

**A CONCEPTUAL MODEL OF
“TOTAL THREAT ASSESSMENT” FOR KENTUCKY**

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This report is for task one of the SERRI project in partnership with the University of Kentucky. Task one includes Kentucky Hazmat Supply Chain Threat Analysis and development of a Conceptual Model of Threat for Kentucky.

Kentucky Hazmat Supply Chain Threat Analysis¹

What is the terrorist threat to the nation's hazmat supply chain?

The hazmat supply chain presents an attractive target for terrorists. In the United States, there are hundreds of thousands of shipments daily through a complicated supply chain with multiple points of vulnerability. Because of their nature, many hazmat shipments could become dangerous and ready-made weapons in the hands of a terrorist. And because of the large number of shipments, the exposure to these vulnerabilities is very broad.

Most hazmat shipments in the United States are by motor carriers; however hazardous materials are also shipped by rail and barge. Vulnerable points in the supply chain include manufacturing facilities, shippers, hazmat carriers, and receiving facilities.

A FMCSA study identified three terrorist attack profiles for hazmat shipments.²

Theft is undertaken by means of stealth, deception, or force. Stealth and deception are deterred by detection, while force assumes detection and operates within parameters defined by the time to communicate and mount an interdiction. Stealth, deception, and force also define an escalation path for operational planning purposes.

Diversion is a tactic that results in either theft or interception. The purpose is to create a path to a target opportunity or arrive at a location where control of the cargo by the terrorists can be achieved.

Interception is the "instantaneous" version of theft in that the cargo is released and/or detonated, and ignited while still in control of the shipper/carrier/consignee. Particularly effective when the radius of damage is large, this is potentially the most violent of attack profiles in that it likely involves explosives as the mechanism for effecting material release.

For example, for a bulk chemical shipment, a terrorist might use a false manifest to divert the chemical shipment for delivery to a populated area for intentional release.

¹ This analysis was prepared by **Brandon Montgomery** and **Matthew Tackett** – May 2008. Both completed requirements for the Master of Public Administration degree from Morehead State University during the course of this project.

² Hazardous Materials Safety and Security Technology Field Operational Test Volume II: Evaluation Final Report Synthesis. 2004 pgs 51-52.

Numerous international and domestic incidents have occurred over the past several years that demonstrate the threat posed to the hazmat supply chain by terrorists. For example, according to the FMCSA study:

- March 31, 2002: A 29-year-old driver for a propane distributor drove away with a 3,000-gallon trailer. He made a telephone threat stating that he wanted to kill President George W. Bush and that he would use the truck as a "3,000-lb bomb."
- April 11, 2002: A terrorist driving a truck carrying liquefied natural gas ignited his cargo in front of a synagogue on the Tunisian Island of Djerba, killing 17 people, mainly German and French tourists. Al Qaeda claimed responsibility for the blast.
- May 16, 2002: A tractor-trailer carrying 10 tons of deadly cyanide in 96 drums was stolen after three armed men held up the vehicle north of Mexico City. Six drums were never found.
- May 2002: A fully loaded tanker truck pulled into Israel's largest fuel depot and suddenly caught fire due to an explosive charge connected to a cellular phone. The fire was extinguished, but had the truck exploded, destruction and death would have resulted.
- February 2007: Insurgents in Iraq incorporated canisters of liquefied chlorine into vehicle-borne improvised explosive devices. The blast left several dead and scores suffering from exposure to the dispersed chlorine in an area of Baghdad.
- April 2007: A suicide truck bomb loaded with chlorine gas exploded in Ramadi killing as many as 30 people, many of them children, a security official said. The truck, a fuel tanker loaded with the toxic gas, struck in the late morning of the Muslim day of prayer when children off from school usually play in the street and adults run errands and visit before going to the mosque at midday.

What are the potential costs of a hazmat attack?

The consequences of an attack using hazardous materials could be significant. A FMCSA study explored the "per event" potential economic impact of intentional and non-intentional releases of hazardous materials.³ The study examined the potential consequences as measured by the following parameters.

- Fatalities and injuries.
- Property Damage: Damage to the truck, to other involved vehicles, and to other public and private property.

³ Hazardous Materials Safety and Security Technology Field Operational Test Volume II: Evaluation Final Report Synthesis. 2004 pgs 70-71

- Product Loss: Quantity and value of the hazardous materials lost during a spill.
- Environmental damage.
- Evacuation: Predominantly short-term relocation of people and business operations.
- Cleanup: Stopping the spread of a release and removing spilled materials.
- Traffic Delay: Additional travel time experienced by the motoring public due to delays caused by the incident.
- Business Disruption: Businesses having to reduce or cease operations because the facility is inaccessible, supplies cannot be received, or other constraints imposed by the incident.

The study presented the following estimates of the economic consequences of a terrorist attack using different types of hazmat shipments.

Figure 1. Estimated economic consequence of terrorist attacks.

Hazardous Material Load Type	Reasonable Worst-Case Hazmat Attack Consequences
Bulk Fuel	\$3.7 Billion
Less Than Load High Hazard	\$2.1 Billion
Bulk Chemicals	\$16.3 Billion
Truckload Explosives	\$13.3 Billion

To put the FMCSA numbers into context, the economic consequences of two terrorist attacks in the U.S. - the 1993 New York World Trade Center (WTC) and the 1995 Oklahoma City Federal Building – can be examined:

- The 1993 WTC bombing killed six people, injured over 1,000, and resulted in over \$113 million in loss of life and bodily injury, and over \$510 million in insured losses (based on figures from the Federal Emergency Management Agency). Total losses are estimated to be \$623 million.
- The Oklahoma City bombing killed 168 people, injured 601, and resulted in \$560 million in loss of life and bodily injury, and over \$125 million in insured losses. Total losses are estimated to be \$685 million.

Vehicles used in the transportation of hazardous materials typically have much larger capacities than the vehicles used in these two incidents. If larger vehicles were used to carry out a terrorist act, the damage would have been far worse. If highly hazardous

materials were involved and released in a directed attack, it could result in far greater numbers of casualties and damage to property over a larger area.

Another example of the economic consequence of directed attacks in the United States, albeit attack(s) using airplanes against buildings as opposed to trucks, is the September 11, 2001 attack(s) on the WTC. According to the FMCSA, the Government Accounting Office (GAO) reviewed eight studies from seven organizations that examined the financial impacts of the 9-11 attack on the World Trade Center. The GAO concluded that the study conducted by the New York City Partnership and Chamber of Commerce provided the most comprehensive estimates: \$83 billion in 2001 dollars for direct and indirect costs.

What is being done to protect the nation's hazmat supply chain?

The federal government has undertaken a number of initiatives focused on the security of the hazmat supply chain. Federal initiatives include the following.

1. **U.S. Transportation Security Administration hazmat driver security checks.** Under the USA Patriot Act, the U.S. Transportation Security Administration (TSA) has issued rules that prohibit states from issuing a hazardous materials endorsement to a trucker without first determining whether or not the individual poses a security risk. The law's intent is to prevent hazmat shipments from falling into the hands of individuals that might use them as weapons.
2. **U.S. Federal Motor Carrier Safety Administration hazardous materials safety permits.** On June 30, 2004, the U.S. FMCSA issued a rule to establish a national safety permit program for motor carriers that transport certain hazardous materials in interstate or intrastate commerce. FMCSA's hazmat permitting requirements began a staged phase-in beginning January 1, 2005. A motor carrier must meet three minimal requirements to obtain a hazmat safety permit.
 - **Satisfactory safety rating.** The motor carrier must have a "satisfactory" safety rating assigned by either FMCSA, pursuant to the Safety Fitness Procedures, or the State in which the motor carrier has its principal place of business, if the State has adopted and implemented safety fitness procedures that are equivalent to the FMCSA procedures.
 - **Satisfactory security program.** The motor carrier must establish that it has a satisfactory security program, including:
 - A security plan meeting the requirements of part 172, subpart I of this title. The security plan must address how the carrier will ensure the security of the written route plan required by this part;
 - A communications system installed on each motor vehicle used to transport a hazardous material listed in Sec. 385.403(a) of this subpart that enables the

vehicle operator to immediately contact the motor carrier during the course of transportation of the hazardous material, and each operator must be trained in the use of the communications system; and Hazmat employees who have all successfully completed the security training required in Sec. 172.704(a)(4) of 49 CFR.

- **Registration with RSPA.** The motor carrier must be registered with RSPA in accordance with subpart G of part 107 of 49 CFR.

3. **H.R. 1: Implementing Recommendations of the 9/11 Commission Act of 2007.**

Section 1554 of the act directs the Secretary, through the TSA Administrator, to develop a program to facilitate the tracking of motor carrier shipments of security-sensitive materials and to equip vehicles used in such shipments with technology that provides frequent or continuous communications, vehicle position location and tracking capabilities, and a feature that allows the driver to broadcast an emergency distress signal.

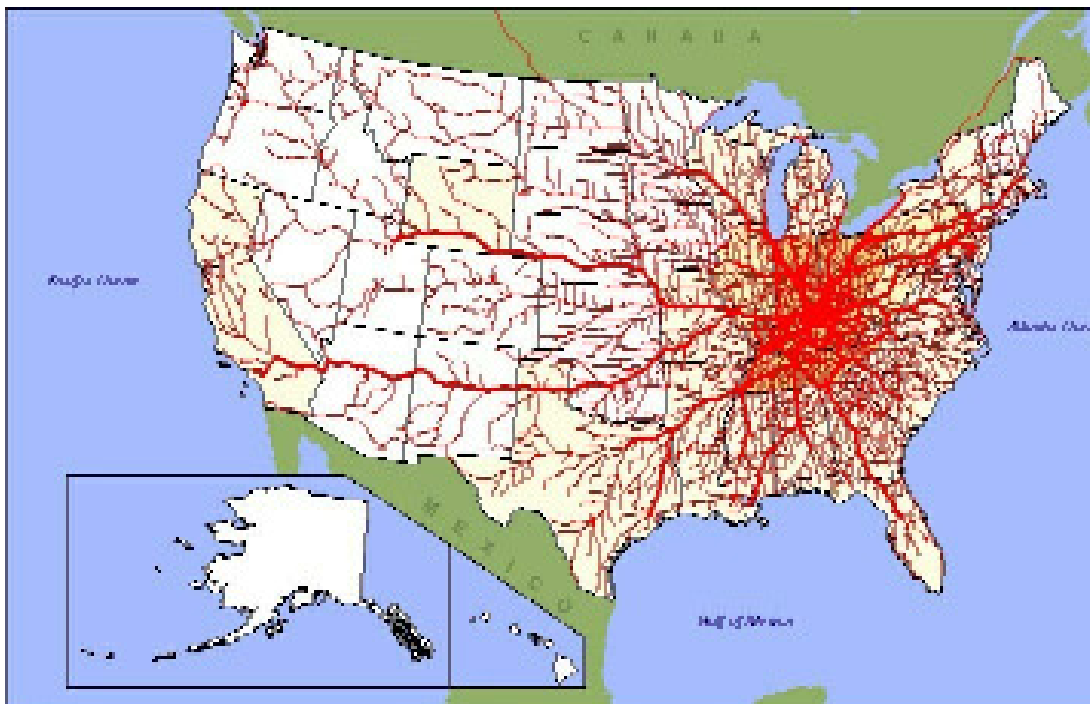
How is Kentucky's hazmat supply chain structured?

