

**Homeland Security & Law Enforcement Strategies
to Address the Threat of Terrorism**

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**A thesis submitted in fulfillment
Of the requirements for the degree of
Master of Science
Criminal Justice
Florida Metropolitan University**

January 2005

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“You sleep safe in your beds because rough
men stand ready in the night to visit violence
on those who would do you harm.”

- George Orwell

ABSTRACT

This thesis takes an in-depth look into the detailed aspects of the law enforcement strategies that are beneficiary to the security of our homeland. Areas of military intelligence, civil liberties, crimes against humanity, and international relations will be reviewed, discussed and examined throughout the course of this document.

Historical events such as the Iraq War and the use of prison camps specifically within Guantanamo Bay, Cuba and Abu Grahیب, Iraq will be looked. It analyzes the rules and regulations put in place in respect to prisoner treatment, prisoner mistreatment, soldier conduct/misconduct.

INTRODUCTION

Given the increasing incidents of terrorism throughout the world and the elevated risks to the United States, our society has learned to elevate its shields and its tactics to ensure the safety of the citizens who try to live in peace. With the ever changing motivations of terrorism the social order has continued to establish new forms of policy, methods of imprisonment and techniques for intelligence gathering. Based upon the need to protect the United States and other countries, the Department of Homeland Security has been established in tandem with the Patriot Act to ensure that hostile activity is minimized from inflicting further damage to innocent bystanders.

Project Motivation

The ultimate motivation of this project is to incorporate the knowledge that I have acquired while attending the Criminal Justice degree yet tailoring it to my professional career in Homeland Security by establishing a melting pot between two subjects of great importance to our nation's defense.

Project Goals

The main outcome in which the project seeks to accomplish, would be to identify various types of terrorism, how the laws are applied to protect, yet serve the detainees with the proper form of punishment. Also, to explore how various governmental agencies are utilizing strategies to limit or address the global threat of terrorism.

HISTORY & TERRORISM

Terrorism History

The U.S Department of State defines terrorism as “premeditated, politically motivated violence perpetrated against noncombatant targets by sub national groups or clandestine agents, usually intended to influence an audience.” Further, a former employee of the CIA's Counterterrorist Center feels that there are four elements of terrorism:

- ❖ Premeditated – not an impulsive move.
- ❖ Political – looking to change the political pecking order.
- ❖ Civilians are the target – not looking to injure military targets
- ❖ Sub National Groups – not run by a specific country, but by small coup's.

In order to get a better grasp and understanding of the derivative of terrorism, one must look back in time to fully comprehend the evolution of terrorist activities. All historical events related to terrorism may be considered an irritant to governmental organizations throughout the world. Religious based publications such as the Book of Numbers and the

Book of Joshua have described some means of violence. These religious publications illustrate premeditated acts brought upon royalty and rivals to change the overall political picture. In Julius Caesar's time of 44 B.C., rivals would kill kings and their court in an act called *Regicide*. Throughout history, multiple incidents have occurred where the act of terror was committed in a public place with either hit and run events in 100 A.D (Zealots) in Israel followed by suicidal terrorism in 1100 A.D. (Assassins) in Iraq.

A historical look into terrorism shows that since the beginning of time, there has always been one form of terrorism or another. While terrorist acts have been wide spread for many centuries it is important to focus upon acts that the United States deems a serious threat to mankind. 1300 A.D. introduced kidnappings for religious beliefs by the Thuggees of India followed by the Spanish Inquisition in 1600 where various acts of heinous torture took the lives of their captives. The word terrorism was finally introduced into our vocabulary during the French Revolution, AKA, the *Reign of Terror* when Edmund Burke was attempting to discuss the actions being taken by the French Government where thousands of people were being murdered. As the age of technology approached, in the early 1800's, the Luddites attempted to stall the technological advances by destroying all machinery as they felt that machinery was taking away the need for laborers. Political parties such as Anarchists and Communists were derived from a terrorist based metaphor. Both World Wars had some form of terrorist activity involvement including Hitler's rise to power in efforts to give birth to the Arian Nation. Each of the above mentioned terrorist acts throughout history have defined a new form of terrorism that we see on semi-regular basis throughout the world.

Forms of Terrorism

Suicidal Terrorism

Suicidal terrorism or new school terrorism is a meant to be an effective media ploy specifically executed to catch the most amount of media time through a symbolic act of taking ones life. At one point in history, these terrorist were committing this act for a specific reason rather than now, where they are attempting to see their work on television or get a message of anger across to all those affected. The terrorists who engage in this form of terrorism are showing their irrational side, where they are committing the act of terror out of blind fury. These terrorists abide by six specific rules within their game... the game meant to bring the most amount of harm:

- ❖ Indiscriminate – it rarely matters whether the innocent are killed during the act.
- ❖ Lone wolves – In the media today, we will hear of a single individual who commits the crime. The individual is considered apart of a “sleeper cell”, where they are told to commit the act and they determine the when and where to detonate.
- ❖ Faiths in victory – Terrorists never give up or admit defeat. This is the primary difference between suicidal and religious terrorism.

- ❖ Cherished symbols – the larger the grouping feels the area is of importance, the higher the value to the terrorist. For example, a church or a popular hangout is considered prime locations for a terrorist act to be committed.
- ❖ Internecine – The larger the affect on the foreign waters the better. Additionally, the terrorists look for a “mutually assured destruction.”
- ❖ Technology – The classic form of terrorism is to spurn technology. However, the postmodern form of technology embraces all forms of technology, especially exotic forms.
- ❖ Weapons of mass destruction – A major aspiration of most terrorists as mentioned above is to locate the most exotic form of technology possible as mentioned earlier. One way to accomplish this would be to utilize chemical or biological weapons that would have the most damage possible on a population.

When researching the Koran, it does not promote or permit suicide, but it feels that it may be acceptable in some instances. For example, if you were fighting and dying for Allah and the Islam, then you are considered a martyr. The benefit of being a martyr carries the following rewards: eternal life in paradise, promise of heaven for 70 relatives, loving kindness of 72 virgins, permission to see the face of Allah, family financial rewards in the thousands of dollars and a family social status increase.

In order to become a suicide terrorist, one must be chosen by their religious teachers and be indoctrinated into the program by getting over their fear of death. Further, there are recruitment camps to recruit a member of the family. Once one person has been recruited, it is a matter of time before the remaining individuals in a family are recruited as well. A large part of this form of terrorism is the overall removal of self-identity and moral considerations as these are considered to be hang-ups or items that may stop an individual from carrying out the mission. As discussed earlier, suicidal terrorism refuses to quit, but rather seek to issue the most amount of suffering, whereas, nationalist terrorism on the other hand, is looking to seek government concessions regarding their homeland.

Nationalist Terrorism

“Nationalist terrorism is "traditional" terrorism, also called revolutionary or ideological terrorism. It is practiced by individuals belonging to an identifiable organization with a well-defined command-and-control structure, clear political, social or economic objectives, and a comprehensible ideology or self-interest.” (Hoffman 1999) The typical victims of these violent acts tend to be the social elite, such as bankers or other dignitaries. Usually, these radicals operate out of their own country, rarely venturing outside their realm as they feel the unjust has occurred in their homeland.

The overall love of an individual’s country is such a strong feeling, that they are willing to do anything to change a government that appears to be corrupt. Several large wars or rather revolutions may be directly contributed to individuals fighting for their nationalism. Some of these wars, we as Americans, may never have considered being

unjust, such as the American Revolution and the French Revolution. Rather, these are wars, which we fought to gain our freedom from an oppressed government. This form of terrorism is also considered the most deadly, or hazardous. There are several forms of nationalism which should be discussed, they are listed as follows:

- ❖ Jingoistic nationalism – This form of terror is where the mentality of a war unites the people together, such as world wars.
- ❖ Self-interest nationalism – The pre-eminence of a person or countries economic standing is a reason to export a civilization – to further its prosperity.
- ❖ Militaristic nationalism – This form of terror is based off socialist movements that may glorify an achievement of state.
- ❖ Ethnic nationalism – Ethnic identity may be considered the reason for the efforts.
- ❖ Ethno-nationalist terrorism – or ethnoterrorism is the most common and dominant form of terrorism within the 21st Century.

As mentioned earlier, this form of terrorism is considered to be one of the most dangerous. Additionally, it is also a very difficult form of terrorism to counter as the terrorists are held in high regard and are seen as the Robin Hood’s of their country. Should a counter attack occur, the legions of individuals who agree with the terrorist may form a protection ring around the individual, creating a larger problem.

Some of the most corrupt nations in the world are listed below in Table 1.0. These nations rule based off bribery and use the government office to conduct their illegal activities. A coalition called Transparency International determines the worlds worst nations utilizing the CPI or Corruption Perception Index.

Table 1.0 – The Most Corrupt Nations in the World

MOST CORRUPT NATIONS IN THE WORLD	
1. Bangladesh	9. Uganda
2. Nigeria	10. Moldova
3. Paraguay	11. Haiti
4. Madagascar	12. Ecuador
5. Angola	13. Cameroon
6. Kenya	14. Bolivia
7. Indonesia	15. Kazakhstan
8. Azerbaijan	16. Vietnam

Because nationalist terrorism or ethno-nationalist terrorism is considered so dangerous, there is a list of reasons as to why it is also successful to the individuals provoking the event. First, the attacks are well-timed and well-placed, to strengthen the issues at hand; the government who is being attacked generally over-reacts, creating the Robin Hood effect as mentioned earlier; as the government seeks to end the violence, they will grant concessions or give the terrorists what they want to an extent, offering a successful ending to the fight.

