

**The Eisenhower School
MASTER DEGREE PROGRAM
ELECTIVE COURSE SYLLABUS
Fall, AY2021**

Course Title

Course Number and Title: ES6026, Law Enforcement and Military Integrated Operations

Faculty: William Soderberg

Course Overview: This course will lay out the legal authorities for military organizations and federal, state and local law enforcement organizations to enforce the rule of law in the United States and overseas. The Founding Fathers sought to build safeguards against the military serving as the enforcer of the law under ordinary conditions. Students will become familiar with American principles of enforcing law and the historical benchmarks associated with the formation of these principles predicated upon the Insurrection Act of 1807 and the Posse Comitatus Act of 1878 (and subsequent updates).

Class Dates and Times:

Tuesday 0800 – 1130 (exact two hour window time will be determined before class starts)

NDU Institutional and Program Learning Objectives:

ILO 1. Create, construct, and adapt globally integrated, multi-instrument, all-domain strategies and plans that align with and support national objectives.

ILO 3. Work in complex irregular-warfare settings, including state-and non -state actors engaging in terrorism, insurgency, political warfare, and hybrids of these, to include partnering to meet strategic objectives.

ILO 5. Create risk-and resource-informed options for generating, integrating, and sustaining military power in order to win decisively in war, prevail in irregular warfare, and conflict short of war.

ILO 8. Demonstrate an ability to foster collaborative relationships across boundaries to leverage joint attitudes, resources, and learning opportunities.

ES PLO 3. Apply principles governing the profession of arms, civil-military relations, and ethical application of instruments of power and statecraft to strengthen warfighting and strategic capabilities that advance U.S. national security aims.

ES PLO 4. Apply theory, principles, and concepts of war, strategy and resourcing to employ all instruments of power across the spectrum of competition, conflict, and war.

ES PLO 7. Develop and implement national security strategy and policy and employ the instruments of power in a whole of government and international context

Absence Policy:

1. Students must notify their assigned college’s leadership and the course professor/instructor of absences in accordance with the College Absence/Leave Policy.
 - a. Foreseen absences (*e.g.* student travel) require prior notification.
 - b. Unforeseen absences (*e.g.* sudden personal injury or illness, sudden injury, illness, or death in the family, *etc.*) require notification as soon as possible, but no later than the first day the student returns to class.
2. It is the student’s responsibility to complete any reading and coursework missed during the absence.
3. It is the student’s responsibility to complete additional assignments as required by the professor/instructor.
4. Students who accumulate 4 or more foreseen or unforeseen absences will be required to participate in a performance review by the Eisenhower School.
5. Unless notified otherwise, all classes will be conducted virtually via the Blackboard Learning Management System.

Assessments:

A research paper of 5-6 double-spaced pages (exclusive of title page, footnotes/endnotes, and bibliography). The paper should develop and present a contemporary strategy for integrating US law enforcement entities with US military forces in a domestic or international setting of the student’s choice or assess the degree of success in a historical case study with regard to adherence to the laws of the United States. Due date: December 18. Each student will also complete a ten minute presentation on an assigned foreign country which compares the integration of law enforcement and military forces with the US model. **Blackboard.**

Individual Session Lesson Plan Schedule (see appendices for lesson plans):

Date	Guest Speaker	Wild Card	Lesson	Title	Method of Instruction
Sept 15			1	Introduction and Overview	Seminar
Sept 22		X	2	Legal Framework for LE and Military forces	Seminar
Sept 29	NGB		3	DSCA Pt. 1 Law and Order	Seminar
Oct 6	USCG	X	4	DSCA Pt. 2 Maritime Operations	Seminar
Oct 13	DEA		5	DSCA Pt. 3 Transnational Criminal Activities	Seminar
Oct 20		X	6	Contemporary Topics in Military/LE Integration	Open Discussion
Oct 27	TSC		7	Counterterrorism	Seminar
Nov 3	Cyber		8	Cyber Threats	Seminar
Nov 10		X	9	Domestic Intelligence	Seminar

Nov 17	FBI IOD		10	LE Support to Military Ops	Seminar
Dec 1		X	11	Foreign Country Briefs	Student briefs
Dec 8			12	Case Study: 1992 LA Riots	Group Study
Dec 15	Make-up date				

Participation: Students are expected to participate heavily in class discussions resulting from observations on their assigned readings and/or comments from guest speakers. Students will also be expected to bring in a news story dealing with either the military or law enforcement that they feel has a bearing on the class as a whole. For example, a story on drones attacking terrorists overseas has a bearing on the rule of law internationally and for the US. Stories on police corruption in the US have a bearing on public confidence in the government, particularly the civilian part of government. This portion will take up approximately 10-15 minutes of each class session.