Kentucky sits in the middle of some of the nation's busiest transportation corridors. Major interstate highways including I-64, I-65, and I-75 cut through the state carrying over 70,000 semi-tractor trailer trucks daily. The Ohio River and the Mississippi River border Kentucky and carry much of the nation's barge traffic. In addition, several major rail lines including CSX and Norfolk Southern have major rail lines through the state and hazmat shipments are regularly routed through the middle of Kentucky's urban areas. In Lexington, for example, 30 railcars a day carry hazardous materials through the heart of the city.⁴

U.S. Department of Transportation data on state truck tonnage indicates that only six states have more truck tonnage than Kentucky. DOT data also indicates that about 60% of the truck tonnage on Kentucky's roads is through traffic – a relatively high percentage. **Figure 2** illustrates freight flows to, from and within Kentucky, with red reflecting the volume of freight flows.

⁴ "Hazmat Spills 'Significant Risk,' Officials Says", February 20, 2007
<http://www.redorbit.com/news/display/?id=846932>

Figure 2. Freight flows to, from, and within Kentucky by truck (Federal Highway Administration)



Kentucky has a number of facilities that produce or store significant amounts of hazardous materials. These include petrochemical facilities in western Kentucky, eastern Kentucky, and Louisville. In addition to its petrochemical facilities, Kentucky is also home to the Bluegrass Army Depot near Richmond and the Paducah Gaseous Diffusion Plant. The Bluegrass Army Depot is a repository for nerve agents. The Paducah Diffusion Plant produces low-enriched uranium fuel for commercial nuclear power plants.

How likely is it that groups residing in Kentucky have the means and organizational skill to launch an attack on the hazmat supply chain?

A major terrorist action involving hazardous materials in Kentucky will take considerable organizational skill and funding. Kentucky does not have a large foreign-born population, and it is unlikely that a significant number of well-organized and well-funded “terrorist cells” reside within the state at the present time.

The threat of domestic terrorism is also low. There are domestic groups or individuals of concern in the state but none are likely to be organized well enough or suitably funded to initiate an action of concern at the present time.

Should Kentucky officials be concerned about threats to its hazmat supply chain?

Even though Kentucky might not be home to domestic or foreign-born terrorist groups that have the means and organizational skill to launch an attack on the hazmat supply chain, there are still significant threats to the hazmat supply chain in Kentucky.

Kentucky is a major transit state for hazmat shipments. A huge amount of goods pass through Kentucky on its interstate highway system. Barges hauling hazardous materials travel past major port cities on the Ohio River and the Mississippi River and trains transporting hazardous materials pass through all of Kentucky's major metropolitan areas. Also, a significant amount of dangerous hazardous materials are produced or stored in Kentucky.

In Kentucky's case, terrorist groups that are intent on attacking the hazmat supply chain are likely to come into Kentucky from out of state. In fact, Kentucky might well be a "magnet" for out-of-state terrorists seeking to launch attacks using hazardous materials. As noted previously, an attack on the hazmat supply chain could come about by theft, diversion, or interception. The hazmat attack scenarios listed below serve as examples of the potential attractiveness of Kentucky's hazmat supply chain to terrorists.

1. Petrochemical facilities in the state represent an attractive target for terrorists either as a source of materials for use as a weapon of mass destruction or as a fixed target (i.e. destruction in place).
2. The Bluegrass Army Depot and the Paducah Gaseous Diffusion Plant produce or store hazardous materials that could serve as exceptionally dangerous weapons of mass destruction.
3. Kentucky is home to major tourist and sporting venues that draw huge numbers of people (see **Figure 3**). These venues are potentially attractive targets for terrorists using hazardous materials as weapons of mass destruction.
4. Numerous hazmat shipments travel daily by rail through the heart of Kentucky's largest cities. Terrorists could intercept tank cars and release their contents in crowded urban areas.
5. Terrorists could intercept barges hauling hazmat shipments on the Ohio River and the Mississippi River and release their contents in crowded urban areas or use the barge and its contents as a floating bomb.
6. Kentucky's interstate road system might also serve as a magnet for terrorists. Hazmat shipments traveling on the Kentucky's roads could be intercepted and used by terrorists. In addition, Kentucky's interstate road system offers terrorists an efficient

transportation route for moving dangerous materials through Kentucky to high value targets in the Northeast, Southeast or Midwest. ⁵

Figure 4 further describes each of the six attack scenarios listed above.

Figure 3. Kentucky is home to major sporting and tourist events.

Events	Event Date	Location	Est. Attendance
Thunder Over Louisville	April	Louisville, JEFFERSON	800,000
Alltech FEI World Equestrian Games	9/25 - 10/10, 2010	Lexington, FAYETTE	800,000
PGA's Ryder Cup Golf Tournament	9/16-9/21, 2008	Louisville, JEFFERSON	240,000
Kentucky Derby (race day - Churchill Downs)	May	Louisville, JEFFERSON	160,000
Kentucky Oaks Horse Race	April	Louisville, JEFFERSON	110,000
University of Kentucky Football Games	August - December	Lexington, FAYETTE	70,000
Meijer 300 NASCAR Race	6/14/2008	Sparta, GALLATIN	66,000
Meijer Indy 300 Race	8/9/2008	Sparta, GALLATIN	66,000
University of Louisville Football Games	August - December	Louisville, JEFFERSON	45,000
University of Kentucky Basketball Games	November - March	Lexington, FAYETTE	25,000
University of Louisville Basketball Games	November - March	Louisville, JEFFERSON	19,000
Keeneland Track Spring/Fall Meet	April/October	Lexington, FAYETTE	15,000
Churchill Downs Spring/Fall Meet	April -July October-November	Louisville, JEFFERSON	15,000

⁵ For example, concern that Kentucky's interstate road system might be used as the delivery route for radioactive WMDs led the Kentucky Transportation Cabinet and the U.S. Department of Homeland Security to install radiation detectors at a number of truck weigh stations on Kentucky's interstate highway system.

Figure 4. Hazmat Attack Scenarios in Kentucky

Scenarios	Target	Means	Impacts
Theft or diversion of bulk chemical shipment from Kentucky-based petrochemical plant.	Major metropolitan area or major tourist or sports event.	Theft or diversion of hazmat truck shipment. Release and/or detonation of truck contents.	Fatalities and injuries.
Destruction of hazardous materials on-site at fixed facilities.	Petrochemical plants in Louisville, eastern Kentucky, or western Kentucky.	Theft, release or detonation of hazardous materials found on site.	Fatalities and injuries. Significant damage to infrastructure.
Theft (by force) of nerve agents (Bluegrass Depot) or radioactive materials (Paducah).	Major metropolitan area or major tourist or sports event.	Theft of agents on site, or hijacking of from hazmat carrier.	Fatalities and injuries.
Interception of train hauling hazardous materials.	Major metropolitan area or target of interest adjacent to railway.	Hijacking of train while en route to destination.	Fatalities and injuries.
Interception of barge hauling hazardous materials.	Metropolitan river ports on Ohio River or strategic infrastructure (bridges, locks).	Hijacking of barge while en route to destination.	Fatalities and injuries. Destruction of ports or strategic infrastructure.
Attack of major tourist or sporting venues using hazardous materials as WMD.	Heavily populated events, such as those indicated in Figure 1.3.	Release or detonation of stolen hazardous material.	Fatalities and injuries. Disruption of high profile event.
Transport of radioactive materials through Kentucky by truck.	Kentucky's Interstate and Highway System	Relaying hijacked material through Kentucky.	Unmonitored and dangerous transportation.

A CONCEPTUAL MODEL OF “TOTAL THREAT ASSESSMENT” FOR KENTUCKY

The Kentucky Transportation Center of the University of Kentucky worked in partnership with Professors Michael Hail, Stephen Lange, and Lisa Cave from the Institute for Regional Analysis and Public Policy (IRAPP) at Morehead State University to develop the research study **A Conceptual Model of “Total Threat Assessment” for Kentucky** project as funded by a grant award from the U.S. Department of Energy and BWXT Y-12, L.L.C.

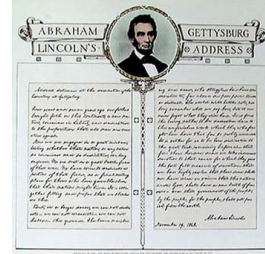
For the determination of “threat” organization, the following questions were addressed:

1. Where are the organizations that pose “threats”?
2. How do these organizations communicate?
3. Who are these organizations connected to (networks and resources)?
4. What are these organizations defined conceptually?

The definitions, descriptions, and methodologies developed under this provide a baseline for advancing total threat assessment in other states and/or in the southeast region.

A CONCEPTUAL MODEL OF “TOTAL THREAT ASSESSMENT” FOR KENTUCKY

The goal of the Conceptual Model of “Total Threat Assessment” for Kentucky project was to define the parameters and public policy elements of the concept of “total threat assessment,” as it relates to Kentucky. This process of definition and description was undertaken collaboratively with the Kentucky Department of Homeland Security and the Kentucky FUSION Center and addressed relevant theoretical and data elements of threat assessment.