Religious Terrorism

Religious terrorism is focused primarily on losing their fight to achieve the status of a martyr and go to heaven to be with Allah. One reason groups begin a religious fight is because they feel that they are threatened, thus they are the selected people to fight the battle. The primary differences between the sect-based groups “victim” and a cult is that the victim generally tends to refrain from being the aggressor. A cult is a religious based group, similar to Reverend Jim Jones who can be more dangerously motivated to become a dominant religion. Religious terrorism is typically based off a jihad or a war that may never end. Individuals who act out of religious fear commit these acts not based upon a military reason, but rather a spiritually based assault. Religious terrorists do not consider themselves to be evil individuals or terrorists but rather state that they are committing these acts for the sake of their religion rather than to be violent. The reasons listed above are specific to the war we are currently involved in, not all religious wars are jihads, or are they willing to die for Allah, but for the purpose of this paper, we will focus only upon this region.

As recently as research allows, there were 57 nations where Islam is considered the official religion. These specific nations come together to create the Organization of Islamic Conference (OIC), where they do not feel there is a separation of church and state.

Super Terrorism

The idea behind a doomsday or the end of days is the basic premise of super terrorism. In the days of WWII, the term was Atomic, Biological and Chemical warfare (ABC) or later, Nuclear, Biological, Chemical (NBC), then Chemical-Biological-Radiological-Nuclear (CBRN), finally leading to Weapons of Mass Destruction (WMD), super terrorism or ultimate terrorism. While the use of super terrorism is widely considered to be an immoral act upon the world, 25 countries hold the materials to create WMD and another 44 are in the process of pulling together the resources required to create the weapons. Since the events of September 11, 2001, we have seen a massive amount of toxic chemicals throughout the United States which may be considered a form of super terrorism. Most are familiar with the anthrax events where entire postal locations were held hostage while the fatal chemical surfaced throughout the United States. Several dignitaries have been threatened with anthrax or ricin chemicals through seemingly harmless mail. Terrorists and other radical countries have created what may be called dirty bombs, or bombs that are made from conventional explosives made from biologically or chemically destructive materials.

The United States has developed several agencies whose soul purpose is to prepare for a catastrophic event involving the use of weapons of mass destruction. These agencies are: Federal Emergency Management Agency (FEMA) which falls under the recently established Department of Homeland Security (DHS). Another program that works with

DHS is the Nuclear Incident Response Team, headed by the Department of Energy. A set of treaties called the START treaties were developed to eliminate the overkill efforts of countries such as the United States and Soviet Union. The idea behind these treaties is a multi-year process in which various forms of warheads, including nuclear warheads are readily accessible. By 2010, STARTIII will be finalized ending the utilization of nuclear submarine forces.

Of the states that have declared having WMD, there are many other countries that are potentially known to have some form of chemical warfare. They include:

Table 2.0 Countries that may have Chemical Warfare

Countries that may have Chemical Warfare	
1. Egypt	12. Pakistan
2. Israel	13. China
3. Syria	14. Taiwan
4. Iraq	15. Burma
5. Iran	16. Vietnam
6. Libya	17. Former Yugoslavia
7. Saudi Arabia	18. Romania
8. Asia	19. Former Czechoslovakia
9. North Korea	20. France
10. South Korea	21. Bulgaria
11. India	

Domestic Terrorism

In the 1960s, an average group of African Americans collaborated to establish efforts in racial equality. While the efforts were in a small sense already under way, the Black Panthers attempted to prove their hatred to the Governments current laws, through violence. No foreign entities were involved with this movement. One will note that domestic terrorism occurs on our soil, thus, the following forms of terrorism are considered threats to our society. There are two forms of destruction involved within domestic terrorism other than fatalities and destruction. These forms are the economic and psychological impact. In order to fight domestic terrorism and keep events such as September 11, 2001 from occurring again, the U.S. Congress has allocated \$60B and Homeland Security has allocated over the next decade \$150B to protect our nations soil.

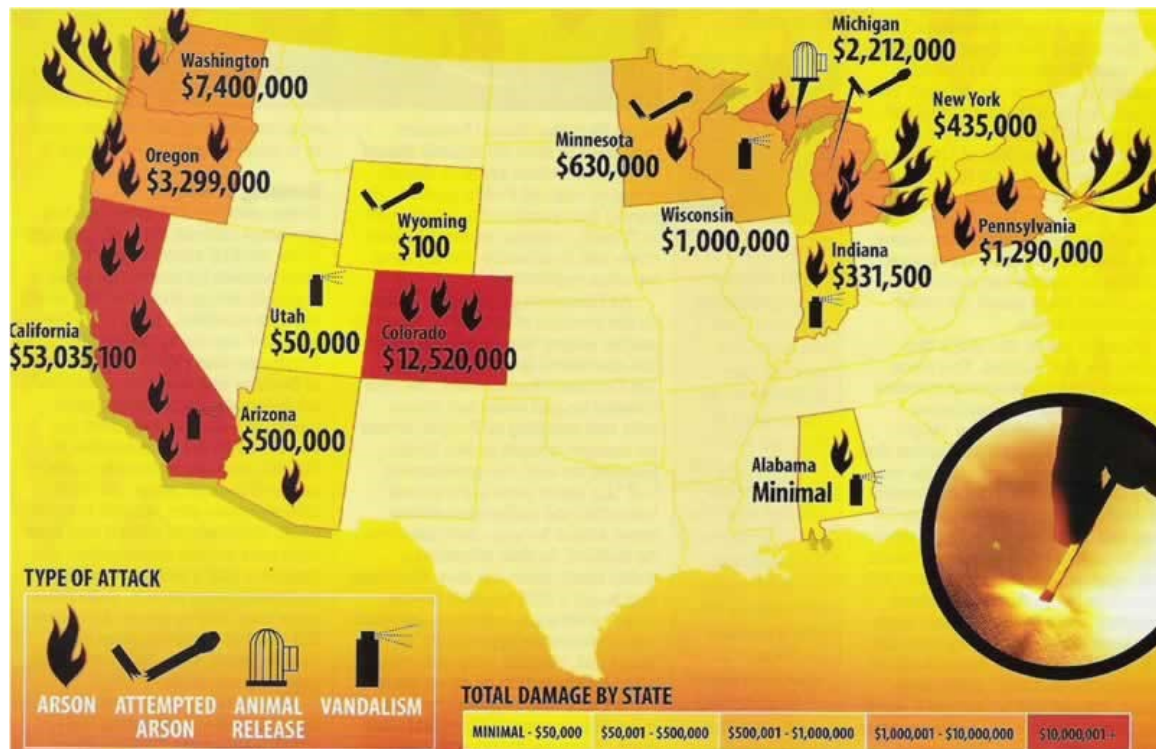
Eco Terrorism

First originating in 1801, eco terrorism had migrated from England into the United States and is now considered a very important form of domestic terrorism. The form of terrorism, known as eco terrorism is based on the ideology that environmental and animal issues need corrective measures. These terrorists, known as extremists will go out of

their way to damage the environment to make a point that profiting off the environment is incorrect and unjust. Eco terrorism is different than an environmentalist due to this fact that destruction of this earth is far more beneficial in order to save the earth itself. These types of organizations are considered leaderless resistance and pursue these destructive goals in order to ensure the downward spiral of mankind.

The Earth Liberation Front (ELF) is considered one of the United States most vengeful eco terrorism groups. ELF is a militant derivative from the Environmental Task Force in the 2970s which was widely known for destroying crop dusters because of the political issue of pesticides being used on farming crops. Later the group became known as ELF in 1996 with the burning of a U.S. Forrest Service truck in Oregon, where little damage was done, but enough to gain notoriety for their organization. ELF is made up of multiple “revolutionary” cells and carries out their terrorist acts without structure or leadership. Other revolutionary cells commit vengeful acts in the name of ELF for the sole purpose to expose the negative acts as ELF committed crimes in order to promote their intentions. These organizations combined, are known for contributing to over \$100M in damage nationwide over the course of several years as shared by Maxim magazine and depicted in Table 3.0 \$1M in fire bombings in Seattle of new construction sites; \$50M in arson related acts in San Diego; \$2M worth of damage in Hummer Dealership arsons in LA; \$12M burn of a ski resort in Colorado.