Wild Cards: The instructor will select topical questions for students to ponder on selected days marked in the schedule above to have students think about the implications for the military or law enforcement or both. The instructor will either send these questions to the students in advance of class or announce the question in class.

Anthology: (*See individual lesson plans*)

Grades:

Foreign Country Law Enforcement-Military Integration Briefing:	20%
Law Enforcement-Military Integration Study Paper:	40%
Participation:	40%

Instructor Contact Information:

William Soderberg
 FBI Chair and Tiger Department Chair
 LH 6306
 (202) 685-4795

Appendix 1: Lesson 1 Plan

Session 1: Introduction and History, 15 September 2020

The formation of laws and the means to administer them in the early days of the United States was based largely on the traditions and model inherited from Great Britain. As the country grew and matured socially and physically, the framework of decentralized governance placed much authority in state and local governing bodies, which were typically small and lacked formal enforcement arms for the law. As the country's boundaries moved west, the US Army frequently had to function in the law enforcement role due a lack of civil authority to maintain the rule of law.

(1) Required Readings:

- a. *The Role of Federal Military Forces in Domestic Disorders: 1877-1945*, Clayton D. Laurie and Ronald H. Cole Center of Military History, United States Army, Washington, DC, 1997 CMH Pub 30-15-1, Chapters 1 and 3. **Link**
https://history.army.mil/html/books/030/30-15-1/CMH_Pub_30-15-1.pdf
- b. "Federal Use of Militia and the National Guard in Civil Disturbances: The Whiskey Rebellion to Little Rock," Robert W. Ciakley in *Bayonets in the Streets*, edited by Robin Higham, Manhattan, KS, Sunflower University Press, 1989. **Blackboard.**
- c. "The United States Army as a Constabulary on the Northern Plains," Larry Ball, *Great Plains Quarterly*, Vol 13, Winter, 1993. **Link**
<http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1771&context=greatplainsquarterly>
- d. "The Bonus Army," PBS documentary segment accessed online.
<https://www.youtube.com/watch?v=mSC11bfXfRQ>

(2) Lesson Learning Objectives:

1. Understand the US approach to decentralized governance and civilian control of the military.
2. Appreciate the challenges incurred by US military forces in the US in the 19th Century when tasked to operate in the role of policing functions.
3. Assess the requirement for US military forces to take on policing roles in foreign settings where the rule of law is absent or confused.

(3) Questions for consideration:

1. Why was it necessary for military forces to function as police in the US in the 18th and 19th Centuries?
2. Have soldiers as police presented a bad or good optic historically in the United States?
3. How effective have military forces been in the role of police in US history?

Appendix 2: Lesson 2 Plan

Session 2: Legal Framework for Military and LE Interactions, 22 September, 2020

Crucial to enforcement of the laws of the United States is the understanding of the jurisdictions assigned to those law enforcement agencies at the local, tribal, state and federal levels. For Federal agencies with a responsibility to enforce the law, their authorities are spelled out in the US Code under different sections. The lessons of history have given rise to specific distinctions between the authority of the US military to enforce the law outside the realm of the battlefield. Most notable in the law are the Posse Comitatus Act (PCA) and the Insurrection Act of 1807.

