Thought leadership

Overcoming the legal and structural barriers to irregular warfare

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The constraints are structural, not conceptual

The fourth paper in this six-part series addresses ongoing and often debilitating constraints on U.S. employment of irregular warfare (IW), including real and perceived gaps, shortfalls, and even contradictions within and between existing doctrine and authorities. Employment of IW tactics at scale is often constrained as a result of a divergence in understanding between policymakers, academics, civilian, and operators. A collective understanding, definition, and criteria for success are vital to successfully execute IW missions. Without them, these differences complicate efforts to scale IW deliberately and effectively. What this paper rejects, however, is the increasingly common claim that the United States lacks the legal authorities required to conduct IW at scale.

The U.S. Government already provides broad authorities and well-established pathways to recommend, request, resource, and obtain permission to conduct IW activities. The central problem is not legal prohibitions; rather, it is the failure of structures and procedures, hampered all too often by a pervasive combination of risk aversion, weak interagency integration, operational and strategic impatience, and a frequent reluctance to integrate allies and partners into U.S. IW efforts. All of these result in IW activities rarely being nested within a coherent strategy or synchronized across departments and agencies through repeatable processes. At best, this produces fragmented and episodic efforts, and at worst, it results in competing or contradictory actions that undermine one another. In the absence of a clear strategy and a mechanism to integrate military, intelligence, and law enforcement activities, capable organizations operate in silos, driving friction inside the U.S. national security enterprise rather than cumulative advantage. The question, therefore, is not whether the U.S. can conduct IW, but how it can do so at scale, at speed, and with measurable effect against national priorities despite existing structural and authoritative constraints.

Paper one of this series established IW as the prevailing form of strategic competition. Paper two challenged conventional measures of success, emphasizing influence and legitimacy rather than force. Paper three introduced a campaign-planning construct designed specifically for IW.

This paper builds on those foundations by diagnosing the structural and authoritative barriers that prevent IW from being executed at scale and at the tempo required in persistent competition. Its focus is on how legal, doctrinal, and institutional processes — rather than the absence of authority — slow decision-making, fragment execution, and suppress initiative, and on how the U.S. can overcome these barriers in the current system without waiting for wholesale reform.

Strategy is tempo

In IW, tempo is not dictated by capability; it is dictated by the speed at which authorities can be aligned, approved, and executed, and a willingness by policymakers and practitioners alike to accept the “risks” associated with greater speed; something America’s adversaries demonstrate routinely. The authorities that enable IW are distributed across departments, agencies, services, and professional disciplines — a reality driven by the scale and character of persistent competition. The result is not a lack of authority, but fragmented doctrine, stove-piped approvals, and isolated action. These structural conditions drive equally isolated planning and employment of IW functions, slowing execution and forfeiting initiative.

Ironically, the U.S. is a dominant force in virtually every other form of national security endeavors. It fields mature military forces, globally deployed intelligence platforms, and established influence capabilities ranging from PSYOP and public affairs to partner-enabled information activities and overt signaling operations. What it has rarely done — historically or institutionally — is treat influence and non-kinetic effects as central to strategy rather than as merely a set of supporting functions. The issue is not simply poor synchronization; it is that influence capabilities have seldom been designated as the main effort around which other activities are organized. This relegation of IW as a minor contribution to U.S. strategic efforts and outcomes persists across the full range of Operations in the Information Environment, and extends into more traditional constructs as well. As an example, when called upon, U.S. Army Special Operations Forces are organized and equipped to conduct substantial foreign internal defense, psychological warfare, influence operations, and many other forms of unconventional warfare. What remains underdeveloped is their deliberate employment as part of a sustained IW campaign across multiple U.S. government agencies and organizations, in which influence, legitimacy, and access drive operational design and enable strategic outcomes without having to resort to purely kinetic forms of competition.

Department of War/Defense policy reflects clear intent to apply multiple instruments of national power across the competition continuum — shaping the environment, managing escalation, and setting conditions for crisis or conflict if required. That intent necessarily spans sensitive activities, law enforcement authorities, contested logistics, and the enabling of other government agencies at points of need. However, existing policy and practices do not provide a reliable, repeatable mechanism to synchronize these activities in time, space, and purpose. Without such a mechanism, even the most enthusiastic intent is unable to translate into the required operational tempo, effectiveness, and strategic outcomes.