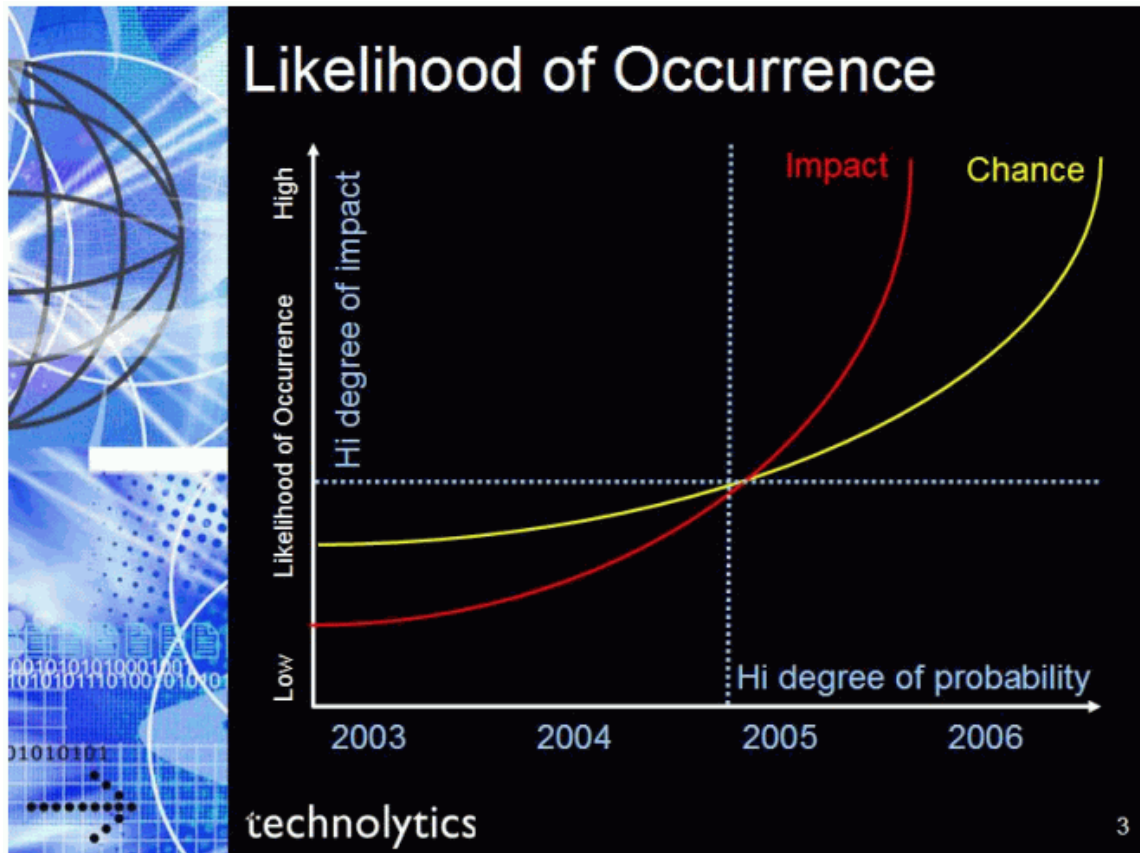
Table 3.0 Maxim Magazine 2004 article on ELF



Cyber Terrorism

As individuals and professionals begin to rely more and more on the Internet as a means of communication, the obvious result is to form a new threat of terrorism, called cyber terrorism. While this form is so radically new, studies have shown that as early as 2002, there were more than 180,000 Internet based attacks on businesses with an increase annually of 60%. Further, the vulnerabilities are expected to double annually. The direct impact could be a loss of sales, staff time, loss of property and most importantly extremely important communication in the event of an emergency. As these events begin to occur, individuals and businesses will tarnish the loss of confidence and revenues both domestically and internationally. The likelihood of cyber terrorism is unimaginable as we have never dealt with this specific form in previous years. The below graph was pre-designed by Technolytics to show the impact, chance and degree of probability of an attack.

Table 4.0 Likelihood of Occurrence of Cyber Terrorism



RELATED WORK

National Security Powers & Theories

When the constitution was devised in 1787, the founders of our country were embarking on unknown territory in creating a document meant to offer a country the freedom to be ruled off a document and several governmental agencies rather than a monarchy. In present day, the United States was one of the only countries in the world to have ever written a document housing the “fewest restrictions on liberty and freedom as humanly possible, especially those “in the name of national security””. Looking at the Constitution with today’s issues in the back of our minds, one will note that the Patriot Act and Search & Seizure Laws were not considered of importance at that time. Scholars throughout history have recognized that ratifications will be needed for the safety and security of our Nation and its people as there are several grey areas which are not thoroughly defined.

When the United States goes to war, there are two ways to declare war. The first is through a congressional declaration. This declaration was used in such cases as the War of 1812. Secondly, a war may be declared using a State of War Statute. Official declarations of war are considered to be quite rare unless Congress jumps in to determine whether it is truly necessary or if a Joint Resolution is used, similar to the events that lead up to September 11, 2001.

U.S. Constitution

The Constitution is derived of seven articles and 27 amendments. The first three articles of the Constitution describe the primary branches of the government. Specifically, Article I discusses the Legislative branch; Article II, the Executive branch; and Article III, the Judicial branch. The amendments are broken apart, where the first several make up the Bill of Rights.

Within the Constitution, the Legislative branch, the Separation of Powers and the Checks and Balances allows the government to legislate, adjudicate and execute. Thus, no one government branch may turn its specific powers over to another branch of the government. Additionally, the creation of the Checks and Balances system was put together so that the President, the legislature, the Senate and Judiciary committees must all work together to come up with an impeachment or another important doctrine.

Another section within the Legislative branch is Article I Section 8, which are the Maritime Clause and the War Power Clauses. The War Power Clause offers Congress the ability to declare war, set the specific rules of the war and engage the armies to defend our nation. One item of importance to remember, which will be discussed later is the difference between Constitutional Law and Military Law. Military Law always supersedes Constitutional law when the threat of war is upon us. The Maritime Clause allows Congress the right to select the punishment for all crimes which occur on the “high seas” or rather, piracy. In the ages as to where piracy was known for pillaging towns and looting ships of their gold, the rules were more simplistic. Now, as the world enters the age where cruise ships and other vessels are being taken over by radicals for their food and supplies, the punishment may be different. This is one reason why the

Constitution is flexible and meant to be a living breathing document, whereas the punishment may be different than that of a person who looted ships over two hundred years ago.

Patriot Act

The Patriot Act has played a leading role in protecting American's from deadly terrorists act brought on since September 11, 2001. On October 24, 2001, six weeks after the attacks leading up to September 11, 2001, the bill, called House Resolution 3162 – The Patriot Act, was passed by a large margin and immediately brought into effect by President George W. Bush the following day. The act addresses a wide variety of counter-terrorism concepts and attempts to bring cohesion to the various departments through this one specific law. Specifically the Patriot Act has enabled us to utilize investigational tools to detect, investigation, and fight crimes of terror. Secondly, legal barriers have been removed when investigating, so that it is easier to track movement within terror cells. The Patriot Act has increased penalties for those whose commit acts of terror. The United States Department of Justice feels that the Patriot Act has done the following to counter act terrorism:

1. “The Patriot Act allows investigators to use the tools that were already available to investigate organized crime and drug trafficking.
 - a. Allows law enforcement to use surveillance against more crimes of terror.
 - b. Allows federal agents to follow sophisticated terrorists trained to evade detection.
 - c. Allows law enforcement to conduct investigations without tipping off terrorists.
 - d. Allows federal agents to ask a court for an order to obtain business records in national security terrorism cases.
2. The Patriot Act facilitated information sharing and cooperation among government agencies so that they can better “connect the dots.”
3. The Patriot Act updated the law to reflect new technologies and new threats.
 - a. Allows law enforcement officials to obtain a search warrant anywhere a terrorist-related activity occurred.
 - b. Allows victims of computer hacking to request law enforcement assistance in monitoring the “trespassers” on their computers.
4. The Patriot Act increased the penalties for those who commit terrorist crimes.
 - a. Prohibits the harboring of terrorists.
 - b. Enhanced the inadequate maximum penalties for various crimes likely to be committed by terrorists.
 - c. Enhanced a number of conspiracy penalties.
 - d. Punishes terrorist attacks on mass transit systems.
 - e. Punishes bio-terrorists.
 - f. Eliminates the statutes of limitations for certain terrorism crimes and lengthens them for other terrorist crimes.”

The Patriot Act as you can see is very well versed, yet, you will find that there are plenty of issues that Congress and the individuals who originally rose to the occasion to pass the bill, are fighting vehemently to make changes to help improve the image of the United States.

Search & Seizure Laws

The search and seizure laws are vast and at times appear unpredictable. Specific areas within the Patriot Act has even delved into the areas of search and seizure including, Section 213 which allows law enforcement officials to conduct searches in your home or office by an issued warrant, however, the searches can be conducted without notifying the member of the process for an indefinite period of time. This section allows investigators to gather information items and take photographs of whatever information they deem necessary and the warrant may have no expiration date.

Section 215 of the US Patriot Act provides law enforcement officials the ability to gather miscellaneous types of records such as financial, educational, medical, library records and gun control records without the necessity of probable cause. This section of the Patriot Act also ensures that the individuals who produce the records may be imprisoned should they admit reproduction.

Section 216 of the US Patriot Act discusses the ability of the US Government to look into an individual's computer, specifically, their email subject headers and any research they have completed recently without the necessity of probable cause.

The true definition of privacy is that prior to *Katz v. U.S.*, privacy was considered in the same sense as trespassing. Thus, if one was trespassing, they were breaching the privacy of an individual. Since then, a "reasonable expectation of privacy" has become the foundation for the privacy. "The Fourth Amendment does NOT protect against all invasions of privacy; it only forbids unreasonable searches and seizures." In order for a search to be completed, it should be completed with a warrant as per the Fourth Amendment. Warrants may be used to search a vehicle, home or individual. Additionally, probably cause should be the reason behind a warrant and supported by affidavits by supporting investigators. A seizure on the other hand, is defined with the loss of liberty. Police and investigating officers may hold a defendants property in their possession for up to 14 days, but this may very depending upon the jurisdiction. They may hold it permanently if it becomes evidence in a criminal case. The Exclusionary Rule is meant to punish the law enforcement professionals if the defendant's property is obtained without the proper legal documents, or a warrant.