DUE: TOPICS FOR COUNTRY MILITARY/LE PRESENTATIONS

(1) Required Readings:

- a. “The Constitutional Quandary Already at the Border,” Scott Anderson, Lawfare website, January 22, 2019. **Link**
<https://www.lawfareblog.com/constitutional-quandary-already-border>
- b. “What the Armed Forces Can, Can’t and Might Do at the Border,” Ryan Burke, *Modern War Institute* website, West Point, November 20, 2018. **Link:**
<https://mwi.usma.edu/armed-forces-can-cant-might-border/>
- c. “Trading Police for Soldiers: Has the Posse Comitatus Act Helped Militarize Our Police and set the Stage for More Fergusons?” Arthur Rizer, *Nevada Law Review*, Spring 2016, pp.467-513. **Link:**
<https://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=1668&context=nlj>
- d. The Posse Comitatus Act and Related Matters, Bonnie Baker, Jennifer Elsea and Charles Doyle, Hauppauge, New York, Novinka Books, 2004. Pp. 1-16. **Issued.**

(2) Lesson Learning Objectives:

1. Understand the history and the parameters of the Posse Comitatus Act (PCA) on US military forces to enforce the law in the US.
2. Understand the composition and specific nature of jurisdictional authorities outlined to multiple federal agencies under the US Code.
3. Understand the roles and authorities of the Army and Air National Guard as state-owned forces that may be federalized as required under Title 32 and Title 10, USC.

(3) Questions for consideration:

1. How significant is the Posse Comitatus Act (PCA) as a deterrent to using the military in a law enforcement role?
2. What is the mission of each military service? Is there a law and order role included?
3. What is the mission of the National Guard? Is there a law and order role included?

Appendix 3: Lesson 3 Plan

Session 3: Defense Support to Civil Authorities, Part One, 29 September, 2020

Maintenance of the rule of law in the United States during periods of peace and stability rests with civilian law enforcement agencies operating within their respective, local, tribal, state or federal jurisdictions. The Defense Department assists civilian authorities when circumstances overwhelm those authorities such as natural disasters. The National Guard has a unique role in that it serves the state governor or can be brought into federal service under certain emergencies.

Guest Lecturer from the National Guard Bureau

(1) Required Readings:

- a. “The Use of Federal Troops for Disaster Assistance: Legal Issues,” Jennifer Elsea and R. Chuck Mason, Congressional Research Service, RS22266, Nov. 28, 2008. **Link:** <https://apps.dtic.mil/dtic/tr/fulltext/u2/a492865.pdf>
- b. “Military Mission in Puerto Rico After Hurricane was Better Than Critics say but Suffered Faults,” Birthe Anders, *Center for Puerto Rican Studies*, City University of New York, April 1, 2018. **Link:** <https://centropr.hunter.cuny.edu/centrovoices/current-affairs/military-mission-puerto-rico-after-hurricane-was-better-critics-say>
- c. “National Guard Domestic Law Enforcement Support and Mission Assurance Operations,” Chapters 3-5, National Guard Regulation 500-5, August 2010. **Link:** <https://www.ngbpmc.ng.mil/Portals/27/Publications/ngr/ngr%20500-5.pdf?ver=2018-09-07-082540-767>
- d. “Defense Support of Civil Authorities,” Chapter III, Joint Publication 3-28, Department of Defense, US Government Printing Office, 29 October, 2018. **Link:** https://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/jp3_28.pdf

(2) Lesson Learning Objectives:

1. Understand the basic outline of authorities granted to military organizations under the Defense Support to Civil Authorities in JP 3-28.
2. Understand the issues and challenges in integrating and properly utilizing federal military forces with state, local, tribal and other federal agencies in emergencies.
3. Understand the dual roles and authorities of the Army and Air National Guard as state-owned forces that may be federalized as required.

(3) Questions for consideration:

1. What training and coordination is required for military forces operating with civilian agencies in emergency situations?
2. Is the split of national and state authorities for the Guard still useful in our system?
3. What problems exist with authorities for the Guard and law enforcement agencies?

Appendix 4: Lesson 4 Plan

Session 4: Defense Support to Civil Authorities, Part Two-Maritime Issues, 6 October, 2020

The US has an enormous coastline (over 7,000 miles) along two oceans with several thousand more miles of internal waterways. Operating on the seas or other bodies of water have resulted in a long standing body of international law which the United States subscribes to. This is augmented by additional laws and authorities to address waters within the territorial sovereignty of the United States. The US Coast Guard is the principle entity for enforcing these laws, supplemented by other federal and state authorities as the land meets the sea.