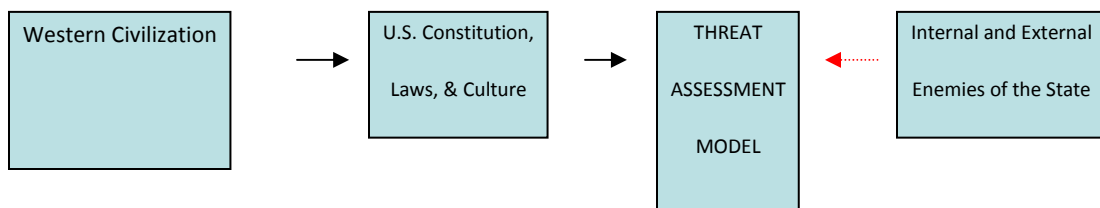


DEFINING THREAT AND THE CONCEPTUAL MODEL:

LEGAL AND THEORETICAL FOUNDATIONS

Noted intelligence expert Abram Shulsky provides a salient reflection on our approach, “With the end of the Cold War, the struggle of ideologies has come to a close. Some have foreseen an “end of history,” in the Hegelian sense of the attainment of philosophic self-awareness; others, a “clash of civilizations,” in the sense of the conflict of what are ultimately mutually incomprehensible value systems. ...such is the world we face; and the study of the classics of political philosophy with Leo Strauss was a surprisingly good preparation for grappling with it.”⁶ It is this preparation we propose to utilize as a foundational reference for building a model of threat assessment.

THE MODEL OF THREAT ASSESSMENT



⁶ Shulsky, Abram. *Silent Warfare: Understanding the World of Intelligence*. Washington, DC: Potomac Books Inc., 2002.

Providing for physical necessities, safety, and security are the first purpose of any state. Anything that poses a danger to the state's ability to provide these things consistently is a threat to the state.

Additional purposes or ends that our form of government seeks to provide:

- individualism
- liberty
- equality
- natural rights
- the rule of law
- constitutionalism
- representative democracy
- the separation of church and state free markets

These ends we share with the Western world generally. They are among the essential elements defining Western civilization. As the July 2007 National Intelligence Estimate on Terrorism indicates:

"We judge the US Homeland will face a persistent and evolving terrorist threat over the next three years. ...Al-Qa'ida is and will remain the most serious terrorist threat to the Homeland ... Although we have discovered only a handful of individuals in the United States with ties to al-Qa'ida senior leadership since 9/11, we judge that al-Qa'ida will intensify its efforts to put operatives here."

Our work on threat assessment could help to identify and track such operatives.

"We assess that the spread of radical—especially Salafi—Internet sites, increasingly aggressive anti-US rhetoric and actions, and the growing number of radical, self-generating cells in Western countries indicate that the radical and violent segment of the West's Muslim population is expanding, including in the United States. The arrest and prosecution by US law enforcement of a small number of violent Islamic extremists inside the United States—who are becoming more connected ideologically, virtually, and/or in a physical sense to the global extremist movement—points to the possibility that others may become sufficiently radicalized that they will view the use of violence here as legitimate. We assess that this internal Muslim terrorist threat is not likely to be as severe as it is in Europe." There is evidence that networks that support the ideology of the enemies of the state are operating in Kentucky and in broader spectrum than simply religious extremism terror organization frameworks.

"We assess that globalization trends and recent technological advances will continue to enable even small numbers of alienated people to find and connect with one another, justify and intensify their anger, and mobilize resources to attack—all without requiring a centralized terrorist organization, training camp, or leader. The ability to detect broader and more diverse terrorist plotting in this environment will challenge current US defensive efforts and the tools we use to detect and disrupt plots. It will also require greater understanding of how suspect

activities at the local level relate to strategic threat information and how best to identify indicators of terrorist activity in the midst of legitimate interactions."

Again, the methodologies we have developed are new "tools" that could help to "detect broader and more diverse terrorist plotting." Of special relevance is that our methodology does in fact "identify indicators of terrorist activity in the midst of legitimate interactions."

The goal of the **Conceptual Model of "Total Threat Assessment" for Kentucky** project is defining the parameters and public policy elements of the concept of "total threat assessment," as it relates to Kentucky. This process of definition and description was undertaken collaboratively with the Kentucky Department of Homeland Security and the Kentucky FUSION Center and will address relevant theoretical and data elements of threat assessment. The project contributes toward improved modeling of threats and addresses through this study central theoretical questions.

The **Conceptual Model of "Total Threat Assessment" for Kentucky** has two focus components that build the core data for threat assessment with the model:

- I. Definition Through Metafusion Techniques and Metaphysical Mapping
- II. Threat Analysis of Public Sector Institutions & Non-Profits

There are four levels of analysis: individual, organizational, nation-state, and global. We developed a threat model utilizing organizational level data.

The metaphysical mapping of the idea networks serves to illustrate where threats exist and/or where the infrastructure exists to provide resources (personnel, funds, logistics, intelligence, materials) to threat organizations. ***An essential pre-condition for this network is an institutional value system that would conform to or support the ideas, ends, and objectives of the enemies of the state.*** The mapping included a focus on religious organizations and non-profit organizations in cultural and international relations, as well as ideological or radical organizations. These foundational value maps are integrated into a threat assessment model that utilizes metafusion techniques.

Noted intelligence expert Abram Shulsky provides a salient reflection on our approach, "With the end of the Cold War, the struggle of ideologies has come to a close. Some have foreseen an "end of history," in the Hegelian sense of the attainment of philosophic self-awareness; others, a "clash of civilizations," in the sense of the conflict of what are ultimately mutually incomprehensible value systems. ...such is the world we face; and the study of the classics of political philosophy with Leo Strauss was a surprisingly good preparation for grappling with it."⁷ It is this preparation we utilize as a foundational reference for building the model of threat assessment for Kentucky.

Carnes Lord suggests that public diplomacy is essential to win the War on Terror and that fundamental to this effort must be an understanding that Western Civilization needs not only defending but promulgating at home and abroad.⁸ Lord explains that the scientifically advanced status of the West can only be understood ontologically as established by Plato and Aristotle and moving through a philosophical progression into the present era that results not only in advanced economic and military strength but in a distinct set of cultural values.⁹ These values of the West include many important aspects but central among them are a respect for the civil rights and liberties of individuals, a strong adherence to the rule of law, a free market economy, and the subordination of military power to political power.¹⁰ Along with these values, the United States, in particular, places a great emphasis on egalitarian policies and develops under a Judeo-Christian moral tradition with an English common law system and with a government that operates under a system of federalism that is decentralized, fragmented, and which makes

⁷ Schmitt, Gary J. and Abram N. Shulsky. "Leo Strauss and the World of Intelligence (By Which We Do Not Mean Nous)." In Deutsch and Murley, eds. *Leo Strauss, the Straussians, and the American Regime*. Lanham: Rowman & Littlefield Pub., 1999.

⁸ Lord, Carnes. *Losing Hearts and Minds*. Westport, CT: Praeger Security International, 2006.

⁹ Lord, Carnes. *Aristotle's Politics*. Chicago: The University of Chicago Press, 1984, p.1.

¹⁰ Pangle, Thomas L. *The Ennobling of Democracy*. Baltimore: Johns Hopkins University, 1992.

policy decisions incrementally.¹¹ This particular configuration of government institutions and political processes and societal values forms a distinct culture of Western Civilization that is the target of the Enemies of the State.¹² “Enemy of the state” is a term that is more precise and less exclusive than terrorism. This term, for example, may be more meaningfully applied to those who support and finance terrorist networks. We develop the theoretical justification and common conceptual usage for the term “enemy of the state” as a central component of this project. This entails articulating (1) a clear understanding of statehood and sovereignty, (2) the end/purpose/objective of our particular state, and in light of those ends and the means we use to accomplish them, (3) what type of organizations and operating environments would constitute an enemy of the state.¹³ As Samuel Huntington put it, “The fault lines between civilizations will be the battle lines of the future.”¹⁴ An understanding of the roots of Western civilization through the study of seminal political philosophers in the West is our approach for the theoretical work on definitional “threats.”

The conceptual model for total threat assessment begins with the centrality of the question of Western Civilization and those who oppose and wish to destroy it, which we term the Enemies of the State. Understanding the clash of civilizations presents a theoretical framework for classification of threat. We define the “state” and the values, structures, processes, and people who constitute it. Based upon this foundational understanding. The Enemies of the State are identified utilizing an integrated and interdisciplinary understanding developed from the threats identified by the U.S. government, then modeled for the State of Kentucky.

The May 2002 guide by the U S Secret Service and U S Department of Education, “Threat Assessment in Schools”, stated that “incidences of targeted violence was rarely a sudden, impulsive act.” Rather, there are historical precursors and identifiable patterns that may make these events predictable and preventable. These findings highlighted the importance of a threat assessment model and stated an “integrated systems approach should guide threat assessment analysis.”¹⁵ “FBI Director Robert S. Mueller II said July 26, 2007 that Chinese intelligence

¹¹ Kurth, James. “Western Civilization, Our Tradition.” *The Intercollegiate Review*, Fall 03/Sp.04, pp.5-13.

¹² Mansfield, Harvey C., Jr. America’s Constitutional Soul. Baltimore: Johns Hopkins University, 1991.

¹³ Such conceptual work has implications not only for public rhetoric and policy making, it also may have an impact upon judicial interpretation.

¹⁴ Huntington, Samuel. “The Clash of Civilizations?” *Foreign Affairs*. Summer 1993, Vol 72, Number 3.

¹⁵ “A Guide to Managing Threatening Situations and to creating Safe School Climates” Threat Assessment in Schools, U S Secret Service and U S Department of Education, Washington, DC, May 2002.

operations against the United States are a major problem and that the FBI is stepping up counterespionage efforts against them.”¹⁶ The intellectual capital of the U.S. is on the front lines of the current international threat climate, and the ideas and values most in conflict are clearly evinced. Determining “threats” to the state is of great importance for understanding our time of civilizational conflict. This work builds a meta-analytic framework for evaluating the conflict of ideas that promises to define this century.¹⁷ The model from this work utilizes meta-fusion techniques that enhance national security through institutional capacity building and applied political philosophy.

In the specific tests of this model of threat assessment, we propose to study two specific dimensions of threat in Kentucky:

1. Organizations that exist across a range of radical, extremist typologies which have ***an institutional value system that would conform to or support the ideas, ends, and objectives of the enemies of the state.***
2. “Ghost” entities that could be exploited by these Enemies of the State.

This model utilizes catagraphic techniques to establish threat assessment regimes. This catagraphically-based model will build obliquus frames of reference that will assist in building a comprehensive typology of organizations that can be termed as threats or probable threats. These will then be mapped such that the geography of organizational threats and networks could be analyzed against further data or present or future specific threat information.