Within the IW community, practitioners commonly struggle with the practical friction created by real or perceived barriers between Title 10 and Title 50 authorities. This anchors many of the frustrations associated with executing IW at scale. While proper application of such authorities certainly should be respected, they are too often used as a justification for inaction or hesitation. Instead, they should be understood as opportunities to coordinate clearly defined transitions between organizations and authorities, rather than being perceived as a risk, leading to inaction. This is particularly important in an environment where the U.S. has traditionally prioritized kinetic effects while treating information and influence as afterthoughts. In IW, influence should not be relegated to only following or supporting kinetic action — it must be central to overall campaign design, shaping first, second, and third-order effects in ways that enhance and help determine legitimacy, prevent unwanted escalation, and strengthen strategic advantage. CAPIA provides the logic for that integration, while Positional Play Planning (PPP) provides the means to design those transitions across time, space, and organizational boundaries.

Planning for authority in isolation from partnership planning produces structural and administrative friction. Designing strategies around partners — rather than around individual authorities — creates clear lines of responsibility, sequencing, and risk ownership. PPP captures this approach by treating authorities as positional advantages to be deliberately employed across the competitive landscape.

This structural challenge extends beyond the Title 10/Title 50 construct. Other U.S. Code authorities — particularly Title 18 and Title 28 — enable a broad range of law enforcement actions that should be routinely integrated into IW planning but often aren't. Traditional U.S. government practices overwhelmingly favor military kinetic solutions, while activities such as law enforcement, other forms of civil society efforts, and influence-related activities receive comparatively limited investment, inviting the belief that talented people should avoid seeking to make these career priorities. Recent reductions in PSYOP capabilities within the U.S. military, coupled with declines in other types of influence capabilities elsewhere across the government, have significantly discouraged the recruitment of talent needed for this increasingly important national security arena. Absent a corresponding increase in IW capacity elsewhere, this trend poses a substantial challenge.

The resulting divide between military, law enforcement, and other civilian end states and goals — conviction versus influence — mirrors the long-standing tension between intelligence gain-loss calculations and kinetic strike decisions. Separate structures, competing priorities, and unequal resourcing lead to the systematic underutilization of law enforcement authorities in support of military and strategic objectives. Law enforcement entities tasked with countering adversary networks and defense industries do so with a fraction of the resources applied to comparable military challenges.

This paper addresses these structural constraints by offering:

- A diagnosis of recurring authority and process gaps
- A framework for integrating military, intelligence, and law enforcement authorities
- Practical solutions, including IW authority playbooks, accelerated approval loops, doctrinal updates, and forfeiture-enabled resourcing

The United States has no shortage of capable practitioners, and it possesses the authorities required to conduct IW. Where authorities are insufficient, mechanisms exist to request them. The limiting factor is not permission; it is both alignment and leadership support and resilience necessary to support new investments and approaches. Until military, intelligence, and law enforcement authorities are integrated through deliberate design and repeatable processes, IW will remain episodic, risk averse, and strategically underpowered.

What policy already enables (and why it is insufficient)

A useful starting point is examining the evolution of how IW is defined under DoDI 3000.07. Earlier conceptions of IW emphasized episodic, violent struggles for legitimacy. The current definition reflects a more expansive and operationally relevant reality: IW is persistent rather than episodic and is waged as part of continuous competition, not only during periods of open conflict. Central to this shift is an explicit emphasis on Operations in the Information Environment, recognizing that shaping perceptions in the cognitive space is as critical as physical or kinetic action. In practical terms, this elevates the role of narrative, signaling, and legitimacy — becoming the "storyteller" in advance of, and in parallel with, other forms of action.

The most notable implication of this shift is an emphasis on shaping a persistent competitive environment that keeps the contest in the gray zone, rather than defaulting to open conflict. DoDI 3000.07 also reflects an implicit elevation of IW — treating it not merely as a supporting effort to conventional operations, but as a form of competition that can be equivalent in strategic importance, and in some cases the primary means by which national objectives are pursued.

Once IW is understood in this way, questions of attribution become unavoidable. Current policy already provides for attributable, unattributed, and non-attributable activities, but execution exposes the practical limits of these distinctions. In practice, the relevant question is not whether an activity can be rendered perfectly non-attributional, but whether attribution can be managed deliberately in a way that supports strategic objectives and acceptable risk. This reality calls for greater honesty and consistency in how policy and planners approach attribution, rather than treating it as a binary condition. Importantly, the ability to conduct activities across this spectrum already exists; what is lacking is a coherent, reliable, and repeatable process for employing them as part of an integrated campaign. Implementing such a process would also encourage promising employees and practitioners to view IW as a promising, satisfying, and rewarding career field.