Guest Lecturer from the US Coast Guard

(1) Required Readings

- a. “Maritime Law Enforcement Operations and Intelligence in an Age of Maritime Security,” Douglas Guilfoyle, *International Law Studies*, Vol. 93, U.S. Naval War College, 2017. **Link:** <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpredir=1&article=1708&context=ils>
- b. “Coast Guard Publication 1, Doctrine for the US Coast Guard, Chapter One, pp 5-25, February, 2014, US Government Printing Office. **Link:** https://media.defense.gov/2018/Oct/05/2002049081/-1/-1/1/CGPUB_1-0_DOCTRINE.PDF
- c. “Pirate Interdiction and the US Navy,” Department of the Navy Naval History and Heritage Command website. (*Students will read the three entries here, “Campaign Against West Indian Pirates,” “Piracy and the Horn of Africa Operations” and “Fish, Family and Profit”*), **Link:** <https://www.history.navy.mil/content/history/nhhc/browse-by-topic/wars-conflicts-and-operations/pirate-interdiction.html>

(2) Lesson Learning Objectives:

1. Understand the challenges of enforcing the laws of the United States and the law of the sea (international law) in the maritime domain.
2. Understand the mission and authorities of the US Coast Guard and its interactions with other federal, state and local agencies.
3. Understand the role of the US Navy in enforcing international law.

(3) Questions for Consideration:

1. Is the Coast Guard more effective as a law enforcement agency or a military agency or a humanitarian agency?
2. How well is the US Navy equipped to stop crime on the high seas? (smuggling, piracy)
3. How well do the various players in maritime interdiction work together?

Appendix 5: Lesson 5 Plan

Session 5: Defense Support to Civil Authorities, Part Three-Criminal Issues, 13 October, 2020

In recent years, the growing threat from transnational criminal organizations has put considerable pressure on traditional civilian law enforcement means to combat these activities. The wealth and power of groups like drug trafficking organizations operating in Mexico and certain Latin American countries have made countered the capabilities of many federal and state agencies, creating the conditions to augment these entities with military support. While still not functioning in a true law enforcement role, active and reserve military personnel and units now routinely aid federal and state authorities against these threats.

Guest Lecturer from the Drug Enforcement Agency

(1) Required Readings:

- a. “Counter Transnational Criminal Organizations,” US Southern Command website, accessed 20 October 2019. **Link:** <https://www.southcom.mil/Lines-of-Effort/Counter-Threats/Countering-Transnational-Organized-Crime/>
- b. “Transnational Organized Crime and National Security,” Eric Halliday, *Lawfare* website, April 29, 2019. **Link:** <https://www.lawfareblog.com/transnational-organized-crime-and-national-security-0>
- c. “Transnational Threats: Blending Law Enforcement and Military Strategies (Chap. 13 &14),” Carolyn Pumphrey, Editor, US Army War College Strategic Studies Institute, Carlisle Barracks, PA, November, 2000. **Link:** https://www.globalsecurity.org/security/library/report/2000/ssi_pumphrey.pdf
- d. “Terrorism and Organized Crime: Exploring the Mexican Situation,” Yali Noriega Curtis, *Small Wars Journal*, October 14, 2015. **Link:** <http://smallwarsjournal.com/jrnl/art/terrorism-and-organized-crime-exploring-the-mexican-situation>
- e. The Posse Comitatus Act and Related Matters, Bonnie Baker, Jennifer Elsea and Charles Doyle, Hauppauge, New York, Novinka Books, 2004. Pp. 17-68. **Issued.**

(2) Lesson Learning Objectives:

1. Understand the complex nature of transnational crime and challenges faced by traditional civilian law enforcement agencies in confronting this threat.
2. Be familiar with techniques employed by transnational criminal organizations.
3. Understand the US military’s role and capability to support the effort against transnational criminal organizations.

(3) Questions for consideration:

1. Why should the military have a role in the drug war?
2. Who should secure the US southern border—the military or law enforcement?
3. Does the military have a role in countering smuggling operations?

Appendix 6: Lesson 6 Plan

Session 6: Open Discussion: Contemporary Topics in LE/Mil Integration, 20 October, 2020

In this class, students will discuss contemporary topics in which the military and federal, state, municipal or other LE agencies are engaged in combined efforts against some current phenomenon or threat. Students will each find at least one short article to share in advance with their classmates and be prepared to discuss the merits or concerns over LE/MIL partnering in that reading.