There are many exceptions to search and seizure laws. From time to time, you will hear about searched occurring on vehicles. The law enforcement professionals consider this tactic if they suspect they have any probable cause for the vehicle. Additionally, Border searches are considered to be quite common when individuals pass through different countries. One will note these searches occurring at immigration locations as wells as

international airports and are typically conducted at the airports by Transportation Security Administration (TSA). Another form of search exception is the Emergency Situation Exception. This exception may be completed when an individual's life may be in danger or there is a chance that evidence may be lost.

Self Incrimination

The Fifth Amendment of the U.S. Constitution illustrates the rules and regulations behind stopping an individual from incriminating themselves without appropriate representation. With the current status of today's society, the US utilizes what is commonly referred to as the Miranda. The Miranda offers the accused the right to representation and if they produce statements after having their rights read to them, they have the opportunity to self incriminate themselves. The military branches, whose most commonly interrogate the accused, have a specific set of questions they are authorized to ask without breaching the rights of the accused. When one hears a person on television state "I plead the Fifth," they may state this to not self incriminate themselves and may only be used on criminal cases. However, a company does not have the same privileges and are compelled to give all knowledge to help the investigation.

Self-Incrimination holds the following test, called a balancing test to determine the study of self-incrimination:

- ❖ The right of the government to compel citizens to furnish evidence and/or to select who will and who will not be prosecuted.
- ❖ The right of all citizens to NOT be compelled to furnish evidence against them or on what they are implicated in by threat of government sanction.

Along with Self-Incrimination also holds the power of immunity. Immunity is often given to individuals who may be guilty of a crime, but may hold information which would lead to the conviction of one or more individuals who are guilty of more important crimes. There are two forms of immunity: transactional immunity which completely allows the individual to be cleared of the crime indefinitely; or use immunity, which allows the person to be considered, cleared from the situation with the exception of "independent evidence of having committed a crime." The federal and state law immunity levels are considered reversible where they may be immunized on both levels in specific situations should derivative use immunity is "granted."

Laws of War

The concept behind a war is to become victorious or bring resolution to an incident with the least amount of suffering, or without a major amount of damage to ensure a political aspect is achieved. Rules have been written and are considered to be agreed-upon principles of the customary laws of war. Specifically:

- ❖ “Wars should be limited to achieving the political goals that started the war.
- ❖ Wars should be brought to an end as quickly as possible.
- ❖ People and property that do not contribute to the war efforts should be protected against unnecessary destruction and hardship.
- ❖ Both combatants and noncombatants should be protected from unnecessary suffering
- ❖ The fundamental human rights of person who fall into the hands of the enemy, particularly prisoners of war, the wounded and sick, and civilians should be safeguarded.
- ❖ All efforts should be made at facilitating the restoration of peace.”

The laws of war are surrounded by a document called the Geneva Convention. As long as history has been recorded, the world leaders have struggled to operate during a time of war with a specific code as to how to treat prisoners of war, the appropriate war like tactics and the best way to fight, but not fight dirty.

There are two forms of war in international law: jus in bello and jus ad bellum. Jus in bello is laws of war in Latin. It is means to respond to the situation, avoid as much damage as possible, sway from intentionally hitting civilians and to treat prisoners with respect and dignity. Jus ad bellum deals mainly with the laws of war, but it deals with specific items, such as a major catastrophe or slaughter, attacking civilians, utilization of inhumane weapons. Also, in Jus in bello the various sides must wear a uniform, badge and carry weapons openly in order to avoid impersonation of the opposite side.

Operational Law

The concept behind the Law of War is that these are the rules that countries play by in the time of warfare. Operational Law on the other hand is the conventions that we utilize in the times of conflicts and other non war declared operations such as Operation Desert Storm, Operation Noble Eagle and Operation Enduring Freedom.

From each of the Operation’s the United States has declared, they have learned something of importance to add to the history of OPLAW. For example, in Operation Just Cause, the US military learned the importance of utilizing the Geneva Convention as it held over 4,000 prisoners as POWs. Also, Operation Desert Storm, the military learned the importance of avoiding archeological and religious locations out of respect to the historical importance of the area.

Operational law is the general term for the post war re-building where domestic, foreign and international law begin to take shape in the stabilization of a country. The word transitional authority comes to mind when a country utilized Operational Law. When looking at the country of Iraq, they are in the process of operating under an Operational Law setting as they are attempting to rebuild and revitalize the country with the birth of a new constitution, military and removal of oppressive behavior.

There are three major areas within Operational Law that provide various legal services in order to provide support to the military: command and control; sustain; and personnel services. In the second service, operational law looks to negotiate for acquisition and determine the status of forces.

Military Law

Military law was originally developed in 1774 and known as the British Articles of War. What is important to acknowledge is that it was predated to the Constitution of the United States, especially as Article III of the US Constitution in 1787 created the American Court System. The Military Law is meant to regulate the military and assumes that the President is also the head of all military services, or rather known as the Commander in Chief.

It is not widely known that the military of the United States was an army of minute proportions. These individuals reported to a different set of laws than the standard civilian. When the World Wars broke out in the 20th century, the Military Laws began to take serious shape as the masses of military individuals grew to astronomic proportions. During the height of World War II, there were over 16 million in the military, with over 2 million individuals went through the process of a court-martial. With these investigations, the concept of Military Law realized that it would have to setup a punishment process as well as ways to protect the armed forces from excessive threats to court-martial. A uniform code of Military Law was setup in 1947 under the direction of the Department of Defense where each branch of the military must operate under the same set of rules and regulations.

The Uniform Code of Military Justice (UCMJ) was founded in 1951 and established an entire set of criminal laws, which also requires jurisdiction as in the normal civilian sector. Military Laws incorporate the basic laws that the police would use with civilians, but also add military related issues to the set up as well to tackle issues that only military personnel would encounter, such as abandonment and espionage, to name a few.

International Human Rights

While the United States is used to having rights as human beings, not all countries have this luxury. Human Rights violations have been found in nearly every third world country and even some countries found to be allies of the United Nations.

The idea behind Human Rights was first established with the Magna Carta of 1215. A specific quote within the Magna Carta states in Article 39, that “no free man shall be arrested, or imprisoned, or deprived of his property, or outlawed, or exiled, or in any way destroyed, nor shall we go against him or send against him, unless by legal judgment of his peers, or by the law of the land.” In essence, the King was not allowed to rule according to his own imagination, but rather in accordance with the current laws of his

kingdom. Thus, the idea of Human Rights began to take shape. The English Bill of Rights of 1689 also set the standard towards Human Rights as quoted in a few of the basic tenets:

- “Englishmen, as embodied by Parliament, possessed certain civil and political rights that could not be taken away. These included:
 - Freedom from royal interferences with the law
 - Freedom to petition the King
 - Freedom from a peace-time standing army, without agreement by Parliament
 - Freedom to bear arms for self-defense, as allowed by law
 - Freedom from cruel and unusual punishments, and excessive bail.
 - Freedom from fines and forfeitures without trial.”

In 1689, John Locke wrote the Two Treatises of Government which stated that “... human beings in the state of nature are free and equal, and when they enter society they surrender only such rights as are necessary for their security and the common good, retaining those fundamental prerogatives relating to human dignity and property.”

In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR), a foundation for human rights. In 1977, the International Covenant on Economic, Social and Cultural Rights (CESCR) was adopted by the US Senate and finally the International Covenant on Civil and Political Rights (CCPR) in 1992. These treaties are only a few of the seven, which deal with discrimination against women, the rights of children and torture to name a few.



Torture having been one of the most commonly discussed forms of Human Rights violations in the Middle East is of extreme importance. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) was signed into effect in 1987 by 65 countries. Most recently, the Abu Ghraib prisoner abuse scandal is one of the biggest examples as to what UNCAT attempts to thwart. Article 2 of UNCAT states that “an order from a superior officer or a public authority may not be invoked as justification of torture.” Rather, I was just following orders is not considered to be a valid defense as seen with the recent trial of an Reservest in the Army by the name of Lynndie England and her counterpart, SPC Graner who testified that they were following the orders of their commanding officers as they took multiple pictures of Iraqi detainees.

Crimes against Humanity

When individuals think of crimes against humanity, they most commonly think of genocide. However, there are approximately nine categories in which crimes against humanity may occur. They are:

- Murder
- Enslavement
- Imprisonment
- Extermination
- Deportation
- Torture
- Rape
- Persecution on political, racial and religious grounds
- Other inhumane acts

Throughout the 20th century there have been as many as 27 reports of genocidal behavior where as many as 1,000,000 individuals have perished in each instance. One of the most commonly known incidents of genocide was the Jewish Holocaust of 1942 where it is estimated that 6,000,000 were killed. One estimate states that the number of deaths is 26,000,000 people.



These crimes have been reported by the media in multiple countries where the country leaders have been tried by military tribunals to determine the validity of the claims and whether the leaders may be held responsible for these crimes. As crimes against humanity began to increase, the 1945 Charter of the International Military Tribunal was established. There are three categories in which offenders may be charged: Crimes against peace, war crimes and Crimes against humanity.

Detention Operations

As the United States worked to end the threat of terrorism, they entered into several Operations, specifically aimed at eliminating terror cells in specific regions of the Middle East, including, but not limited to at this time, Iraq and Afghanistan. With these locations being the home to several terror cells, the need for international tribunals and thus, enemy combatants detention locations have been realized. Guantanamo Bay, a Naval base in Cuba became one of the obvious homes for enemy combatants, but has also become one of the most widely discussed reasons for the Geneva Convention and Patriot Act to be discussed. One will note throughout the news that there have been reported incidents of abuse of the sexual, physical and psychological nature.