Although not policy, Joint Publication 3-13.4 outlines the principles of military deception and illustrates how physical actions can create informational effects through visibility, signaling, and patterned behavior. Similarly, Operational Preparation of the Environment is well established across multiple publications and authorities. While the lines between OPE and military deception must remain clear, deliberate handoffs between actors and authorities can, and should, be designed to be mutually supporting. In practice, however, these activities span multiple departments and agencies, often resulting in limited information exchange and isolated execution. At best, this fragmentation leads operational law teams to withhold approval due to unclear transitions and risk mitigation. At worst, the absence of shared operational understanding between planners and legal advisors prevents otherwise lawful and effective activities from being executed at scale.

All these activities — training with partner forces, visible force posture, PSYOP, and broader information operations — produce influence effects. A partner training event is observed. A deployment signals intent. Information forces expand the audience and shape interpretation. Together, these actions form the connective tissue across domains and instruments of national power. Yet they are typically planned, approved, and assessed within separate authority lanes, with success reported vertically rather than measured by cumulative impact on adversary behavior. This perpetuates another layer of siloing and further constrains scalability.

Policy and doctrine, by design, do not provide a roadmap for success in IW. Policy establishes what is permissible; strategy determines how those permissions are employed to achieve effect. There is no shortage of opportunities to conduct IW under existing statutory, policy, and doctrinal authorities, and ample evidence that the Department desires to do so. The absence of scalable IW outcomes points to a simpler truth: IW is inherently difficult. As argued throughout this paper, the primary constraints are structural and strategic, not legal.

Rather than contest the existing system or wait for administrative reforms that may take decades, a more effective approach is to operate deliberately within current authorities while learning from execution and refining processes in parallel. Fear of failure — combined with the absence of a mechanism to capture lessons from both success and missteps — results in missed opportunities and an overreliance on policy as a substitute for action. The outcome is a cycle of frustration that resembles complaint more than problem-solving, and a continued inability to unlock a true "whole of nation" approach to IW.

The most visible manifestation of this structural problem emerges where authorities intersect rather than where they are absent — most notably at the seam between Title 10 and Title 50.

The Title 10 / Title 50 divide: A structural vulnerability

At the core of the Title 10 and Title 50 "divide" is attribution. Title 10 authorities are primarily, though not exclusively, designed to be overt, attributable, and executed by the armed forces. Title 50 authorities, by contrast, deliberately obscure attribution and govern covert and clandestine intelligence and influence activities. Neither framework is flawed in isolation. The vulnerability arises because this divide was never designed for a world defined by persistent competition — one that exists between peace and war, without clear escalation thresholds and without the luxury of sequential action.

The Department of War/Defense increasingly operates in environments where conflict is unwelcome, escalation is constrained, and adversaries pursue advantage through indirect means. As outlined in earlier papers, adversaries integrate diplomatic, informational, military, and economic levers continuously. Competition in this space favors diverse actors operating with shared intent rather than isolated efforts focused on opposition alone. When an adversary employs a front company to acquire proprietary technology, an effective response is not singular or sequential — it is integrated, combining intelligence collection, law enforcement action, and influence to impose costs and create advantage.

IW collapses traditional distinctions between overt, clandestine, and covert activity because success depends on the ability to transition fluidly between them while maintaining tempo. Delays in transition result in lost initiative and, ultimately, failure. An IW campaign may begin with a public affairs disclosure of illicit activity and a high-visibility law enforcement arrest (attributable), followed by the use of intermediaries or influencers to amplify public response (unattributable), and evolve into broader social or political pressure driven by unacknowledged actors. Each step is lawful. Each step is purposeful. But without integrated planning and approval, such campaigns rarely move beyond concept.

IW requires more than flexibility alone — flexibility without structure is brittle. What is truly required is designed fluidity and adaptability. When authorities are treated as discrete lanes rather than as transitions, coordination breaks down. Plans stall in approval cycles, die on legal caution, or are shelved entirely as personnel rotate. Risk avoidance replaces initiative. Approvals remain decentralized across commands and departments, with no shared operational picture to synchronize effects or manage risk across the full campaign.

These failures recur for consistent reasons:

- **Labeling and approval paralysis:** Inability to define roles, transitions, and authorities early in planning — "What do we call this?"
- **Covert adjacency misclassification:** Mislabeling activities leads to overly conservative legal review and disapproval of otherwise lawful actions — "Can we even do this?"
- **Narrative collision:** Absent a unifying strategy, different organizations target the same audiences for different effects, undermining one another — "You ruined my operation."