The “Ghost” entities should demonstrate particular effectiveness at one organizational level of threat not currently being addressed. The existence of public sector non-profit, civic, fraternal and other associations that have no legal entity status, no tax status, and no actual means of current identification move like ghosts through our current threat assessment regime. The prevalence of these phenomena will be evaluated by this model as a means of relational data assessment between threat organizations and those which can exploit non-traceable fiscal and legal actions through “Ghost” organizations. IRS 990 data, KY Secretary of State entity data, and archival records specific to organizations will be the core elements of the databases.

The threat model for Kentucky utilized organization level inputs, mapped with GIS grids, and evaluated against standard data tools to assess methodological rigour. The final result was a substantial improvement in data quality and reliability. The Kentucky FUSION Center and Kentucky Homeland Security found these models to have value as tools for their analysis.

¹⁶ Gertz, Bill. “FBI: Chinese Espionage A ‘Substantial’ Concern.” *The Washington Times*. 30 July 2007, p.1.

¹⁷ Shulsky, Abram. *Silent Warfare: Understanding the World of Intelligence*. Washington, DC: Potomac Books Inc., 2002.

Appendix B illustrates the protocols, data, and personnel involved in the development of these deliverables.

Enemies of the State as Threats to Sovereignty

- Those who threaten sovereignty by threatening the ongoing existence of the state *per se*.
- Those who threaten sovereignty by rejecting the state as the legitimate final and absolute authority in the political community.

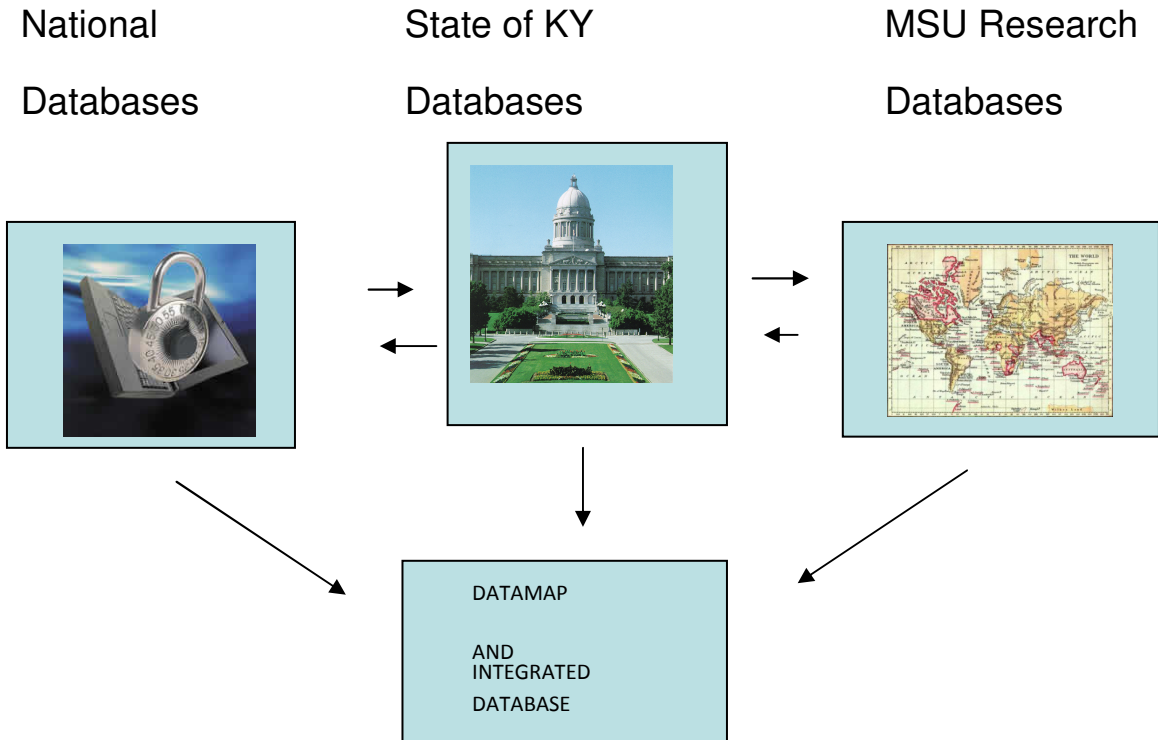
The above definitions were utilized to operationalize data inputs into the threat model.

THREAT DETERMINATION

For the determination of “threat” organization, the following questions were addressed:

- Where are the organizations that pose “threats”?
- How do these organizations communicate?
- Who are these organizations connected to (networks and resources)?
- What are these organizations defined conceptually?





This diagram above illustrates the metadata model for fusion and analysis in building our threat model.

FINDINGS & OUTCOME RESULTS

Extremism Is Prevalent in Cyberspace

Social Network Sites – Example :

Facebook



We systematically examined social network websites to determine locational information to identify “Enemies of the State” as specific “threats” to or within Kentucky. An organization had to have a specific geographic identification with Kentucky as well as an identifiable “threat” documentation. The number of organizations was much larger than expected and necessitated a sampling technique. Among those sampled from Facebook are identified above by their symbolism. In terms of definition, many organizations had a mission statement of tolerance, peace, multiculturalism, or civil rights but the actual content on their site, the statements of members on news posts or message boards, and other communications that could have been regulated or removed as averse to the stated purposes was prevalent or even encouraged by the organization leaders or officers. An outline of these groups and a time series comparison of change within the organizations is presented in the following analysis.

LIST OF ORGANIZATIONS SAMPLED ON FACEBOOK:

STOP calling MUSLIMS TERRORISTS !

- 61,891 members

Defend Prophet Mohammad (Peace Be Upon Him)

- 56,957 members

Voice of the Martyrs

- 6,626 members

Witches, Wiccans and Neo-Pagans United

- 3,054 members

Support The Israeli Army

- 3,726 members

Sikhism - Taking Bigger Steps Into The World

- 3,299 members

Stop Islamophobia Worldwide

- 15,243 members

Islam is a way of life

- 10,340 members

First Nations & Aboriginal Rights

- 2,551 members

True Islam Is The Right Path.

- 2,723 members

American Atheist Organization

- 2,149 members

-

Pissing off religious people

- 1,670 members

Pagan Pride

- 1,428 members

Support Mo7ajjabat

- 1,634 members

marriage = person + person

- 825 members

Birthright Israel: Claim Your Birthright!

- 740 members

THE TRUE ISLAM

- 884 members

Single United Ummah of Islam

- 922 members

•Statistical Abstract of Extremist Organizations

<FACEBOOK> T¹ === T²

[STOP caLLing MUSLIMS TERRORISTS !](#)

Oct. 2007 61,891 members

Feb. 2008 3,505 members

[Defend Prophet Mohammad \(Peace Be Upon Him\)](#)

Oct. 2007 56,957 members

Feb. 2008 1,187 members

[Voice of the Martyrs](#)

Oct. 2007 6,626 members

Feb. 2008 1,222 members

[Witches, Wiccans and Neo-Pagans United](#)

Oct. 2007 3,054 members

Feb. 2008 186 members

[Support The Israeli Army](#)

Oct. 2007 3,726 members

Feb. 2008 262 members

[Sikhism - Taking Bigger Steps Into The World](#)

Oct. 2007 3,299 members

Feb. 2008 GONE



Name:

Mijdaff Al Mijdaff

Network:



Name:

DII Lib

Network:

Saudi Arabia

The member below illustrates the complexity of our findings. This member lists his name as “Benn Laden” and utilizes cryptic data to communicate a number of disturbing points that are extreme political statements against the U.S. government and he lists his hometown as “Lexington, Kentucky.”

LEXINGTON, KY

- **IT'S ME BENNY**
- Created January 21

Benn Laden

- Networks: Lexington, KY
- Relationship Status: [It's Complicated](#)
- Birthday: [July 3, 1941](#)
- Political Views: [Very Liberal](#)
- **Education and Work**
- **Education Info**
- Colleeae: [Kalaschnikov](#)



Friends in Other Networks

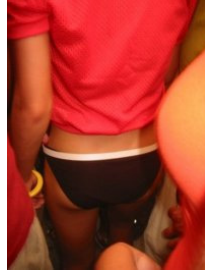
[Switzerland](#) (2)

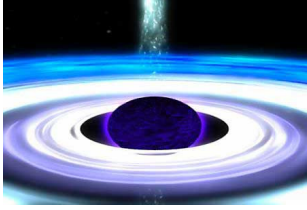
France (1)

“Benn Laden” has a number of friends who connect to Kentucky including the member detailed below named “**Senem Yavuz.**” She has a posting for a Middle Eastern Security and Heavy Arms Company called “Ardasher” listed as <http://www.ardasher-security.com> . This seems an unusual and unpredicted posting for marketing purposes to people in Lexington, Kentucky.

KY NETWORK

- **Senem Yavuz**
- Networks: Lexington, KYA
- Friend of senem is:
- **Zirak Azad** wrote
at 5:58am HAY ALL LOOK AT MY WEB:
<http://www.ardasher-security.com>





CYBERSPACE CAN BE A DATA BLACK HOLE

What Is Needed?