Specific Instructions: Topics for student-provided readings include but are not limited to the following subjects:

1. COVID-19 pandemic.
2. Racial injustice protests and riots.
3. Anarchist protests and riots not obviously associated with racial injustice events.
4. Cyber hacking or intrusion by state actors or transnational criminal organizations.
5. Domestic terrorists.

(1) Assigned Readings

Readings will be provided by students NLT 16 October via email or SharePoint.

(2) Lesson Learning Objectives:

1. Understand the ways in which military and LE forces should or should not partner domestically to address problems.
2. Be familiar protocols under DSCA which outline when the military can assist LE components in the performance of certain duties and tasks.
3. Understand the social impact from military and LE agencies operating together and the way in which American society views these occurrences.

(3) Questions for consideration:

1. When should military and LE agencies partner to achieve public safety goals?
2. Who makes decisions about such combined LE/MIL efforts? Is this process effective and legitimate?
3. What is the media and public optic on LE/MIL partnering in the US Homeland? How can we accurately assess concurrence or non-concurrence from the public?

Appendix 7: Lesson 7 Plan

Session 7: Counterterrorism, 27 October, 2020

Terrorism has been around for a long time in the United States in various forms. It has seen a rise in prominence in two different forms going back to the 1990s. First, increasing numbers of domestic terrorist incidents, most notably the Oklahoma City bombing in 1993, have given rise to heightened concerns about domestic terror groups. Secondly, international terrorist groups have demonstrated a willingness to take their indigenous ideological struggles to the United States to create an impact and an effect on the international stage. The United States has been forced to spend billions of dollars safeguarding important infrastructure targets while expanding the intelligence and investigative arms to find and dismantle these groups and individual actors.

Guest Speaker from National Counterterrorism Center

(1) Required Readings:

- a. “National Strategy for Counterterrorism of the United States,” The White House, October 2018. **Link:**
https://www.dni.gov/files/NCTC/documents/news_documents/NSCT.pdf
- b. “The Business of Terrorism,” Stanley McChrystal and Ellen Chapin, *Prism* magazine, Vol. 8, No. 2, 2019, (Washington, DC: NDU Press). **Blackboard.**
- c. “Memorandum for the Files *Re: October 23, 2001 OLC Opinion Addressing the Domestic Use of Military Force to Combat Terrorist Activities*,” US Justice Department memo from the Office of the Legal Counsel, 6 October, 2008. **Link:**
<https://nsarchive2.gwu.edu/torturingdemocracy/documents/20081006.pdf>
- d. “Testimony on Rise of Domestic Terrorism,” Michael McGarrity, Assistant Director FBI Counterterrorism Division, May 8, 2019, FBI website. **Link:**
<https://www.fbi.gov/news/testimony/confronting-the-rise-of-domestic-terrorism-in-the-homeland>

(2) Lesson Learning Objectives:

1. Understand the differences between domestic and international terrorism.
2. Understand the threat to US persons from domestic terrorists. Understand the threats posed by international terrorists operating in the Homeland.
3. Understand the legal and practical means in which the US military can work with federal and state agencies to counter terrorist activity in the US.

(3) Questions for consideration:

1. Who are domestic terrorists and who do they threaten in the Homeland?
2. Why do international terrorists conduct attacks in the US Homeland? Are US-radicalized extremists domestic terrorists or international terrorists?
3. How do terrorist operations in the United States affect the US military? What is the military’s role in countering terrorists in the Homeland?

Appendix 8: Lesson 8 Plan

Session 8: Cyber Challenges, 3 November, 2020

The United States faces growing challenges from various criminal and threat actors from the cyber realm. Criminals, terrorists and spies can now achieve many of their goals through cyberspace, reducing their own vulnerability to being stopped and potentially causing even greater damage through cyberattacks than through physical assaults. As multiple US agencies have a piece of the cyber security strategy, interagency cooperation and cooperation with the military is paramount to future success.