Adversaries have demonstrated a greater willingness to accept these risks, but they have not solved the problem entirely. Russia's operation in Ukraine illustrates both partial success and strategic failure. Information operations conducted prior to the invasion were effective in shaping conditions in areas Russia still controls. Beyond those areas, conventional operations have faltered, and Russia has struggled to sustain legitimacy and global credibility. From an IW perspective, this represents only partial success.

A more complete example is Crimea, where preparatory influence operations aligned precisely with limited conventional objectives, producing rapid gains with minimal resistance and perceived legitimacy.

The lesson is not that adversaries have perfected IW, but that tempo, integration, and narrative coherence matter more than the form of authority employed. Where these elements align, advantage follows; where they do not, even capable forces falter.

The Title 10 and Title 50 divide is not a legal constraint; it is a structural vulnerability that exposes deeper institutional habits. While this seam dominates much of the military's internal debate, it represents only one expression of a broader problem: influence, information, and legal authorities are routinely treated as supporting functions rather than as central elements of strategy. When authorities are compartmentalized and transitions are poorly understood, risk tolerance declines, approvals slow, and responsibility shifts from something to be managed to something to be avoided.

This dynamic is reinforced by doctrine that privileges what commanders directly own and control while marginalizing capabilities that sit outside traditional chains of command. Influence and law enforcement tools are therefore perceived as uncertain, externally managed, and inherently risky, regardless of their strategic value. Seen this way, the core constraint is not authority but mindset. Doctrinal inertia — not legal ambiguity — suppresses initiative, fragments accountability, and prevents influence and lawfare from being employed as primary tools of IW. The next section examines how this inertia manifests in doctrine and decision-making, and why treating these capabilities as supporting efforts continues to undermine effectiveness in persistent competition.

Doctrinal inertia: Influence and lawfare are not supporting efforts

The doctrinal landscape surrounding IW is complex, fragmented, and often poorly understood — even by seasoned professionals. Few fully grasp the practical implications of statutory divides, doctrinal constraints, and the legal friction they collectively create. The result is predictable: declining risk tolerance and decision-making that prioritizes what commanders directly own and control. Capabilities that sit outside traditional chains of command — particularly law enforcement and legal tools — are treated as external risks rather than integral components of competition. For geographic combatant commanders, this uncertainty raises a fundamental concern: who manages the risk, and who bears responsibility when something goes wrong?

Despite operating in an environment contested primarily in the information space, existing doctrine continues to privilege kinetic action. Yet modern competition is waged over legitimacy, perception, and positioning across the full Diplomatic, Information, Military, Economic, Financial, Intelligence, and Law Enforcement (DIME-FIL) spectrum and beyond. Influence and legal tools remain subordinate to more visible and familiar kinetic solutions, even when non-kinetic approaches offer greater strategic leverage at lower cost. This bias reflects habit rather than necessity.

Frameworks such as CAPIA and PPP challenge inertia by identifying legitimacy, access, and authority as decisive terrain. Gaining positional advantage across diplomatic, informational, military, economic, financial, intelligence, and legal systems can create strategic leverage and, in many cases, reduce the need for force. For example, establishing an international enforcement approach that deters illicit oil shipments may compel an adversary to abandon high-risk behavior altogether. However, a single act — sanctioning, boarding, or seizing a vessel — does not constitute IW. It becomes IW only when integrated into a broader strategy that exploits second- and third-order effects, such as delayed deliveries, altered routes, or diplomatic pressure.

PPP provides the mechanism to apply distinct authorities as complementary strengths rather than isolated tools. It aligns friendly advantages against adversary vulnerabilities, accounts for neutral actors, and tracks cascading effects across systems over time. CAPIA ensures that influence and legal authorities are not merely treated as enablers of kinetic action, but as primary instruments of competition in their own right. Where IW can be the main effort, influence and lawfare can be — and often should be — the decisive means, with other activities supporting their position.

Until doctrine reflects this reality, authority friction will persist regardless of policy reform. In the interim, CAPIA and PPP offer a practical way to operate effectively within the existing system, elevating influence and lawfare from supporting roles to central elements of IW.

Interpretation, process, and jurisdiction

Treating authorities as an operational design variable exposes a consistent set of friction points. These frictions do not originate from a single statute or policy decision, but from how authorities are interpreted, processed, integrated, and understood across existing institutions. Together, they manifest as four distinct — yet interrelated — gaps.