IP Addresses

911 Basemap Data

Telephone Data

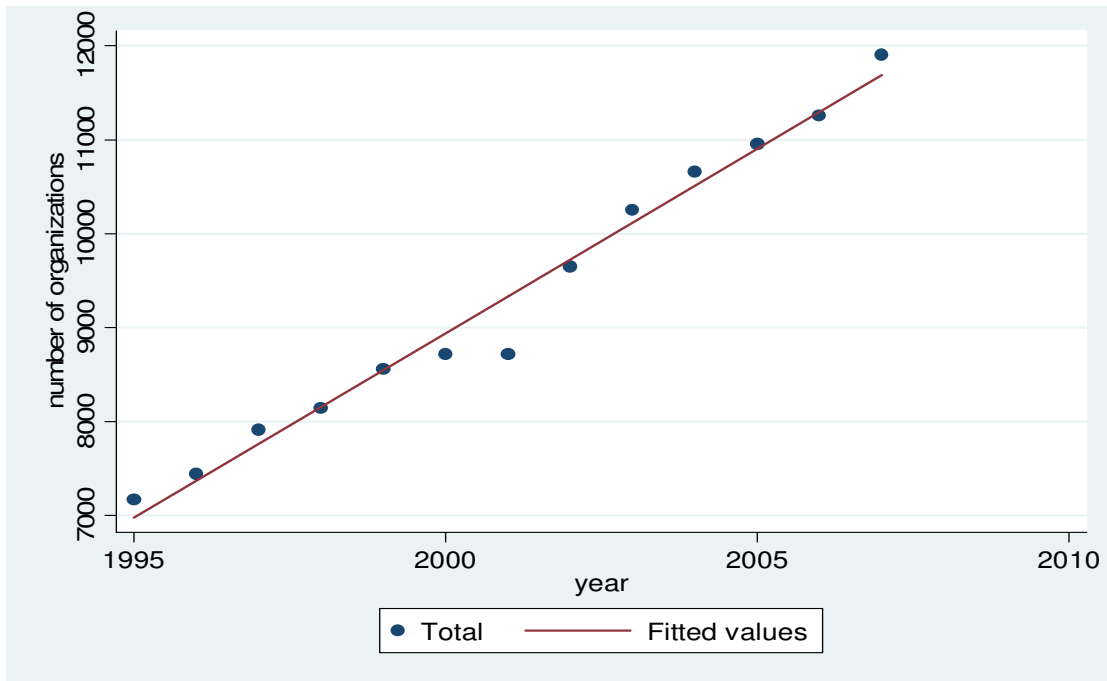
DHS Data

Utilities Info

Fiscal Data

The data above is among the classified or security sensitive data necessary to validate the identity of the on-line members and organizations. This is essential because the limitations of open-source data research leave self-reporting vulnerabilities for data reliability.

Number of organizations that filed 503(c)'s from 1995 to 2007



Kentucky experienced a trend similar to the national trend of large growth in non-profit organizations during the past decade. The danger of abuse of these third sector organizations by enemies of the state is of particular concern.

KENTUCKY:

SURVEY OF 990 FILINGS

- 5,199 organizations found in ky as “non-profits” or 501 c 3
 - Used GuideStar 7/14/08.
 - 115 Chambers of Commerce
 - 5 ky sec state
 - no federal 990 filings
 - 172 Kiwanis Clubs
- Kiwanis and its Service Leadership Programs boast a membership of more than 600,000 men, women, and youth in nearly 16,000 clubs in more than 70 countries and geographic areas.
 - 142 KY sec state
 - 3 federal 990 filings

The basic profile data for Kentucky illustrates the issues of potential concern in the non-profit sector. Of the approximately 12,000 non-profits in Kentucky, only 5,199 filed federal returns (43%). But this under-represents the potential of the ghost organizations. Chamber of Commerce and Kiwanis data better illustrate the data that is missing using the convenient and typical systems of measurement. Of Kentucky 115 Chambers of Commerce, 4% can be identified from state fiscal records and none from federal. Of Kentucky's 172 Kiwanis clubs, 83% can be identified through state fiscal data records and 2% from federal fiscal records.

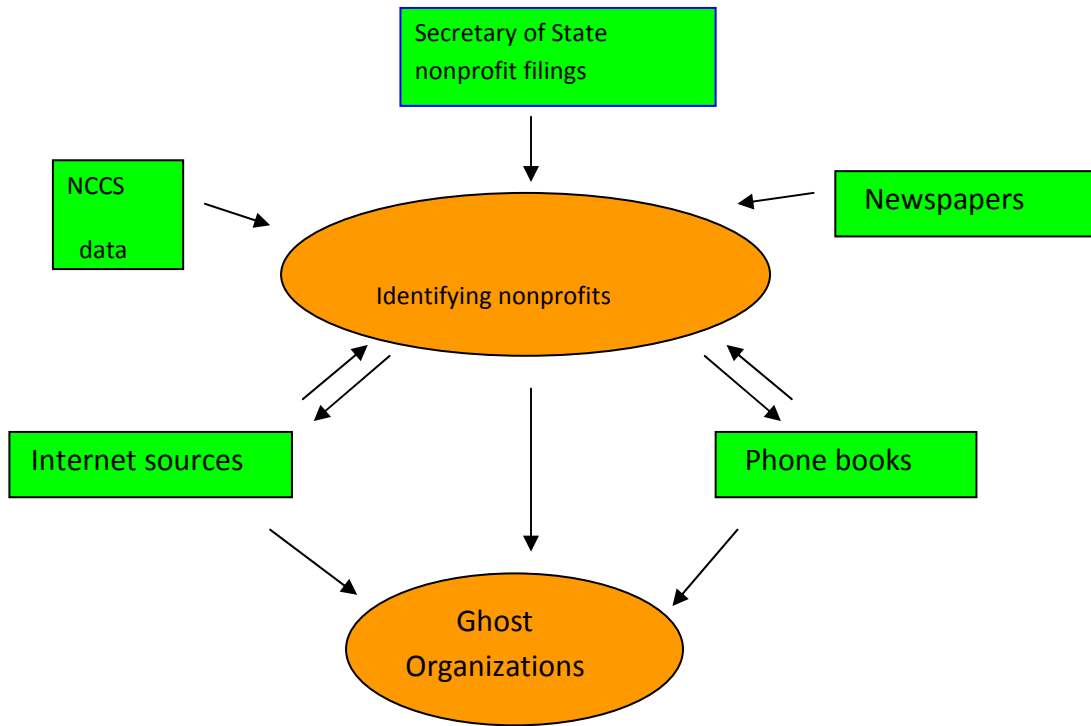
“Ghost” Non-Profit Activity

There are between 25% and 40% (depending upon the sector) “Ghost” Organizations in the KY Public Sector

Important Issues of Accountability and Security Are Raised by this Finding

A Recent Annie E. Casey Foundation Report Estimates 65% of US Non-profits Anticipate a Change in Leadership by 2009 (Ave. Age CEOs 50+ in 2004).

The pace and scale of change in this growing sector requires more attention and more sophisticated analytic tools to assess threats.

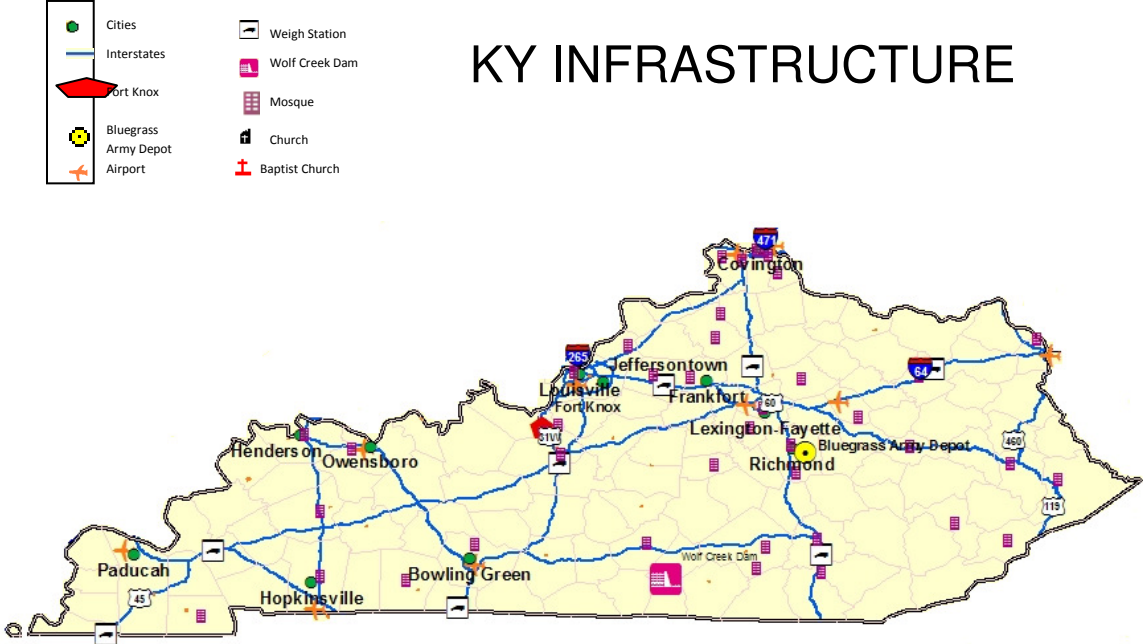


The above diagram illustrates our threat model inclusion of non-profit data and identification of “ghosts” in the system. Ghost organizations are those that exist on the ground, operating, spending and collecting funds, and which are not included in our standard techniques of identification.

Kentucky Religious Organizations

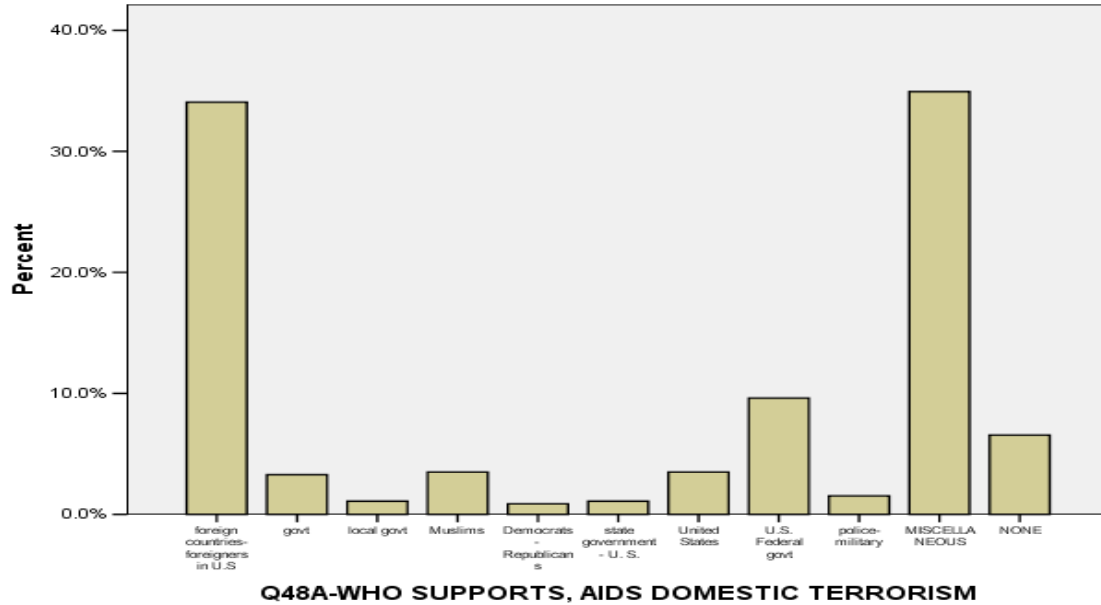
- 4920 Religious Organizations, Churches, Temples, Mosques, Shrines
- 3570 in ARCVIEW ESRI
- 3219 in US Census
- The approach utilized in this report improves accuracy by at least 35%

KY INFRASTRUCTURE



This illustrates organizations in GIS baseline maps with critical infrastructure to spatially analysis threat as reflected geographically.