International Tribunals

Since the incidents surrounding September 11, 2001, President Bush has attempted to bring understanding to the reasoning behind military tribunals and mark it a part of American Law in today's society. President Bush feels that the civilian and military court systems are capable of trying cases which involve suspected terrorists or the detainees in Guantanamo Bay, Cuba. As recently as the fall of 2005, a third court system has been created, run solely by the executive branch, which may lack the benefit of the checks and balances systems of the United States. As stated in previous sections, the US Constitution was written to be a flexible document, set to evolve as the needs of society evolve. As we are entering a time in our country where we must engage in military tribunals to face the war on terror, we must protect specific documents and protect the world from what may be said in these tribunals.

One part to the military tribunals is that there are literally hundreds of detainees who are being held as suspected terrorists, but to date have yet to be charged formally with a crime, be allowed to speak with legal representation. These problems have angered the Muslim people and bring unjust feelings toward the military tribunals.



On December 20, 1945, the Nuremberg Trials began to try, convict and punish those who were directly involved with crimes against humanity which led to millions of innocent lives being taken during the reign of Adolf Hitler. During this 6-mo. Trial, eighteen high-ranking Nazi's were charged with crimes against humanity and were either sentenced to death or jailed. Following the convictions of the high ranking Nazi's, follow-up trials took place for over 5,000 individuals, where only 469 were actually executed for their role in the war.

As we enter into the next phase of Operation Enduring Freedom, we will eventually have our own Nuremberg, starting with the daunting trial of Saddam Hussein which began October 19, 2005. Since the trial has begun, several members of his defense have been kidnapped or murdered, leading to the withdrawal of 1,100 of his attorneys, leaving a mere 400 lawyers to run the defense of his lifetime.

Detention of Enemy Combatants

As Operation Enduring Freedom continues, enemy combatants require a holding cell which is removed from the war zone. These prisons or detention centers are typically held in remote areas, which are made public to the media and organizations such as Red Cross.

Guantanamo Bay, or GTMO as it is referred to in the military, is a small military base off the south-eastern coast of Cuba. It houses some of the most dangerous terrorists known to man. Anyone who has read the news in recent months has undoubtedly heard about GTMO as there have been several stories from those detained there who have been let out

of GTMO only to state that they were mistreated, held without the ability to speak with their family or a lawyer.

One of the main purposes for utilizing the former naval refueling base is because it is located outside the United States allowing those detained not to have U.S. citizenship rights. One of the concerns for using it is that the military may have



the ability to mistreat the detainees without the public being privy. However, due to recent events, mass-media information is still readily accessible. One of the recent events that had recently occurred was with Chaplain James Yee, a Lieutenant with the U.S. Navy who was accused of spying and aiding the enemy with documentation removed from GTMO following his tour of duty. While these charges were quietly dropped, Lieutenant Yee resigned from the U.S. Navy.

The concern from the former detainees who were released have explained repeated stories of torture leading to deaths of fellow detainees when information was not provided. Further stories explained that they were not allowed proper privileges to support their religious beliefs. Even more stories are of detainees who have been sexually abused by female military personnel in ways considered unimaginable with the ladies menstrual fluids being placed on the detainees. But the question is raised, these are individuals who we at one point felt to be a threat to the world, if this is true, why should we believe their stories of abuse and torture? In fact, the living conditions in which they endure are quite hospitable allowing them to practice their religious beliefs, offering three meals per day, a place to sleep and for some, extra-curricular activities. Some of which, these detainees would have never received had they stayed in their native land.



Abu Ghraib, a city just west of Baghdad houses between 750,000 and 1,000,000 people. It also houses a prison once run under Saddam Hussein's regime as a place synonymous with torturous activities. As the U.S forces entered Iraq, they turned the prison camp into a holding cell for Iraqi prisoners. The most infamous news worth material stemming from Abu Ghraib were the SPC Graner / Lynndie England abuse scandals. The scandals purportedly were regarding military personnel creating a photo album based off inappropriate behavior. However, upon closer examination, SPC Graner was instigating military personnel to take humiliating photographs of detainees and abuse them.

Trouble Spots

Throughout the world, there are multiple countries considered to be a trouble spot for terrorism. These countries may be considered third-world countries with terror cells overtaking their countries, such as Afghanistan in 2002, or they could be countries like Africa where massive genocide and terror cells are more populous than the innocent civilians.

Middle East



The Middle East, once known for the invention of the alphabet, religion and commerce has been inundated with violence. You will note in the picture to the immediate left there are four major areas circled in red. These sections symbolize the most dangerous areas for terrorism within the Middle East. Egypt for example has had terrorism issues for many years from the terrorist group al Wa'ad or "The Promise." These terrorists are considered to be Nationalist Terrorists as they assassinate dignitaries and bomb specified targets meant to bring the most amount of pain to its enemies.

Iran has its own terrorists, the Shiite Group as it is considered to be a powerful military source in Iraq. While Iran does have worries about terrorism, it also funds terror cells in Syria with an estimated \$10 - \$20M annually. Additionally, it supports terrorism and is interested in WMD.

Since September 2002, U.S. forces have worked to declare a cease fire and demand full disclosure of Weapons of Mass Destruction in Iraq. As months progressed it became increasingly obvious that Saddam Hussein and the Iraqi regime would need to be physically dismantled. In March 2003, the United Nations, led by U.S. President Bush announced that U.S. forces and other international allies would enter Iraq, with the sole purpose of disarming WMD, Saddam, and restoring the freedom to the oppressed citizens of Iraq.

Syria is a country dominated and run by the Ba'ath party since 1976. The country has been iffy in its reasoning behind terrorism vs. being a country to rely upon. For example, Syria was apart of the coalition forces aimed at removing Iraq from Kuwait, but later lost interest in assisting all Western Efforts. Suddenly, after the events leading to September 11, 2001, Syria offered intelligence data to the United States. In Yemen, several terror cells such as HAMAS and Al-Qaida operate out of Yemen. Additionally, the bombing of the USS Cole occurred in Yemen; however they offered to investigate the bombing to bring justice to the events.

Asia



Within the Asian hotspot area, several countries are considered to be hotspots to the effort in eliminating terrorism. These countries are, but are not limited to, Russia, Pakistan, Afghanistan and North Korea. Each of these countries hold different reasons why they are homes to terror cells. For example, North Korea, sworn enemy to the United States is run in a communist manner. The ruler of the country, Kim Jong Il kidnaps citizens of its own country for no apparent reason, kidnaps Japanese citizens and turns them into spies in efforts to “protect its country.” The full rationalization for these motives is unknown as the country is held captive from the rest of the world. They very well could hold multiple terror cells and the US may not be aware of its motives. In Afghanistan, they have been in the midst of a Civil War for many years. In 1996, the Taliban became the ruling party of Afghanistan after being funded primarily through Saudi and Gulf Arab funds. The United States lead forces launched a massive offensive move into the mountainous terrains of Afghanistan after the unfortunate events of September 11th, 2001. The efforts launched by the United States were meant to help defeat the growing threat of the Taliban and Al-Qaeda, two leaders of the terror cells in the United States and the world. While Afghanistan has widely dropped out of the lime light it once knew, it is known as Operation Anaconda. Since then, nearly 1,000 terrorism suspects have been detained and nearly \$65M in assets have been frozen in attempts to thwart the terrorism efforts.

In Indonesia, a country with a high population of Muslim individuals holds a large threat of terrorism as much is unknown as they are in the midst of a tumultuous period due to political issues. Considering the country has only 300,000 troops, it spends \$3B annually. The President of Indonesia repeatedly changes its cabinet members to avoid the impeachment process. Additionally, there have been massive amounts of casualties from police forces eliminating criminals.

Russia, even though it has gone through several years of change still remains a partial threat for terrorism as it still houses thousands of nuclear missiles. One reason why it is still considered a threat is that in order to raise money, they are selling their weapons.

Africa

A large majority of Africa is considered to be up and coming, or an unsafe region for tourists to enjoy. It is estimated that unemployment affects more than 30% of the population. Additionally, of the worlds AIDs epidemic, Africa accounts for 75% of the infected. With this information at hand terrorism plaques the continent due to a lack of medical, political and economical resource. The thought of terrorism surrounds ethnic, religious, state and tribal fears and wars. Because Africa is limited to a defined political background, dictatorships are widespread, frequently leading to genocide to end rifts. Nationalism terrorism was a large part of Africa for thirty years between 1945 and 1975

as it was known to be the Wars of Independence from Western powers. It was thought that while the war revolved around guerilla warfare, it also involved terrorism.

To list each of the massacres that have occurred in Africa, would take up the majority of this paper and it does not always revolve around terrorism. For example, the Rwandan Massacre of 1994 was considered to be a proxy war consisting of utilizing other nation's armed forces to fight. The result of the massacre was over 500,000 individuals perishing. Ideological terrorism is in Zimbabwe where there is a high demand for political change. There has been evidence of elections being rigged by terror, invoking the intellects of the country to fight for justice.