Interpretation: Legal treatment of similar activities varies across organizations, commands, and agencies, producing inconsistent assessments of risk and permissibility.

Process: Approval levels and review mechanisms are often misaligned with operational timelines, resulting in tempo mismatches that erode initiative.

Integration: Military, intelligence, law enforcement, and information activities frequently proceed in parallel rather than in concert, occasionally producing operational friction or unintended interference.

Literacy: Decision-makers often lack a shared understanding of authorities, roles, and transition points, making it difficult to define responsibilities and manage risk deliberately.

Among these gaps, literacy is the most actionable. Without a common level of authority literacy, changes to policy, doctrine, or statutory authorities will continue to be undermined by inconsistent interpretation, misaligned processes, and poor integration. Literacy anchors all three; it enables clearer interpretation, informs better process design, and allows integration to occur by design rather than by exception.

Efforts to address this gap have often focused on isolated solutions — revised curricula at military schoolhouses, executive seminars, or one-time conferences intended to level understanding. Given the size, dispersion, and diversity of the IW practitioner community, these approaches are insufficient on their own. A more effective starting point is the adoption of a common operational process, coupled with an acceptance that missteps will occur. Anticipating this reality allows risk to be managed deliberately and lessons — both positive and negative — to be captured in real time, informing doctrine, training, and policy simultaneously.

Absent such an approach, IW will remain disjointed, unscalable, and tactically reactive until a crisis forces adaptation under pressure. The greater risk lies not in learning through execution today, but in postponing that learning until circumstances leave no margin for error.

Integration, literacy, and law enforcement employment (Title 18/28)

The integration gap identified in the previous section extends well beyond the Title 10 and Title 50 divide. One of the most consequential — and least addressed — manifestations of this gap is the persistent lack of integration of law enforcement authorities in IW. Administrative, civil, and criminal law provide powerful means to impose costs, deny access, delay adversary activity, and shape legitimacy. Yet these tools are rarely incorporated into IW strategy. When they are employed, they are typically applied linearly, in isolation, and toward law-enforcement-specific end states rather than synchronized with military, intelligence, or diplomatic objectives. The result is a missed opportunity to generate cumulative effects across the competitive space. Legal pressure can function as a primary effort or as a supporting element within information operations, partner engagements, and broader IW campaigns — but only when it is integrated by design.

It is also incorrect to assume that law enforcement operates exclusively as an overt instrument. While distinct from intelligence activities, law enforcement employs a spectrum of attribution that includes undercover operations, confidential informants, and controlled disclosures. This range further complicates authority literacy among military planners and reinforces risk aversion. In IW — where tempo, coherence, and legitimacy matter more than decisive action — the failure to integrate law enforcement from the outset undermines effectiveness and strategic impact.

Law enforcement authorities span multiple forms of law, each offering distinct operational advantages when synchronized with military and intelligence efforts:

- **Administrative law:** licensing, compliance actions, regulatory enforcement
- **Civil law:** injunctions, civil forfeiture, asset freezes
- **Criminal law:** indictments, arrest warrants, extradition pressure

These authorities can be applied against individuals, businesses, and state-affiliated entities. From a military perspective, this expands the target set beyond traditional force elements to include front companies, state-owned enterprises, supply chains, export-control violators, and transnational criminal networks. Employed deliberately, these tools impose costs, constrain access, and undermine adversary legitimacy without crossing the threshold into armed conflict.

The effectiveness of these tools, however, is limited by a persistent literacy gap. Most legal professionals specialize in only one or two forms of law, and criminal, civil, and administrative practice differ substantially in both theory and execution. Military practitioners, already stretched across a wide range of domains, cannot reasonably be expected to intuit the full range of law enforcement options available. This lack of understanding suppresses creativity in option development and reduces confidence in proposing integrated solutions.

Compounding the problem, the Department of War/Defense provides little institutional training on law enforcement integration. Lessons learned are sporadic, localized, and often confined to tactical contexts within a small number of commands. As a result, opportunities to understand how law enforcement authorities can be synchronized at the operational or strategic level are limited.

One actionable solution is to embed training within real-world operations. Nesting education and execution increases exposure, accelerates learning, and surfaces new approaches — particularly from personnel not yet constrained by institutional bias. Joint training and operational collaboration between law enforcement professionals and military planners also builds trust and shared understanding well in advance of crisis.