Kentucky Survey



We also conducted attitudinal research to determine the “threats” and the perception of threats by the general population. Concerning results reflected a significant and growing distrust of government at all levels as having responsibility for terrorism.

RECOMMENDATIONS

- Strategies to Address a Lack of Civic Education
- Programs that Address the Absence of Needed Data
- Refinement of Systems of Analysis
- Further Research Needed to Develop Analytic Western Values
- Soft Power Issue for State & Local Govt as Well as Federal Govt Internationally
- Validation of Findings, Refinement of Models, and Improvement of Data Integration

The lack of “soft power” tools utilized in the struggle for ideas in these organizational on-line exchanges is particularly concerning. The West, what was once Christendom, having its origins in Greek and Roman philosophy, history and civilization, holds a unique position among world cultures and civilizations. The West has always been concerned, at least since Socrates, with how one ought to live. This concern for justice, based upon reason and truth, built a foundation in philosophy and science that provided the fertile ground and essential foundation for dialectical reason, the scientific method, and the recognition of natural rights. But though unique, Western Civilization has few advocates in these ideological battles between organizations. There is much that needs careful evaluation in the parallels with prior epochs of civilizational conflict. The roots of the present struggles of ideology within the Western nations, of societal cleavages literally devouring the spirit of the West from within, and the religious and military challenges of competitor hegemony from without, some as nation-state actors, some as terrorism organizations and networks, leave much to consider from previous periods of similar civilization situationality. There is no more urgent concern than attention to our national values across organization levels of “threat.”

Theoretical Foundations of Threat

Introduction

The goal of the theoretical section of this project is to develop a conceptual model of “Total Threat Assessment” for Kentucky. This is done utilizing the political philosophy of the Western tradition, which is the intellectual foundation for all liberal democracies and for the American republic in particular.

Before defining total threat, however, the frame of reference must be clarified. Whatever the particular threat is and wherever it comes from, our common concern includes:

- the safety and security of citizens and their property
- the stability and integrity of the government
- the protection of the economy, critical infrastructure, key resources
- the maintenance of civil society as a whole

As we know, all of these things have been targets in the past and continue to be potential targets. Viewing this range of targets comprehensively, we can say that what is being threatened is our entire way of life.¹⁸ In fact, the Information Sharing Environment (which works with fusion centers on information sharing) notes that we are confronting “threats facing our Nation from a transnational terrorist movement determined to destroy our people, our freedoms, and our way of life.”¹⁹ That this is what is at stake has been identified by many, such as Secretary Michael Chertoff, Abram Shultzky, and Samuel Huntington. Secretary Chertoff

¹⁸ Such objectives as these are clearly stated by al Qaeda. According to the Al Qaeda Manual used as evidence in the 2000 Embassy Bombing Trial in N.Y.:

- Main Mission: the Overthrow of Godless Regimes and Their Replacement With an Islamic Regime
- Other Missions:
 - Gathering Information About the Enemy, the Land, the Installations, and the Neighbors
 - Kidnapping Enemy Personnel, Documents, Secrets, & Arms
 - Assassinating Enemy Personnel As Well As Foreign Tourists
 - Freeing the Brothers Who Are Captured by the Enemy
 - Spreading Rumors and Writing Statements That Instigate People Against the Enemy
- Blasting and Destroying the Places of Amusement, Immorality, and Sin...Destroying the Embassies and Attacking Vital Economic Centers...Destroying Bridges Leading Into and Out of the Cities

(U.S. Department of Justice Reference for Terrorist Acts, January 17, 2002, <http://www.usdoj.gov/ag/trningmanual.htm>)

¹⁹ Information Sharing Environment, www.ise.gov (accessed July 12, 2008).

recognizes this when he warns that the terrorists we now face are not the same as the “political terrorists in the past. ... They seek the ultimate domination in many countries. Their goal is a totalitarian, theocratic empire, a religious empire, to be achieved by waging perpetual war on soldiers and civilians alike, up to and including the use of weapons of mass destruction.”²⁰ As a result, we mistake the objectives of these people and the means they might use in the pursuit of those objectives if we conceptualize terrorists as another kind of criminal. Unlike criminals they are not seeking primarily to profit from the existing system by undercutting it at strategic points for their own profit, like parasites feeding on a host and inadvertently weakening it. Rather, they seek to bring down the existing system altogether. This is what Secretary Chertoff means when he speaks of “an ideological threat.”²¹ And it is for this reason that he has emphasized that “we have to begin by asking a fundamental question, perhaps the most fundamental question. What are we fighting and why are we fighting it? In other words, what is the nature of the threat we face?”²² If we do not understand this adequately, then we will fail to grasp the objective sought by those who threaten us and thereby be unable to anticipate what the targets might be or what means may be used to harm those targets. For these reasons, it is crucial to have an adequate conceptual understanding of the threat that we face.

Beyond Terrorism: The Problem with Conceptualizing the Threat as “Terrorism”

According to an issue brief for Congress released by the Congressional Research Service in 2002, there is “no universally accepted definition of international terrorism.” The brief observes, however, that a widely used U.S. government definition of terrorism is: “politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.”²³ The brief goes on to outline several serious problems with this definition:

- it excludes individual terrorist activity (e.g., the “lone wolf” phenomenon)
- it excludes cyber terrorism
- it excludes military targets (e.g., the attack on the USS Cole)
- it excludes religiously motivated behavior
- it excludes financially motivated behavior (e.g., by organized crime)

The definition is too narrow due to its exclusion of these things. As a result, when we try to identify terrorist groups, create watch lists of groups or individuals who may be members of

²⁰ Remarks to the European Parliament. Released May 15, 2007.

²¹ Ibid.

²² Ibid.

²³ Rensselaer Lee and Raphael Perl, “Terrorism, the Future, and U.S. Foreign Policy.” Foreign Affairs, Defense, and Trade Division. Congressional Research Service. Updated September 3, 2002. CRS-4.

terrorist groups, track their funding sources or other kinds of support, we may be using a definition that leaves out many individuals and types of activities.

Others have observed that terrorism is a misnomer because it is too broad a term to capture our concerns accurately. For example, many scholars have argued that this is not a “war on terror” *per se*. “While we certainly oppose them, manifestly the United States is not gearing up to fight the IRA, the Basque ETA or the Tamil Tigers. Terrorism is simply a tactic and the terrorist groups with which we are concerned are radial Islamic ones, because these are the ones that are attacking us.”²⁴

As a result, the term “terrorism” has proven to be at some times too narrow and restrictive and at other times too vague to describe the enemies that the United States faces in the current global conflict. Furthermore, as the congressional issue brief points out, while the definition of terrorism is partly a political matter, it also has legal ramifications when we attempt to prevent incidents, arrest individuals, and bring them to justice. It is important, then, that we conceptualize the threat we face correctly and coherently, in order to be clear and consistent in our policies and for those policies to be effective legally.

In this light, the overwhelming focus on terrorism is inadequate. The main problem is that terrorism refers to *means* rather than *ends*. Terrorists attempt to kill innocent people, usually in large numbers, in order to create a dramatic, extreme spectacle that causes fear and demonstrates their power. One way to do this is to destroy buildings and infrastructure and murder civilians, such as the terrorist attacks of 9/11. Another way is to attack the hazardous materials supply, either in storage or in transit, causing death and widespread health and environmental hazards while generating panic and fear among the citizenry. Terrorists use violence to instill fear, through the arbitrary destruction of property and the indiscriminate murder of citizens. This tells us something about *how* terror is generated, but not about *why*. Without being clear about the objectives of terrorism, we will always be behind in anticipating where and when it may arise. In not understanding the objectives, we will not be able to anticipate either targets or the means to attacking them. It may be more accurate and more useful, then, to use a term that focuses more upon objectives than upon the means to those objectives.

“Enemy of the state” is a term that is more precise and less exclusive than terrorism. This term, for example, may be more meaningfully applied to those who support and finance terrorist networks, both within the US and abroad. The conceptual discussion that follows will lay the philosophical foundation for understanding what an enemy of the state is and for developing a common conceptual usage of the term. This entails articulating a clear

²⁴ Paul Marshall, “Understanding Radical Islam.” In Bradley C.S. Watson, *The West at War*. (Lanham: Lexington Books), 2006, 29-30. Cf. Watson: “In the interest of honesty and efficiency, all of us—but especially those in America—must acknowledge something quite specific (as the contributors to this volume have): the connection of the terrorist threat we face to the Islamic, particularly Arab, world” (ibid., 15).

understanding of (1) the fundamental purposes of political life simply, (2) the shared purposes and ends of the political regimes of the West in general and of the American republic in particular, (3) the fundamental political concepts of statehood and sovereignty, and (4) what constitutes being an enemy of the state.²⁵

Theoretical Foundations

Justification

In order to understand what an enemy of the state is and what threat such an enemy may pose, we need to return to the theoretical foundations of our way of life. If we do not, we may fail to understand the larger context of the struggle in which we are engaged, fighting individual battles while failing to comprehend that the overall war reaches down to these very foundations. For similar reasons, assessing the threat that Kentucky faces cannot be isolated entirely from the threat facing America as a whole, insofar as the threats emanate from a broader ideological conflict aimed at both America and the Western world. Beginning broadly in this fashion, we will see that the threats to America and to Kentucky in particular are not only from radical Islamic terrorists, but from other enemies of the state who engage in weakening, undermining, and attacking our regime on multiple fronts. Furthermore, we need to do more than enumerate the wide array of threats to our regime, the wide array of targets, and the wide array of sources. This is a nearly impossible task. There will always be new threats from new sources, as well as new targets. The identification of a threat to any political community can only be determined in light of the purpose or end for which that political community exists. What, then, is the end of our political community or regime?