In Nigeria, a country with close ties to the United States, offers 250 different ethnic groups. Half of the population is Muslim, 40% Christian, leading to religious battles between the Muslims and Christians. It is widely felt that Nigeria is the leading country of terrorism, especially as corruption, crime problems and smuggling are leading the types of unrest in oil protests and ethnic law. Liberia is another African hotspot for terror. The country was founded by US citizens of African decent. The country was meant to become a symbol of democracy, but has witnessed twenty years of fighting. The former president of the country, Charles Taylor has allowed dictatorships and corruption to take hold in the country, which has enticed terror organizations from Israel, Lebanon, Russia and Ukraine to enter the country. Additionally, Al Qaeda and Hezbollah are evident within the country.

Algeria is an oil-producing country and apart of OPEC. They consider themselves Sunni Muslim and has been a home to Islamic radicalism for nearly 50 years. Internal terrorism has been evident since the early 1990s due to Islamic individuals who feel that the country requires more fundamentalism. Terror groups such as Salafist Group for Call and Combat (GSPC) and Armed Islamic Group (AIG) are considered to be heavy hitters of terrorism within Algeria. It is believed that massacres and assassinations are all too common within the country as over 100,000 people perished in 1991. Within the past 10 years, Algeria has attempted to return to democracy. Lastly, multiple terrorists with an Algerian heritage have been captured due to links to Al Qaida.

Libya is considered to be a major supporter of international terrorism with links to plots of terrorism against Chad, Egypt, Sudan, Tunisia and Zaire. It is believed that they either harbor and/or support Palestinian terror groups, IRA and Sierra Leone's Revolutionary United Front. Since the events leading to September 11, 2001, Libya has made massive efforts to be pro-United States, but the US has continued to "blacklist" the country.

STRATEGIES

The idea of homeland security is centuries old dating back to past wartime experiences when countries considered their home base, or home country to be the motherland or fatherland. Homeland refers to the same location, but offers a more utilitarian concept. As a whole, homeland security references an active defense meant to at all time stay one step ahead of any and all enemies known to that country. There are references to

similarities in National Security and Homeland Security. In the post Cold-War era, National Security was meant to help allies move in steps toward democracy and also working to keep track of un-friendly countries to the United States. However, when the National Security took effect, many countries began to resent the efforts of the United States and its superpower.

Homeland Security is much more than the defensive movements to protect the United States. For example, Homeland Security also involves any emergency preparedness to thwart a preemptive strike against our homeland. One will also note the utilization of communication and intelligence in order to determine relevant threats to society in order to keep the citizens of our homeland as safe and secure as possible without undermining the freedom our country has come to count on.

The most important aspect to consider is exactly what defines Homeland Security as it has become an issue on the state and federal level in recent years. The local level, one finds that it is better preparing the individuals who would be the first to respond to a threat against the homeland, while other local levels feel that it has to do with becoming more responsive and aware of the situation at hand. The federal level on the other hand feels that homeland security is meant to be a “seamless integrated system that protects all citizens.”

Emergency Management

The public’s safety is the primary reason for emergency management. Specifically, it is about the risk and disaster associated with the public’s safety. In order to minimize the loss of individuals, we ask our citizens to participate in emergency preparedness. The local and state government agencies participate in what is called first responders, a group of individuals who understand they will be the first to arrive on the scene of an emergency stemmed from a terror act, heinous act against humanity or other form of emergency. There are four levels of emergencies that may be identified, such as routine dispatch problems – the most minor emergencies where first responders; incidents – where jurisdictions may be handed without needing to call for outside help; disasters – emergencies considered to be catastrophe’s involving substantial destruction and mass casualty; and national disasters – a disaster of substantial magnitude and seriousness. During events such as Katrina, the law enforcement agencies were able to pull resources from different regions, other jurisdictions and the federal government because it was considered to be a disaster. The resources used may include:

- ❖ General purpose relief agencies
- ❖ Nonprofit voluntary organizations
- ❖ Ad hoc groups
- ❖ Volunteers

Of these resources, the American Red Cross, environmental groups, local food banks and search and rescue individuals are just a small number of groups and people who will help in the event of an emergency. It is the hope of the American people that the emergency

management team will be well organized and ready for what may come, but the reality is that this is simply not true. Disaster management on the other hand takes the un-organization and begins pulling it together by determining how they may best work together efficiently.

There are four phases of Comprehensive Emergency Management (CEM) to build the basis in the approach towards emergency management. These phases include:

- ❖ Mitigation – Efforts to prevent man-made or natural disasters by assessing a threat to a city or community at large. These assessments may determine the chances of an attack or disaster occurring.
- ❖ Preparedness – This includes the planning and training of personnel. Within this phase, there are disaster response exercises to help the teams prepare for a disaster.
- ❖ Response – Public donations, coordination, damage assessments and search and rescue are included within this phase.
- ❖ Recovery – Rebuilding the community, reinstating public services, including preparing for elections post crisis.

Risk Analysis

In preparing for an emergency or disaster, it is extremely important to recognize the risks. A risk may be defined as WMD, radiation exposure, death by firearms, etc. With each risk, there is a cost and a benefit. For example, with WMD, one country may be able to gain the upper hand on its enemy – the benefit, but must also suffer with the cost, in this case of WMD, it may be the loss of mass casualties.

Within a risk analysis, one must also understand a threat, or something that may adversely affect an asset, this could be natural, intentional or accidental. Vulnerability on the other hand is a weakness or flaw that may be exploited by a threat. With the analysis, assessments of both threats and vulnerabilities must occur. A threat assessment is considered the first step in understanding the credibility of a threat. A vulnerability assessment helps one understand the anticipated impact from the threat. In integrating the credibility and threat of impact, a matrix may be created to help prepare for a future emergency. While the risks can vary, the thought behind planning is crucial in each location. For example, the risk analysis for similar emergencies in San Francisco and New York may vastly differ as the two cities are very different in the way they are equipped to handle a future emergency.

There are hazards that are considered to be the starting positions for any risk analysis. These items are broken into three categories:

- ❖ Natural disasters such as earthquakes, hurricanes, flashfloods, landslides and disease outbreaks. Additionally, the category may have a sub-classification with meteorological or oceanographic (tsunami) or other biological events.

- ❖ Technological disasters may include explosives, toxic spills or transportation accidents. HAZMAT may become involved if toxic materials or matters may be considered to be a risk. Also, structural failure with bridges, dams, vehicles and even trains are considered to be a technological disaster.
- ❖ Social disasters are grouped with possible terror threats. Hijacking, bombings, shootings and hostage crisis' are included in this category.

Emergency Planning

There are five basic categories within an emergency plan:

- ❖ Context
- ❖ Scenarios
- ❖ Emergency needs
- ❖ Available resources
- ❖ Resource utilization

These five categories set the framework in understanding an emergency plan as the idea in preparedness for an emergency may be a daunting task. The category context is based on organizations that will participate in the planning and setting the governmental framework for the plan. Scenarios determine the risk, vulnerability, impact and hazard of the planning. The emergency needs category researches the need for food and shelter, the safety of the public, medical care and damage prevention. Available resources may be considered manpower, vehicles and/or buildings necessary to successfully execute an emergency plan post-disaster. Lastly, resource utilization may be considered to be problems caused by the risk. For example, with hurricane Katrina, how would the government had better utilized resources to stop the levees from breaking after the hurricane? This question would have been a perfect application of resource utilization.

Intelligence

Planning & Direction

The planning and direction cycle of intelligence is meant to establish requirements of the policy makers. It is the overall management of the intelligence cycle, where it analyses the need for intelligent and delivers it to the consumer.

Collection

The collection aspect of the intelligence cycle consists of six foundations: Signals Intelligence; Imagery Intelligence; Measurement and Signature Intelligence; Human-Source Intelligence; Open-Source Intelligence; Geospatial Intelligence.

Processing & Exploitation

Processing and Exploitation is a major element in intelligence gathering roles for the United States. This stage of the intelligence cycle consists of taking raw data and constructing it into a form that can be utilized by intelligence analysis for better comprehension.

Dissemination

The concept behind dissemination is to put the information into the possession of the consumer. The most popular use of dissemination is by electronic means due to its rapid deployment. Once the information has been received by the consumer, it becomes finished intelligence as described in the five categories below.

Communication

With events such as September 11, 2001, and a variety of different emergencies that have occurred, emergency warning systems have been highly desired. When a situation is defined, or determined, an alert must be issued. An alert may be considered to be an alarm or warning; where an alarm refers to state that is abnormal, or rather, when normalcy is not longer present and a warning is meant to be an action carried out by public authorities to explain alerts and alarms. With alerts and alarms, a warning system must also be in place as a way to communicate. Typically, there are two communication systems required, an alarm system set up that monitors, senses and determines signals for scientists and technicians to communicate amongst themselves. Second, a communication system that allows the general public and other specialized groups to understand that there may be an issue of significance occurring. A specialized group may be a group of individuals (such as a neighborhood) that may specifically be impacted by the issue.

Internal Communication

Once an emergency has been communicated, emergency personnel may need to mobilize. On a personal basis, being in the military, I was frequently placed on stand-by to be sent to the Gulf post Hurricane Katrina and Rita. The concept of mobilization is relatively simplistic and may be broken down in a general model with seven specific phases, which inform the emergency personnel as to their level of readiness. Alexander (2002) states the phases to be as follows: “

- ❖ **Phase one** – the activation of call-up phase for emergency workers; either telling them to report to duty or to be aware that they may soon have to report.
- ❖ **Phase two** – The stand-by phase, indicating that conditions have worsened and emergency workers need to be deployed into the field and non-essential activities need to be shut down.
- ❖ **Phase three** – The readiness phase, where conditions have continued to worsen, and all emergency workers are deployed, and the emergency operations center is fully functional.