Guest Speaker:

(1) Required Readings:

- a. “Interagency: Nice to Talk About, Hard to Do,” Tom Pike, Nick Long and Perry Alexander, *The Interagency Journal*, Vol. 6, No. 5, Summer 2015. **Link:** <http://thesimonscenter.org/wp-content/uploads/2015/07/IAJ-6-3-Summer-2015.pdf>
- b. Video, Law Shelf Educational Media Video Course, Cyberlaw and Cybercrimes-Module 3 of 5. Link: <https://lawshelf.com/videocoursesmoduleview/cyberlaw-and-cybercrimes--module-3-of-5/>
- c. “Cybercrime in America amid COVID-19: the Initial Results from a Natural Experiment,” James Hawdon, Katalin Parti & Thomas E. Dearden, *American Journal of Criminal Justice* volume 45, pages546–562, (2020). **Link:** <https://link.springer.com/article/10.1007/s12103-020-09534-4>
- d. “Social Media Warriors: Leveraging a New Battlespace,” Buddhika Jayamaha and Jahra Matisek,, *Parameters*, US Army War College Quarterly, Vol 48, No 4, 2018-19, pp. 11-23. **Blackboard.**

(2) Lesson Learning Objectives:

1. Understand the principles involving the interagency coordination process and the ‘whole of government’ approach to problem solving in the cyber security domain.
2. Understand the differences in legal authorities and practices between different federal agencies in combatting cyber threats.
3. Identify common areas for effective partnerships between law enforcement and the military in countering cyber threats.

(3) Questions for consideration:

1. What are the contemporary and future cyber threats that are likely to confront US law enforcement? When does partnering with military ‘offensive’ cyber take place?
2. What does a successful cyber interagency coordination effort look like?
3. Who runs a cyber interagency effort when US military forces are involved? Does civilian control of military forces in an interagency scenario constitute command?

Appendix 9: Lesson 9 Plan

Session 9: Domestic Intelligence and Interagency Cooperation, 10 November, 2020

While US intelligence agencies are generally free to collect intelligence on foreign countries without hindrance from US law, the ability to collect intelligence on US persons (US citizens, US businesses and foreign visitors with legal permanent resident status) is limited. Such actions are limited to legal review and require a warrant to collect restricted information and conduct surveillance on US persons from the FISA (Foreign Intelligence Surveillance Act) court. Also, many of our missions require effective partnering with other agencies. How well the US does interagency partnering today is an ongoing subject of debate and criticism.

(1) Required Readings:

- a. “Societal Acceptability of Domestic Intelligence,” Chap. 4 (pp 79-103) in *The Challenge of Domestic Intelligence in a Free Society*, Brian Jackson, Editor, Rand Corporation Homeland Security Program and Intelligence Policy Center, Arlington, VA, 2009. **Link:**
https://www.rand.org/content/dam/rand/pubs/monographs/2009/RAND_MG804.pdf
- b. “Domestic Approach to National Intelligence,” Office of the Director of National Intelligence, Government Printing Office, December 2016. (**Reading will be shared electronically—Optional Reading**)
- c. Improving Joint Interagency Coordination: Changing Mindsets,” Alexander Carter, Joint Forces Quarterly, 4th Quarter, 2015, pp. 19-26. **Link:**
<https://ndupress.ndu.edu/JFQ/Joint-Force-Quarterly-79/Article/621119/improving-joint-interagency-coordination-changing-mindsets/>
- d. “Interagency: Nice to Talk About, Hard to Do,” Tom Pike, Nick Long and Perry Alexander, *The Interagency Journal*, Vol. 6, No. 5, Summer 2015. **Link:**
<http://thesimonscenter.org/wp-content/uploads/2015/07/IAJ-6-3-Summer-2015.pdf>

(2) Lesson Learning Objectives:

1. Understand the differences between foreign and domestic intelligence.
2. Understand the means by which domestic intelligence may be collected, used, disseminated and maintained and by whom.
3. Understand the need for and the obstacles to effective interagency cooperation.

(3) Questions for consideration:

1. Are the citizen’s rights expendable in the eyes of national security?
2. Who should have access to ‘domestic intelligence?’
3. How can interagency cooperation become more effective? What processes or organizational changes can be made to streamline cooperation?