Here it is necessary to turn to the political philosophy of the West, in which we find precisely the ideas that define our way of life and have given birth to our form of government. They are the roots of Western civilization. The philosophical works of Plato, Aristotle, Machiavelli, Hobbes, Locke, and Montesquieu constitute essential foundations for our way of life and form of government. In fact, democracy originated in one time and place in human history, ancient Greece. Philosophy also originated in one time and place in human history, ancient Greece. Thus the rational examination of democratic politics together with the very notion that politics can be guided by reason (as opposed to custom or religion) are Western ideas, finding their foundations in ancient Greek political philosophy. It is Plato and Aristotle who explored the permanent and fundamental aspects of political life most profoundly, together with the strengths and vulnerabilities of democracy in particular. Subsequently, our modern conception of liberal democracy, which includes the notions of consent, individual

²⁵ This conceptual work has implications not only for clarity in making policy and in educating public opinion, it may have an impact upon judicial interpretation as well.

freedom, equality, and rights, was first postulated by Hobbes. Hobbes' description of the foundation of government through the formation of a social contract was extended by Locke, who refined it to include rule of law, limited government, and the unlimited acquisition of property. On this basis, Montesquieu developed the concept of a commercial republic. Their work was a primary source for the American Framers, who even quoted Locke directly in the Declaration of Independence. What light, then, do theoretical examinations of these philosophers' works, which gave birth to our way of life, shed on how to conceptualize threat as coming from enemies of the state?

The Fundamental Purposes of Political Life

In order not to overlook the obvious, which is sometimes of fundamental importance, we must start at the beginning. The first end of political life of any kind is to facilitate the survival of the people who are the members of the political community. In fact, political life can be deemed to be necessary first of all to provide for the array of physical necessities that we each have as human beings.²⁶ This is, of course, why one of our areas of concern is critical infrastructure: food, water, electricity, oil and gas, transportation, etc. In addition to providing for bodily needs, the survival of citizens requires the provision of physical safety and security, through policing domestically and military preparedness with regard to foreign relations. Once a community has provided the basic physical necessities, human beings naturally turn toward the acquisition of additional things in order to make life more comfortable and more fulfilling.²⁷ We desire not merely to live but to live well. It is for this reason that we spend public monies on everything from architecturally pleasing public buildings to the fine arts to scientific research and technological innovation. This, in turn, leads to the increased possibility of armed conflict with other communities, due to the need for additional resources and due to foreign parties coveting the resources, goods, and wealth already accumulated. Thus part of facilitating the survival of the people who are members of the political community entails defending them against attack by outsiders. Indeed, according to social contract theorists such as Hobbes and Locke, we leave the state of nature (a state of war between every solitary and self-sufficient individual against all others²⁸) and form a political community in order to protect ourselves from

²⁶ Plato, *The Republic*. (Translated by Allan Bloom. New York: Basic Books, 1968), 369b-370a.

²⁷ *Ibid*, 372c-373c.

²⁸ Thomas Hobbes, *Leviathan*. (Edited by Richard Tuck. New York: Cambridge University Press, 1996), chapter 13. Many have observed that Hobbes' description of the state of nature is an accurate depiction of the relationship between states internationally.

one another internally and from outsiders externally. As Hobbes puts it, people form civil society in order “to live peaceably amongst themselves, and be protected against other men.”²⁹ Locke expresses this repeatedly as well: any form of legitimate government exists to protect the lives, liberty, and estates of individuals.³⁰ We form a social compact in which we give to the state the power to enact law and enforce punishments for violations of that law so as to ensure internal order and peace and to defend us against external enemies. This, too, is part of our critical infrastructure, police protection and other first responders. It is also the basis for having a standing army that is sufficiently large, well-trained, well-equipped, and well-funded.³¹

These are the basic ends that any political community seeks to achieve first of all. The gravity of our present circumstances requires that our citizenry and intellectual community be reminded of these fundamentals. These most basic ends of the American republic are under attack. Our civil society and the form of government that upholds it face a danger to their very purpose for being: physical survival of the members of the political community, internal order and peace, and external defense. Recognition of this fact helps to illuminate the seriousness of the challenges we face and to justify appropriate means to confront those challenges.

Furthermore, according to Hobbes and Locke, if the state cannot defend us against such dangers, both internally and externally, then citizens no longer owe it any obedience or allegiance.³² When the state fails to achieve its most fundamental ends, then it effectively ceases to exist in any meaningful way and people are free to establish a new political community to achieve those ends. This was the explicit justification for the American Revolution and subsequent Founding, for which the theoretical argument is clearly articulated in the Declaration of Independence. While the United States is not now on the precipice of a revolution and re-founding, the undermining of the basic functions of government is of first importance, as it bears upon the allegiance and support of our citizenry for the government. Some of the survey data presented in this report sheds light upon this question of the extent to

²⁹ *Leviathan*, chapter 18.

³⁰ John Locke, *The Second Treatise on Civil Government*. (Edited by C.B. Macpherson. Indianapolis: Hackett Publishing Co., 1980) sections 85, 87, 123, 131, 134, 139, 142.

³¹ What is required in principle to be well-prepared militarily is concisely explained by Machiavelli throughout *The Prince*.

³² “The Obligation of Subjects to the Sovereign, is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them. For the right men have by Nature to protect themselves when none else can protect them, can by no Covenant be relinquished” (Hobbes, *Leviathan* 21.153; cf. Locke, *Second Treatise*, “On the Dissolution of Government”). A commonwealth is dissolved when “there is no farther protection of Subjects in their loyalty” (*Leviathan*, 29.230).

which we are holding the hearts and minds of our citizenry. If citizens' allegiance is in question, then we may eventually face a graver problem internally than is currently recognized.

Providing for physical necessities, safety, and security, then, are the first purpose of any state. Anything that poses a danger to the state's ability to provide these things adequately and reliably is a threat to the state.

The Shared Purposes of the West and the American Republic

These ends are shared by all states. We are not threatened, however, because our government provides basic physical necessities, safety, and security to our citizens. Attacking our ability to provide these things is merely instrumental to another end. That is, the threats we face are not motivated for the most part by the desire to acquire territory, natural resources, or other basic goods, as is historically the case in conventional wars. Rather, there are additional purposes or ends that our form of government—liberal democracy—seeks to provide that helps to shed light on the specific threats we face.

Liberal democracies are founded upon and seek to guarantee their citizens:³³

- natural rights
- liberty
- equality
- individualism
- the rule of law
- constitutionalism
- representative democracy
- the separation of church and state
- free markets

These are fundamental principles and ends that we share with the Western world generally. They are what define Western civilization.³⁴ Included in them are the specific things that many of our enemies wish to destroy—the target for Islamic terrorists, for example, is Western civilization as such.³⁵ This is where we enter the “battle for ideas” noted by Secretary Chertoff,

³³ Such a list is easily constructed from the political philosophic writings of Thomas Hobbes, John Locke, Baron de Montesquieu, Publius (authors of *The Federalist*), and Alexis de Tocqueville, among many contemporaries political thinkers.

³⁴ James Kurth, “Western Civilization, Our Tradition.” *The Intercollegiate Review*. Fall 2003/Spring 2004. Samuel P. Huntington, “The Clash of Civilizations?” *Foreign Affairs*. 72(3) Summer 1993, p. 40.

³⁵ Bernard Lewis, “The Roots of Muslim Rage.” *The Atlantic Monthly*. Vol. 266, September 1990.

and here it must be acknowledged that the United States is now the core of the West.³⁶ Whether or not our citizenry and intellectuals recognize and acknowledge this fact, our enemies see it clearly, which makes the United States the prime target of their attacks. If the U.S. “regime” falls, then the West falls as a whole, for in other places, such as Europe, Western civilization has eroded farther than here.

Insofar as certain Western ideas, such as those noted above, are the fundamental principles upon which the American republic is founded, anything that seeks seriously to undermine or eradicate these ideas is a threat to the state. To this point, then, a threat is the intention to harm the state’s ability to provide for the basic necessities, safety, and security of its citizens and to uphold and implement the fundamental principles of our republic. An enemy of the state is any individual, group, or organization (including other states), that poses such a threat.

Sovereignty

These threats—to the state’s ability to provide for the physical necessities, safety, and security of its citizens in general, and threats to the maintenance and implementation of America’s founding principles—are two types of profound threats to the sovereignty of the state. Sovereignty refers to the notion that the state “is the final and absolute authority in the political community.” This notion derives from Hobbes, who asserts that political power must be absolute in order for the most basic ends of government to be attained: “to live peaceably amongst themselves, and be protected against other men.”³⁷ Locke limited political power so that it was not absolute, on the basis that there are certain natural rights that citizens retain by virtue of their being free and equal human beings by nature. The government cannot legitimately violate these natural rights. The American Framers limited political power further. In the American republic, consequently, sovereignty resides in our written Constitution, which is the centerpiece upholding the rule of law. Both the people and their elected representatives are limited by the Constitution, which stipulates the fundamental law of the land that other laws cannot violate.³⁸ Maintaining sovereignty is maintaining the power or ability of the state to

³⁶ Kurth, “Western Civilization.” Pierre Manent, “The Triumph of Democracy and the Decline of the West.” Bradley Lecture delivered at Boston College, October 22, 2004.

³⁷ *Leviathan* 18.121.

³⁸ The people have the power, of course, to amend the Constitution, even in its entirety. Outside of this extreme circumstance, that is, under normal circumstances, it is a complex question to determine where sovereignty resides: in the people as a whole, in the union of states, in the federal government, etc. For present purposes, however, this question can be left aside, for where precisely sovereignty resides is not as immediate as clarifying what it entails and maintaining its integrity.

maintain itself as a cohesive, controlling force of order for the sake of the ends of government as we understand them, including preserving the form of government laid down in our Constitution to achieve those ends. Any intention to do harm to the sovereignty of the state would make the source of that threat an enemy of the state.³⁹

Definition of Threat

Challenges to Sovereignty by Enemies of the State

Specific threats are situational and relative. As noted above, it is impossible to enumerate the wide array of threats to the wide array of targets from a wide array of sources. The specific nature of a threat is related to the source of the threat, the target, the means, and the overall circumstance. In addition, there will always be new threats from new sources, as well as new targets. Our goal is not, then, to identify and enumerate all possible threats in Kentucky.