- ❖ **Phase four** – The evacuation phase, where preventative measures are taken, and the public is normally informed of the fully worsened threat.
- ❖ **Phase five** – The emergency phase, involving the onset of the disaster or the highest level of threat.
- ❖ **Phase six** – The stand-down phase, which can be interjected at any of the above stages, and normally means a regression to an earlier level.
- ❖ **Phase seven** – The all-clear phase, which normally follows the stand-down phase, and represents the announced end of the crisis.”

External Communication

After the prediction of the devastation has been determined, it is up to the manager of the emergency manager to let the public know of the emergency. There are many reasons as to why the manager may decline to let the public know, such as too many false alarms may make the public leery of the emergency system in place. On the flip side, if there is not enough time given to the public, the public may feel that emergency services was actually negligent in giving the proper amount of time to prepare for the emergency. The majority reasons behind warning the public lie with the education level of the public (whether they understand the type of emergency occurring), psychological factors, economic and political effects, and finally, whether the warning system functions appropriately.

As mentioned earlier, the public education is most important because the public needs to know exactly how to tell if the warning is truthful and whether it is legitimate and authoritative. By warning the public, the public is learning what action they should appropriately take. In order to make the warning most effective, it is necessary for the public to trust the warning method. For example, should a weather warning come out, the public would generally trust a meteorologist. The same would go for the public should they hear from the Pentagon or White House of a pending emergency dedicated specifically towards terrorism.

There are three specific types of messages the emergency management should be prepared and willing to communicate to the public – Risk, Warning and Crisis. A risk message may be meant to inform the general public of something important, specific to educating the public. The feeling behind this form of message is to prepare the public for what may come in order to reduce casualties and consequences of the risk. A warning message is meant to advise the public to evacuate or to find immediate shelter. This form of message may typically be depicted with a thermometer scale, sound tones, symbol of iconic stature or other color coded scheme. You will likely find this system with natural disasters, but is growing in popularity with the fight against terrorism. A crisis message is meant to continuously inform the public about any developments during the response and recovery phases of the situation. Frequently, when you see a press briefing, you will be subject to a crisis message. Timely information during the crisis is the reason for these messages as well as perhaps speaking to the perpetrators of say a criminal investigation. One example of this was during the 2002 sniper attacks, when Sheriff Moose utilized the media to engage the criminals responsible for this travesty.

Presently, the Department of Homeland Security is working to develop READICall (Responsive Emergency Alert and Dissemination of Information Call System) which will allow the public to be alerted and informed of current or imminent acts of terrorism. READICall may only be activated by the Secretary of Homeland Security and is estimated to reach 104M households out of the 109M that have a landline phone and almost all businesses in the United States. Additionally, 141M will be contacted with cellular phones.

Critical Infrastructure

The definition of a critical infrastructure is a facility, system, or function that may provide a foundation for governance, reputation, national security, and a way of life, however, a specific definition may be pointless as a critical infrastructure may be a moving target. For example, it is difficult to put a value on a human beings life. The best way to allow a specific definition for critical infrastructure is to state that it is of extreme importance to help maintain a human being's well being or life they have become accustomed to.

Another way to define the importance of critical infrastructure is to look at it from a cultural standpoint. For example, one of the symbols of America prior to the events leading to September 11, 2001, was the Twin Towers in New York. The demolishing of this asset and the destruction to the Pentagon were extremely dispiriting to the citizens of the United States as both icons were symbols of America.

The introduction of the National Infrastructure Protection Center (NIPC) was created utilizing employees of the FBI, DoD, Secret Service and CIA. After the NIPC was introduced, the InfraGard was established to share pertinent information about the possibility of vulnerabilities and intrusion incidents to determine and stop the possibility of threats to the United States. The Information Sharing and Analysis Centers (ISACs) is maintained by DHS in 1998 under the order of the Presidential Decision Directive 63. The reasoning behind ISAC is to gather information for vulnerabilities by utilizing a secured database, and information gathering system where individuals may submit anonymous threats to the United States.

Since 2003, a list of thirteen critical infrastructure sectors was identified, with the exception of chemicals. It was an inadvertent error, corrected later that year. Since 2004, the list is as follows:

- ❖ Chemicals Sector
- ❖ Continuity of Government Services Sector
- ❖ Banking and Finance Sector
- ❖ Electrical Power & Energy Sector
- ❖ Fire Services
- ❖ Food Sector
- ❖ Emergency & Law Enforcement Services Sector

- ❖ Health Services Sector
- ❖ Higher Education Sector
- ❖ Information & Communications Sector
- ❖ Insurance Sector
- ❖ Oil & Gas Sector
- ❖ Transportation Sector
- ❖ Water Sector

It must be understood that while a terrorist cell may want to destroy a critical infrastructure, they may wish to just incapacitate the infrastructure as it is more beneficial to them in the long run. For example, if a terrorist were to destroy the Oil & Gas Sector, the terrorists may not be able to cause further destruction without the use of oil for heat and gas for their vehicles etc. Thus, when the critical infrastructure is damaged, terrorists are sending out a signal. You may remember when terrorists would set the oil wells on fire in Iraq. The oil wells were not ruined, but rather created a distraction and sent a signal that they were fighting a battle with those who needed the oil wells the most.

Risk analysis is a large part of the overall mission to protect the critical infrastructure by utilizing individual individuals who use a method called red-teaming. Red-teaming is an approach dedicated toward individuals who specifically think like a terrorist to determine the vulnerabilities. Additionally, there is the secrecy in protecting the infrastructure through intelligence.

Border and Transportation Security

The protection of the border of the United States is of the utmost importance. There are 5,000 miles of border with Canada, 2,000 miles with Mexico and 95,000 miles of shoreline. Presently, there is one border agent per 5 miles of border. Typically, when considering border security, you will think of immigration and visa control. The transportation security network protecting the United States is primarily made up of the Federal Aviation Administration (FAA) or North American Aerospace Defense Command (NORAD). Additionally, the Transportation Security Administration (TSA) is an agency under the Department of Transportation created in 2001 utilizing air marshals, improved airport perimeter security and an emergency call system for planes and trains. Additionally, TSA screens passengers, baggage and chemical and biological weapons detection.

Immigration

When the incidents leading to September 11, 2001 occurred, there was an inquest into visa control and whether the terrorists had visas into the country. With protecting the borders of the United States, an agency, directed by Homeland Security was created. The agency, called Customs & Border Protection (CBP). CBP employees 41,000 employees, made up primarily of the U.S Customs Border Patrol.

CBP is set to be an intelligence driven homeland security agency to prevent terrorists and their weapons from entering the United States. Additionally, the CBP look to confiscate 6,300 pounds of drugs per day. Of the individuals entering the United States, there is a list of commonly used words which describe their illegal status. These words are: immigrant, alien, citizen and national. An immigrant is a permanent resident given the ability to stay in the US by way of a visa or visa adjustment. An alien is an individual who was no born in the United States, but may be considered a citizen or national. A citizen is entitled to protection and the rights given with citizenship. A national has given allegiance to the US and is entitled to protection, but has no citizenship.

Aviation

In defending the airspace within the confines of the United States, government officials have depended upon both the military and civilian authorities. The two primary agencies are the Federal Aviation Administration (FAA) and North American Aerospace Defense Command (NORAD) The FAA, located in Virginia has 22 control centers and its purpose is to manage air traffic control, monitor transponder signals, radar and radio contacts with civilian aircrafts. NORAD detects and responds to aerospace treats against the United States and the rest of North America.

In times of terrorism or threats of war NORAD and the FAA work together to protect the US airspace. Specifically, the chain of command works as follows: the FAA contacts their headquarters, who in turn contacts the Pentagon, who in turn authorizes NORAD to work cohesively with the FAA. When one hears of an airplane entering restricted airspace, NORAD's protocol states that military fighter jets must follow the suspected aircraft at least five miles in the distance. Should the transponder signal be turned off, then the aircraft becomes a further threat or an alarm. Should the aircraft not enter back on track, re-enter the radar and utilize the radio, an alert is issued, or a code 7500 is issued where the President of the United States is notified and determine whether the aircraft should be shot down or diverted.

CAPPS is an FAA automated system to profile the passengers who may pose a threat to civilian aviation. Within the news today, stories have emerged where CAPPS has come under scrutiny as terrorist names are the same names of innocent children. We have to remember that over 50% of the hijackers identified since the events leading to September 11, 2001 were identified utilizing CAPPS.

Maritime

After March 2003, the United States Coast Guard (USCG) was no longer considered apart of the Department of Transportation. When it was apart of the Department of Transportation, it provided tactical planning intelligence. However, when it became apart of the DHS, TSA developed its own intelligence capabilities with the Transportation Security Intelligence Service (TSIS).

Transit Safety

The Federal Transit Administration (FTA) is responsible for the overall security and safety of commuter rail, aerial trams, fixed bus routes, ferryboats, monorails and all passenger trains. The FTA regularly conducts risk and vulnerability assessments for emergency management.