Appendix 10: Lesson 10 Plan

Session 10: Law Enforcement Support to Military Operations, 17 November, 2020

Federal law enforcement agencies support US military forces deployed overseas in a number of ways. Besides having liaison officers at combatant commands and other key military headquarters, special teams exist to deploy with and to support US military forces. While these teams and individuals do no direct or control military operations, they provide critical technical assistance in dealing with terrorists, transnational criminals and intelligence to aid in stability operations.

Guest Speaker from FBI International Operations Division

(4) Required Readings:

- a. “US Military Forces and Police Assistance in Stability Operations: The Least-Worst Option to fill the Capacity,” Dennis Keller, Strategic Studies Institute, US Army War College, Carlisle Barracks, PA, August, 2010. Students will be assigned a select country study, not the entire reading. **Link:** https://www.globalsecurity.org/military/library/report/2010/ssi_keller.pdf
- b. “Civilian Police and Multinational Peacekeeping—A Workshop Series: A Role For Democratic Policing,” Office of Justice Programs, US Department of Justice, October 6, 1997. **Link:** <https://www.ncjrs.gov/pdffiles/172842.pdf>
- c. “Training Law Enforcement in Fragile States: The Case for a New US Approach,” Tommy Ross and Phillip McDaniel, *War on The Rocks* web article, March 25, 2019. **Link:** <https://warontherocks.com/2019/03/training-law-enforcement-in-fragile-states-the-case-for-a-new-u-s-approach/>

(5) Lesson Learning Objectives:

1. Understand the mission and organization of the FBI’s International Operations Division and the Legal Attache (Legat) program.
2. Understand the range of support capabilities afforded to US military forces deployed overseas by federal civilian law enforcement personnel.
3. Understand the governing rules of engagement for US law enforcement on foreign battlefields deployed assisting US military forces.

(6) Questions to consider:

1. What functions does Law Enforcement potentially perform in supporting military operations internationally?
2. What is the status of civilian law enforcement on the battlefield?
3. When does the military act as police internationally and how can civilian police help?

Appendix 11: Lesson 11 Plan

Session 11: Foreign Country Military and Law Enforcement Integration Comparative Evaluations, 1 December, 2020

We have spent a considerable amount of time looking at the US model for exercising the rule of law, principally in the Homeland. The American experience is unique and presents a unique model for the status of civilian law enforcement and its relationship with the military. Other countries have very different frameworks for integrating the military with law enforcement. These short briefs are an opportunity to compare the US model with those of select countries to understand and observe to differences between the US system (and philosophy) and other countries.

Special Instructions: Each student will prepare a 5-7 minute brief on a foreign country's model for partnership and interoperability between its civilian law enforcement component and its armed forces. Students will select from a list of countries distributed by the instructor during the first class session (see Appendix 14). Style of presentation is at the student's discretion.

(1) Lesson Learning Objectives:

1. Understand the differences between the US model for decentralized governance and law enforcement compared with other select countries.
2. Understand the manner in which foreign law enforcement and military forces in select countries interact and integrate the mission execution.
3. Identify benefits or disadvantages to the US model versus those of the selected foreign countries with regard to military and law enforcement integration.

Appendix 12: Lesson 12 Plan

Session 12: Practical Scenario Discussion: Domestic and International Military/LE Integration Historical Example, 8 December, 2020

The class will examine the successes and failures of the government response to the LA Riots in 1992 brought on by the verdict of the controversial Rodney King trial. The class will participate in a group wargame playing out these assessments. Students will be assigned roles and be challenged to meet certain requirements to protect persons and property and maintain law and order without violating the law or rules of engagement.

(4) Required Readings:

- a. “Lessons in Command and Control from the LA Riots,” Christopher M. Schaubelt, *Parameters Magazine*, Summer, 1997, pp. 88-109, Homeland Security Digital Library. **Link:** <https://www.hsdl.org/?view&did=445945>
- b. “MOUT: A Domestic Case Study—The 1992 Los Angeles Riots,” MG James Delk, California Army National Guard (Ret), Rand Institute Conference Proceedings on Civil-Military Cooperation, Appendix D, June 1996. **Link:** https://www.rand.org/content/dam/rand/pubs/conf_proceedings/CF148/CF148.apd.pdf

(5) Lesson Learning Objectives:

1. What level of planning existed in California in 1992 to deal with large scale civil disruption?
2. How well integrated were the various actors in confronting the chaos and violence ensuing from the Rodney King trial results?
3. What indicators do we have that lessons have been learned to avoid these mistakes today for a similar event?