As explained above, any intention to do harm to the sovereignty of the state would make the source of that threat an enemy of the state. Such a threat can take two forms. First, there are those who challenge state sovereignty by challenging the ongoing existence of the state *per se*, such that it is no longer able to perform its functions of providing physical necessities, safety, and security, as well as maintaining and implementing those fundamental principles and ends of the American republic. This would certainly apply to Islamic terrorists such as al Qaeda. Second, there are those who threaten state sovereignty by rejecting the state as the legitimate final and absolute authority. One way in which such threats occur is when legitimately enacted laws are broken. But not every violation of the law is a challenge to state sovereignty (e.g., running a red light), for those who engage in minor infractions typically recognize and defer to the final and absolute authority of the state to make the laws and to punish violations of those laws. Criminals, however, do not recognize the state's final and absolute authority in the political community in planning and carrying out their crimes (even if they are later compelled to abide by that authority by force).

Thus we have defined threat as the intention to commit harm to the sovereignty of the state, understood in these two ways. ***An enemy of the state is someone who poses a threat to state sovereignty, either to the state's continued existence or to the final and absolute authority that it entails.*** Enemies of the state, then, include terrorists but they are not limited

³⁹ The "state" is the entity that exercises sovereign authority within a geographic territory. For us, the state is primarily the political organization, institutional arrangements, and their personnel.

to terrorists. They may be citizens or they may be non-citizens. Anarchists and extremists of the left and the right, as well as common criminals are enemies of the state to differing degrees. This conception of the source of the threats we face provides a conceptual umbrella under which different types of enemies of the state may be defined. It is more serviceable than “terrorist” in that it is appropriately flexible to capture an array of types of individuals and groups engaged in a wide variety of activities that undermine sovereignty. For example, the Office of the Director of National Intelligence identifies several forms of threat that concern the intelligence community:⁴⁰

- conventional military
- terrorism
- proliferation
- chemical warfare
- biological warfare
- information infrastructure attack
- narcotics trafficking

Enemy of the state is a term that captures all of these sources of threat and indicates something essential about what they all share in common, that they pose a threat to state sovereignty, either its continued existence or its legitimate authority. Thus, the term is sufficiently broad to include a wide array of threats and yet meaningful in that the ultimate aim of such threats is indicated. In these ways “enemy of the state” is a more accurate and useful concept than terrorist, which focuses primarily upon the means used rather than the ends sought, and is too narrow and exclusive.

This conceptualization of threat in terms of enemy of the state would, if adopted, provide a clearer, more coherent, and more consistent terminology than we now employ. As is also the case with regard to the Homeland Security Advisory System in Presidential Directive 3, this proposed terminology is intended “to create a common vocabulary, context, and structure for an ongoing national discussion about the nature of the threats that confront the homeland.”⁴¹ This would assist policy makers in thinking clearly about the threats we face, discussing those threats, and writing legislation. Ultimately, then, this terminology would have extensive legal ramifications. These legal ramifications have not been explored under this project’s current scope of work. An examination of state and federal case law as well as legal theory would be necessary in order to build up principles of legal interpretation to support the use of these concepts. Ultimately, however, this would result in a more consistent and

⁴⁰ Office of the Director of National Intelligence, “What does the IC protect the United States against?” www.dni.gov/who_IC_protects.htm (Accessed July 12, 2008).

⁴¹ Homeland Security Presidential Directive-3: Homeland Security Advisory System. <http://www.whitehouse.gov/news/releases/2002/03/20020312-5.html> (Accessed February 19, 2008).

comprehensive legal approach to dealing with those who pose the threats with which we are concerned, whether they be terrorists, those who support them financially, or those who work for the overthrow of the United States government on ideological grounds, and whether such people are citizens or foreigners.

Threat Assessment

Assessing the threat posed by individuals and groups is complex and necessarily imprecise. As noted in Presidential Directive 3 with respect to the Homeland Security Threat Level Advisory System, this must be a qualitative assessment based on a synthesis of all the available information.

An initial and important factor is the quality of the threat information itself. The evaluation of this threat information shall include, but not be limited to, the following factors:

1. To what degree is the threat information credible?
2. To what degree is the threat information corroborated?
3. To what degree is the threat specific and/or imminent?
4. How grave are the potential consequences of the threat?⁴²

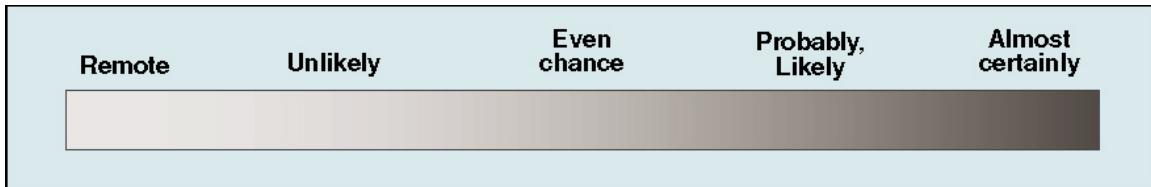
As is also the case with Advisory System, threats should be assessed along multiple dimensions, including their (1) probability and (2) their gravity.

Probability

In the interests of facilitating information sharing between fusion centers and agencies at all levels of government, a uniform terminology should be used to assess the probability of threats. The carefully explained language used in National Intelligence Estimates provides this uniform terminology and could be adopted by fusion centers across the country. National Intelligence Estimates estimate the probability of a threat qualitatively:⁴³

⁴² Ibid.

⁴³ National Intelligence Council, Office of the Director of National Intelligence. *National Intelligence Estimate: The Terrorist Threat to the US Homeland*. July 2007, p. 5.



With regard to the two questions surrounding credibility and corroboration above, National Intelligence Estimates also include confidence levels of their judgments: High, Moderate, and Low. What is meant by each of these probability and confidence terms is adequately explained in the Estimates.⁴⁴ While qualitative, these assessments of probability and confidence are valuable to decision makers, and adopting this terminology at the local, state, and national levels will be a step toward clarity and uniformity, and thereby help in the creation of “a national capacity to gather, process, analyze, and share information.”⁴⁵

Gravity

With respect to gravity, the National Infrastructure Protection Plan’s Risk Management Framework⁴⁶ provides a useful approach to assessing potential consequences along four dimensions:

1. Human impact
2. Economic impact
3. Impact on public confidence
4. Impact on government capability

The meaning of these four dimensions of the gravity of a specific threat is adequately discussed in the Risk Management Framework cited above.

⁴⁴ See Appendix A below.

⁴⁵ *National Strategy for Information Sharing*, p. A1-1.

⁴⁶ Department of Homeland Security, *National Infrastructure Protection Plan*. (2006), p.37.

Conclusion

As stated above, the goal here is the same as in the Homeland Security Advisory System: “to create a common vocabulary, context, and structure for an ongoing national discussion about the nature of the threats that confront the homeland.” With that end in mind, we propose the use of the term “enemy of the state” to describe those individuals, organizations, or foreign powers who pose a threat to American sovereignty. In order to assess the threat that such enemies of the state pose, we recommend using an intelligence-based qualitative assessment of both probability and gravity. The appropriate approach to probability assessment is already part of National Intelligence Estimates and the appropriate approach to gravity assessment is already part of the National Infrastructure Protection Plan’s Risk Management Framework.

Appendix 1: National Intelligence Estimate Terminology⁴⁷

What We Mean When We Say: An Explanation of Estimative Language

When we use words such as “we judge” or “we assess”—terms we use synonymously—as well as “we estimate,” “likely” or “indicate,” we are trying to convey an analytical assessment or judgment. These assessments, which are based on incomplete or at times fragmentary information are not a fact, proof, or knowledge. Some analytical judgments are based directly on collected information; others rest on previous judgments, which serve as building blocks. In either type of judgment, we do not have “evidence” that shows something to be a fact or that definitively links two items or issues.

Intelligence judgments pertaining to likelihood are intended to reflect the Community’s sense of the probability of a development or event. Assigning precise numerical ratings to such judgments would imply more rigor than we intend. The chart below provides a rough idea of the relationship of terms to each other.



We do not intend the term “unlikely” to imply an event will not happen. We use “probably” and “likely” to indicate there is a greater than even chance. We use words such as “we cannot dismiss,” “we cannot rule out,” and “we cannot discount” to reflect an unlikely—or even remote—event whose consequences are such it warrants mentioning. Words such as “may be” and “suggest” are used to reflect situations in which we are unable to assess the likelihood generally because relevant information is nonexistent, sketchy, or fragmented.

In addition to using words within a judgment to convey degrees of likelihood, we also ascribe “high,” “moderate,” or “low” confidence levels based on the scope and quality of information supporting our judgments.

- “High confidence” generally indicates our judgments are based on high-quality information and/or the nature of the issue makes it possible to render a solid judgment.
- “Moderate confidence” generally means the information is interpreted in various ways, we have alternative views, or the information is credible and plausible but not corroborated sufficiently to warrant a higher level of confidence.
- “Low confidence” generally means the information is scant, questionable, or very fragmented and it is difficult to make solid analytic inferences, or we have significant concerns or problems with the sources.

⁴⁷ National Intelligence Council, Office of the Director of National Intelligence. *National Intelligence Estimate: The Terrorist Threat to the US Homeland*. July 2007.

Appendix 2: Data, Protocols, Personnel, Deliverables

Security Protocols & Procedures

In developing this model we will utilize public, non-classified data and academic theory and archival techniques. No individual level data will be purposively collected, though it is possible this could occur incidentally. In the event individual level information is determined to be a threat that results in a need for an individual file, coordination with government partners will be followed in expeditious fashion with strictest confidentiality. All personnel working on the project will sign non-disclosure agreements and only the PIs will have comprehensive knowledge of the full scope of the project. At a future time, research needs may require use of classified data and the research team will defer to our government partners to make such determinations as they see appropriate. At the present level of this project, we will follow strict procedures of data control that maintain electronic and paper records in locked security with all data integration on non-network computers. Any specific protocols in addition to or in lieu of these will be strictly followed under the guidance of Homeland Security and other government partners.

Deliverables

A final report was delivered in November 2008 that defines a conceptual model for “total threat assessment” for Kentucky. The definitions, descriptions, and methodologies presented in the report will provide a baseline for advancing total threat assessment theoretically and in terms of public policy with a comparative study of other states and/or in the southeast region.

Personnel

Professors Michael Hail, Stephen Lange, and Lisa Cave from the Institute for Regional Analysis and Public Policy (IRAPP) at Morehead State University lead the project as PIs. Other faculty and staff involved in more limited roles include: Dr. David Rudy, Mr. David Sloan, and Mr. William J. Sartaine; as well as the following students: Elizabeth Poindexter, Brad McLean, Robert Drew Grey, Jack Branum, Sarah Wilson, Erica Allen, Stephanie Webb, and Erik Weber.

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