On an annual basis, 360 accidents involving passenger trains with the majority directly linked to collisions with motor vehicles. Safety incidents with busses occur with 1200 accidents annually and may include vandalism, assault and even collision. As terrorist threats are a continuous possibility, bomb sniffing dogs are necessary. Additionally, the FTA has worked to install video cameras on all major transit services and most METRO lines offer “red phones” which may be directly connected to police departments. There are four transit programs, based upon volume that are considered especially high risk areas, they included:

- ❖ New York City subway
- ❖ New York City railway
- ❖ Chicago Loop
- ❖ Washington D.C.’s Metrorail.

Of all the transit providers within the United States, only 30, carry 80% of all passengers at any one given time within the nation. These providers have become the top priority of the FTA especially where intelligence is concerned. The Federal Highway Administration (FHWA) is responsible for recommendations specifically concerning bridges and tunnels. For the security and safety of trucking, HAZMAT is primarily involved. It is estimated that 80% of all HAZMAT related issues involve trucks.

Agriculture and Food/Water Supply Protection

When entering the mind of a terrorist, it is believed that agriculture is a perfect target for perfect weapons (Alibeck & Handelman 1999). The United States is commonly known for the world’s leader in food production and should an attack occur on a crop or animal, at least 15% of the nations economy; 16% of the nation’s workforce would be at stake. Another form of terrorism not thoroughly explored earlier is agroterrorism, or “the deliberate introduction of a plant or animal disease with the goal of generating fear, causing economic losses and undermining stability. What this basically means is causing a loss of animal life or crops to a terror element in order to disrupt the food supply.” (About.com, Agroterrorism)

The most common reason for agroterrorism is typically political. By creating a sense of fear to a population, which is quite easy to commit with the current issues revolving around Bird Flu and Mad Cow Disease. By utilizing chemical agents such as anthrax, plague, smallpox, botulism and delivering it an airborne form (aerosol for example) it may be delivered on the food or even infecting the soil in which the crops come from.

The most commonly inflicted individuals by way of agoterrorism or bioterrorism is to politicians and federal employees like the IRS etc.

In protecting the United States against Food and Water Supply contamination, the Food & Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) regulate 100% of the nation's food supply. USDA is responsible for multiple security & food programs. Most specifically, food security and emergency preparedness is of importance with the FDA and Environmental Protection Agency (EPA). The EPA works to make sure that air, water and land are kept clean and clear. In recent years, the Center for Disease Control (CDC) has become responsible for all credible health threats including such infectious diseases as TB, West Nile and SARS, but most importantly, bioterrorism preparedness.

The water supply of the United States is protected primarily by the EPA. Water terrorism does not necessarily result in the contamination of water supplies, but also in gaining control of water supplies. For example, in 1998, a hacker broke into the computer program that ran Arizona's Roosevelt Dam, which could have threatened the livelihoods of downstream cities including, Phoenix, Mesa and Tempe. Additional threats to the water systems include:

- ❖ Cyber threats – disruption of networks or neutralization of chlorine disinfectants.
- ❖ Physical threats – may lower water pressure. Primarily may result in the inability to fight fires.
- ❖ Chemical threats – industrial toxins, poisons may be emptied into reservoirs.
- ❖ Biological threats – injection of several water-insoluble agents for distribution.

Within the United States, there are 160,000 Public Water Systems (PWS) serving 84% of the population, with the remainder of the US population utilizing private wells. Vulnerability assessments are required to be sent to the EPA should the PWS serve to more than 3,300 individuals. The water pumps providing this service are quite complex and may take up to 18 months to replace should a physical security system be breached. (Campbell 2004). In understanding any and all vulnerabilities, it is the first step in improving security.

Response and Recovery

When looking at the various types of response and recovery, it is important to first understand the definition. First, a response is defined as an immediate reaction or relief effort meant to save lives; recovery on the other hand is the process required to repair and restoration.

Response

In planning for the response of a catastrophic event, questions that are frequently asked include: who would be in charge of the response?; how much should we do?; what has to be done?. While these questions may come into play before the catastrophic event, most

assuredly the answer will be along the lines of whatever it takes. When an event of enormous size occurs, the question may occur as to which jurisdiction may have ultimate control of the situation. All of these questions have been answered earlier on in the project, so let's examine other areas, such as the budget and funding of the response and recovery.

As apparently typical with most governmental agencies, programs tend to never have the appropriate amount of funding as catastrophes are not planned. Typically, when an incident occurs, it is the first responsibility of the local agencies to determine the amount of help required. Some states and locations have a higher risk ratio depending upon their location in the United States. For example, you would not typically see a high level of funding to respond to an earthquake in North Carolina, but rather a higher level of funding and ability to respond to a hurricane or a flood; and visa versa. In determining the need for additional support, the tiered system, or tiered continuum response is set up as follows:

- ❖ When an issue exceeds the capacity of the local government, the mayor has the ability to turn to the governor for assistance.
- ❖ When the issue exceeds the capacity of the state government, aide from other local governments (not effected by the issue) may be requested by way of Statewide Mutual Aide or Emergency Management Assistance Compact.
- ❖ When the state and local government capacities are exceeded, the governor may request direct assistance from the president for a "major disaster" declaration. Federal Assistance may be requested through the federal Emergency Response Team.
- ❖ The governor may also request specific help from FEMA and DHS.
- ❖ If the president is able to declare a disaster declaration, a Federal Response Plan (FRP) is activated and a total of 27 agencies including the Red Cross may be deployed to the incident.

Especially after the incidents leading up to Hurricane Katrina and Hurricane Rita, there must be a better way to request federal assistance and assets. Presently, a presidential declaration may take as long as several weeks to only a few hours. Damage assessments are required from FEMA and DHS especially when the state feels they are overwhelmed with the process of recovery and response. Some states are slow to request assistance when it may not fully be necessary as overtime, these states may have "cried wolf" one too many times.

A Disaster Relief Fund is the primary source of funding for FEMA. Annually, the fund is budgeted for \$325M with the ability to receive additional funding of up to \$2.8B. Presently, there is a rule where during an incident, the federal government will pick up 75% of the bill, while the state agency will attempt to pick up 25% of the costs to repair, restore and reconstruct.

The concept of a first responder program is of great importance. The number of first responders is actually a very difficult number to establish. It is estimated that there are

just under a million law enforcement officers in the United States, but less than half have the ability to arrest another individual when needed. The first responders are made up of police, firefighters and EMTs, but DHS allows that amateurs, volunteers, tribal organizations, faith-based organizations and ham radio operators are also apart of this list.

Evacuation & Search and Rescue

One of the most successful ways to reduce casualties during a disaster is to implement an evacuation. The overall effectiveness of an evacuation depends upon the amount of time allotted with the warning systems. It is known that at least an 8 hour warning is needed for the most amount of efficiency. The effectiveness of a warning is also in the amount of individuals who will heed the evacuation order. Again, to be effective, 60% of the population should obey the order to begin the effectiveness.

There are three kinds of evacuation orders that may be used in the event of an emergency. They are: precautionary, which is carried out before the impact of the disaster; self-preservation, which is carried out during the disaster; and rescue, which is carried out after the overall disaster (Alexander 2002).

In continuance of overall effectiveness, a search and rescue (SAR) is to be completed within the first 24 hours. A SAR may be completed in four areas: urban, rural, underground and marine. The urban SAR is the heaviest rescue, where obviously the most potential casualties and victims will be. Rural SARs are completed by aircraft where they assess the damage and look from air for victims. The marine SAR is typically completed by the USCG as the US coast is wired with VHF-FM antenna's which allow radio coverage up to 20 miles from shore. Additionally, the National Association for Search and Rescue (NASAR) hold a well established link to the specialties within SAR.

Recovery

The phases of recovery include: relief, rehabilitation, reconstruction and post-disaster development. When considering the different types of recovery, sometimes governmental agencies must assume that recover will begin before the overall emergency is over. Relief and rehabilitation are brought in with the humanitarian aid with such organizations as Red Cross and Salvation Army. In restoring an area towards recovery, it is essential to give the citizens what they need most of all – food, water, power, sewer, public transportation.

Integration

Since the events leading to September 11, 2001, the integration between DHS and other law enforcement agencies is of the utmost importance. The big challenge involves redefining the police's role, from the typical protection of the public, but rather involving surveillance and intelligence as well.

The federal government defines homeland security as “a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism and minimize the damage and recover from attacks that do occur.” (Bush 2003) The biggest part of this definition is that it implies that it is not only a federal effort, but rather the effort of multiple parties.

The introduction of DHS created and implemented twenty-two different agencies along with the USCG and Secret Service into four different profiles: Border and Transportation Security, Emergency Preparedness and Response, Science and Technology and Information Analysis and Infrastructure Protection. One of the biggest concerns with DHS is that it does not include agencies such as the CIA or FBI. The capabilities of DHS include:

- ❖ “Smart Borders.” These borders no longer must rely upon two oceans and friendly neighbors.
- ❖ Protecting and guarding against internal threats to critical infrastructure and key assets. This includes building a list of assets that involve the private sector that controls and owns 85% of the infrastructure.
- ❖ Securing cyberspace not only in preparation of terrorist attacks, but also in protecting open-sources Internet Information from being viewed by terrorists.
- ❖ “Red team” – thinking like a terrorist and how information may be used by terrorists in the future.
- ❖ Utilizing scientific information to protect the United States against WMD including chemical, biological, radiological and nuclear.
- ❖ Streamlining information and integrating agencies, connecting databases and expanding authority.
- ❖ Promote research within homeland security utilizing new science and technology.

CONCLUSIONS & FUTURE EFFORTS

Conclusions

Future Efforts

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