(6) Questions for consideration:

1. What level of planning existed in California in 1992 to deal with large scale civil disruption?
2. How well integrated were the various actors in confronting the chaos and violence ensuing from the Rodney King trial results?
3. What indicators do we have that lessons have been learned to avoid these mistakes today for a similar event?

Appendix 13: Writing Assignment Instructions

ES6026 – Law Enforcement and Military Operations Integration Writing Assignment

1. Introduction. As you have discovered during this course, there is a long, historical tradition in the United States of the military working with US law enforcement or in a law enforcement role itself. This has come about often out of practical necessity, despite laws and intentions to place each of these entities in more proscribed lanes. There are many ways to look at how the military and law enforcement agencies can work together. This paper draws upon the discussion of materials covered in this course, information from the guest lecturers and your own readings.

2. Student Requirements. Paper will be due NLT 18 December 2020, submitted through email to me. The paper will be double-spaced, 12 point, Times New Roman font and will not exceed six pages in length. Students will list their names, class title and the title of the paper on the first page. Sources will be cited IAW NDU protocols for source attribution.

3. Writing Options

a. Option One—Historical Example. Cite an example in American history where the US military took on a ‘law enforcement’ role. Explain and defend why you believe this was a law enforcement task vice a military task. Was the mission accomplished successfully? Did the military element’s execution of this task break the law? Could it have been conducted by law enforcement personnel? How do you think a similar mission would be undertaken today?

b. Option Two—Domestic Law Enforcement Missions. Lay out a scenario where the US military would assist US law enforcement domestically in crisis situation. What support can the US military lend to Federal and local law enforcement in your scenario? What authorities are invoked for such support? What risks exist for military commands and personnel in your scenario?

c. Option Three—Foreign Law Enforcement Missions. Lay out a scenario where Federal law enforcement agencies would assist US military forces in a foreign deployment situation. What support can Federal law enforcement lend to military forces in your scenario? What authorities are invoked for such support? What risks exist for military commands and personnel in your scenario? What risks exist for law enforcement organizations and their personnel in your scenario?

d. Option Four—Overlapping and Competing Roles. In an increasingly complex international and domestic environment, the distinctions between law enforcement and traditional military/combat operations can sometimes become blurred. Cite one or two examples of such a situation and describe the problems inherent in overlapping or competing roles assigned to law enforcement or military organizations. How serious were the problems? What difficulties arose in the course of the mission? Were they solved? What solutions would you recommend to address such problems?

Appendix 14: Briefing Assignment Requirements

ES 6026 Foreign Military and Law Enforcement Organizational Briefing Assignment

1. Introduction. The United States has a uniquely structured system of government based on the unique cultural and historical circumstances under which it formed. Our Founding Fathers desired to have a system which decentralized power and placed checks on the authorities of all branches of the federal government. The US seeks to keep its military out of a domestic governance or legal enforcement role. Other countries have different histories with different rationales for the manner in which the rule of law is maintained there.
2. Briefing Exercise. Each student will present a short brief (not to exceed 10 minutes plus 5 minutes for questions) regarding the process for enforcing the rule of law in a foreign country selected from the list provided below. Student briefings will be conducted during the December 1, 2020 class session. The briefings should attempt to answer the following questions;
 - a. What type of government does the country have?
 - b. How are laws enacted? By whom?
 - c. What police organizations (local and national) are in place and who do they report to?
 - d. Are the police feared or admired/honored?
 - e. What role does the military play in enforcing the laws of that country?
 - f. Can the military take over the police function at any time or only in emergencies?
3. List of Countries Briefs by Student:
 - a. France
 - b. China
 - c. Russia
 - d. Argentina
 - e. Brazil
 - f. Switzerland
 - g. Thailand
 - h. Egypt
 - i. South Africa
 - j. Mexico
 - k. Japan
 - l. Columbia
 - m. Australia
4. Please let me know if you have questions or concerns.