regarding this issue, and more recently, the topic resurfaced after Hurricane Katrina devastated areas of Louisiana and Mississippi in 2005. DoD is certainly capable of serving as the lead federal agency for catastrophic events and major disasters; but examining this issue from an operational rather than an academic point of view leads to the conclusion that a more useful and appropriate role for the department would be to enable and support other federal agencies—equally, or even better suited to lead the federal response efforts.

In the event of a catastrophe, the DoD has three combatant commands which would be more than capable of anchoring the lead in a response to catastrophe: the United States Northern Command, the Pacific Command, and (perhaps less intuitively) the United States Southern Command. The experience and competence of the commands' leadership—coupled with the department's ability to conduct a wide variety of missions such as civil affairs, civil administration, reconstruction and restoration—lead many people to automatically default to the position that the DoD should serve as the lead agency in the event of a major disaster or catastrophe. The inherent capacities the department carries in the realms of communication, transportation, and a wide range of logistics capabilities only serve to reinforce this

notion. Unfortunately, while this position is convenient from an operational point of view, this is not necessarily the best alternative.

In the military we like to approach issues in terms of “ends, ways and means.” The truth is that the DoD possesses capabilities and resources to respond to catastrophe in terms of “means;” but we do not routinely focus on “ways.” The agency charged with addressing that part of the issue is, of course, the Department of Homeland Security (DHS), chiefly through the auspices of the Federal Emergency Management Agency (FEMA). Indeed, that is what the National Response Plan (NRP) (and the Federal Response Plan before it) is all about. FEMA has developed expertise in these areas, and in times of most crises will have personnel on the ground well before any DoD forces or supplies arrive in an affected area. Depending on the nature of the disaster—or worse, the catastrophe—DoD will respond to support requirements, regardless of which agency serves as the lead. But having the capability to rapidly deploy needed assets in *support* of an effort does not mean the Department has to be *in charge* of the effort.

Let’s examine what we’re really talking about here. The NRP envisions having a set of officials, to include a Principal Federal Officer, a Federal Coordinating Officer, a State Coordinating Officer, and others (including a Defense Coordinating Officer) all respond to a given disaster or catastrophe. Ideally, they will be co-located at the scene of the crisis, and will have established a working relationship through varying degrees of planning sessions and exercises prior to the event. Having the DoD roll in on top of these officials to assume the federal response lead would totally negate the advantage, and likely return the response effort to far more of an “ad hoc” character than the crisis’ victims deserve. By way of illustration, I would remind you that following Hurricane Katrina, Admiral Thad Allen did an outstanding job of orchestrating the response that saved thousands of lives, well before Lieutenant General Honoré and his fine staff arrived.

We would remind you as well that the DHS is not just Secretary Chertoff, or Secretary Jackson, or Secretary Stephan, or Secretary George Foresman or any other individual. Rather, it is a large organization consisting of individuals of immense talent and expertise. If operators are needed to serve as principle federal officials, then members of the

U.S. Coast Guard are the ideal candidates because they possess not only the leadership, but also the expertise to serve in this capacity. The Coast Guard not only trains to do operational missions, but is also authorized to conduct law enforcement tasks that are required when responding to a major disaster or catastrophe. Given these unique capabilities, we would suggest that flagged leadership from the U.S. Coast Guard might constitute the ideal choice for bringing together all 32 federal departments to effectively respond and mitigate the consequences of a disaster or catastrophe.

The area which the DoD can and should continue to provide the most assistance to other federal agencies is in the area of deliberate planning. Deliberate planning is a part of our culture; we depend on it for program development, resourcing, operational and contingency plans in the combatant command theaters, and so on. Moreover, our planning is cyclical: on a set schedule, by very deliberate design, we will review the plans we have made to ensure they are current with respect to requirements, the world environment, or the posture of our enemies. Without meaning to sound parochial, DoD is the only department in the federal government that has such a planning mindset. The DHS, however, has shown signs of wanting to instill this kind of mindset into their institutional culture. Accordingly, the DoD has provided and will continue to provide planners to DHS and FEMA (as well as Health and Human Services and the Department of State who have occasionally expressed similar interests) to teach, train and assist these agencies with the deliberate planning process.

We in DoD have learned over time that crisis action planning can best be accomplished as a derivative of this deliberate planning process. With a deliberate plan in place as a firm “line of departure” it is far easier for our planners to take an abbreviated approach to responding to individual events, empowered as it were with a lot of questions already answered, a lot of decisions already made. We have learned these lessons by way of hard experience, and would like to share our lessons with as many other members of the interagency community as possible. This is occasionally a difficult sell as a great deal of manpower and time—the two most precious resources we have—must be devoted to the type of planning we envision here. But—again as a function of hard won experience—

DoD has come to understand that the question is not whether we can afford expending such effort—but whether we can afford not to. I would suggest that the cost of being ill-prepared for another Katrina, or another Murrah Building, or any number of other scenarios is not something we would want to justify to the American people.

Another issue we have to take into account in determining whether DoD should serve in a supporting or enabling role rather than the lead in a federal response has to do with the types of missions federal military forces are permitted to perform. For instance, the way the DoD employs civil affairs forces overseas would hardly be appropriate in the domestic environment; there are currently 54 “Commanders in Chief” living in their respective Governors’ mansions that would take severe umbrage against that sort of breach of state/territorial sovereignty. Law enforcement is another big concern, one frequently revisited around discussions of the Posse Comitatus Act. As we think you all know, Posse Comitatus famously prohibits federal military forces from performing most law enforcement functions, and any exceptions to the Act are always carefully delineated and painstakingly scrutinized. As you also know, legislation is currently being negotiated to change the most noteworthy exception to Posse Comitatus, the Insurrections Act, but you may be sure that the question of how and when active component military forces will be used in law enforcement missions will never be taken lightly.

Now we’re going to ask for your patience for a moment as we appear to back off from our previous stance. We have tried to make it clear that we don’t think DoD should necessarily become the lead federal agency in disaster/catastrophic response, given our policies, plans and the inherent capabilities and responsibilities of the Departments of Homeland Security and Defense. But let’s stop again to look at those plans—particularly the NRP. The NRP, as you know, is basically designed as a tiered approach to response—beginning at the local level, continuing to state response if the local capabilities are overwhelmed, proceeding on to a federal response if the state, in turn, is outstripped. But that response plan is effectively based on political boundaries—literally state borders, if you will. When the disaster or catastrophe belies those boundaries (such as was the case with Katrina) the answers

and the responses become less clear. And what happens if the response mechanisms we are dependent upon are immediately overwhelmed; or if the human dimension of those mechanisms—the first responders—are among the victims of the event? These are the sorts of questions that are leading some people to make a distinction between “disaster” and “catastrophe.” And, these are the sorts of issues that are leading some people to say, “Well yes, 98% of the time the regular process and the regular agencies should be able to meet the requirement—but can anyone other than DoD respond effectively to that remaining 2%?”

To be honest with you, we’re not sure what the “right answer” is to inquiries of this sort. But we will suggest that, if we feel we have to make these kinds of distinctions, we are going to have to begin by identifying certain “trip wires.” Is the DoD the proper choice for lead federal agency in responding to a catastrophe as opposed to a disaster? Well then, what’s the trip wire that sends us from disaster to catastrophe? And if the DoD assumes the lead, will it remain in that position, or will it occupy that lead only as long as it takes other agencies or duly constituted authorities to retake the reins of civil response and recovery? Incidentally, this kind of thinking is in perfect consonance with the way we respond to foreign disaster response and recovery operations. The military always walks into a response effort with a mindset toward establishing an “exit criteria.” And it is not a matter of avoiding responsibility; it is a function of wanting to restore control to those who should be in control, and then going back to our “day job.”

Of course, in this admittedly “worst case scenario,” there is still one other remaining issue: in the transference of authority and responsibility back from the military to civil authorities (or, if you prefer, civil agencies), who is setting the transition requirements? Who is orchestrating the turnover of authority? Is it the DoD saying, “Okay, DHS, you got it!”? Or is the DHS, saying, “Okay, DoD, give it to me!”? Or is it the National Security Council, the Homeland Security Council, or the guy in the big house that they work for? Whatever the case, we had better be thinking of the answer before nature, or malevolent men, send the question.

If we had to leave you with one certain commitment on how military forces should be employed within the territorial confines of the United States, we would say that homeland defense is the only mission where the DoD domestically would and should be the lead. That's a pretty easy call, really, when you consider that no one else can effectively accomplish the mission. Only DoD has the ability to launch combat air patrols; we won't be asking Customs and Border Patrol to pick up the mission anytime soon. While the Coast Guard is a vital partner in Maritime Domain Awareness and Maritime Security as our concerns approach our shores, no one outside of the United States Navy is going to be seriously considered for "blue water" maritime interdiction operations. In the highly unlikely event that a robustly armed threat should breach our borders, no one is expecting anyone other than the Army or the Marines to convince them of the error of their ways. The "defense" in "homeland defense" pretty much clarifies who has the call in these instances.

But when it comes to "homeland security," I don't believe the federal government or the people it represents should cast their eyes too quickly to the Pentagon. Our own strategy for the challenge, *The Department of Defense Strategy for Homeland Defense and Civil Support*, makes it pretty clear that the DoD is ready to lead when it comes to defense, and to support when agencies designed specifically for response and recovery operations need us. In the meantime, it is in the best interest of the DoD and the country it serves to enable – to train, and to assist the leaders and supporting personnel of the DHS along paths we have already walked. As much as we can, we should assist them in acquiring skills we have already developed, so that when the time comes they can orchestrate a coordinated federal response to future catastrophes.