The absence of sustained institutional alignment between these communities is a central reason for the enduring literacy gap in IW. Operating deliberately within the existing system — while integrating training, execution, and learning — offers a practical path to reducing risk aversion, avoiding missed opportunities, and preserving initiative.

Finally, resource constraints further inhibit law enforcement integration. Unlike the Department of War/Defense, law enforcement agencies are not resourced to support military priorities, nor are they funded for sustained IW activity. The lawful application of "forfeiture and proceeds" authorities offers a partial remedy: by taking resources from adversaries, law enforcement can both impose costs and reinvest in capabilities that support integrated IW efforts.

- **Actionable solutions:** Designing authority agility: Authorities must be treated as design constraints early in planning, not as approval hurdles encountered late in execution. When friction emerges late, it is almost always the product of institutional uncertainty rather than legal prohibition. The problem is structural, not legal. Addressing it requires practical reforms that increase tempo, reduce ambiguity, and enable repeatable execution.

- **IW authorities playbook:** Develop a standing IW "authorities playbook" that functions as both a knowledge-management tool and a repeatable process guide. The playbook should resemble a common operating picture with metadata capturing what was executed, under which authorities, by whom, and to what effect. Framed through CAPIA, it would document how activities contributed to larger strategic outcomes, providing a reference for planning, risk assessment, and learning.
- **IW approval reform:** Adopt an approval construct analogous to the established PSYOP series, with expanded criteria and accelerated review timelines. When executions are grounded in a clear strategy and designed through PPP, they should be reviewed by a standing body representing plans, legal, risk, and operations. Early clarification of authorities and transitions allows commanders to understand what they approve, what risk they retain, and what can be delegated. As with kinetic strikes, time-sensitive IW actions must be treated as mission-essential to maintain tempo in competition.
- **Doctrine updates:** Doctrine must be informed by contemporary execution, not legacy assumptions. Lessons from before the Global War on Terrorism are insufficient for an environment shaped by ubiquitous information, rapid adaptation, and emerging technologies. The sequence should be deliberate: conduct IW at scale within current authorities, capture lessons from execution, and update doctrine accordingly. IW should be treated no differently than joint fires or maneuver — an integrated component of military power in competition, not an exception.
- **Integrating law enforcement authorities (Title 18/28):** Law enforcement authorities must be incorporated into training, planning, execution, and doctrine from the outset. Administrative, civil, and criminal law are not merely supporting tools; when the objective is to delay, disrupt, or shape behavior, they can be the primary effort. Integrating law enforcement priorities and desired end states early through PPP ensures alignment of effects and unity of effort across military, intelligence, and diplomatic activities.
- **Title 28 forfeiture authorities:** Law enforcement participation is constrained by resourcing realities. The lawful use of Title 28 forfeiture and proceeds authorities offers a means to fund sustained activity by imposing costs on adversaries while reinvesting in capability. Aligning these authorities with Department of Justice priorities enables the lawful funding of commercial support — such as analytics, cyber tools, and financial forensics — reducing friction and enabling durable integration in IW campaigns.

Conclusion: Authority as a competitive weapon and a structural constraint

The claim that the U.S. lacks the authority to conduct IW is incorrect, and altering authorities, while never easy, is certainly achievable. The more persistent — and more damaging — problem is the absence of a coherent strategy and repeatable processes that allow existing authorities to be employed at scale and at the tempo required for persistent competition. Authorities exist. Pathways exist. What remains underdeveloped is the operating system that integrates military, intelligence, and law enforcement capabilities into a unified IW effort.

Adversaries appear more agile not because their legal systems are inherently superior, but because they are more willing to integrate influence, intelligence, economic pressure, and limited force within a coherent competitive approach. Whether that integration is enabled by permissive law or tolerated risk is ultimately beside the point. The lesson is that waiting for new policy, statutory reform, or administrative clarity delays learning and cedes initiative. IW will not be mastered by perfecting authorities on paper, but by designing processes that allow the United States to operate effectively within the system it already has — accepting friction, managing risk deliberately, and learning through execution.

Based on this analysis, the following practical steps are recommended:

- Employ inclusive planning frameworks such as CAPIA and PPP to integrate authorities by design rather than by exception.
- Publish and institutionalize IW authority playbooks to create repeatable processes and shared understanding.
- Reform approval mechanisms to accelerate tempo and align risk ownership with decision authority.
- Update doctrine based on contemporary execution rather than legacy assumptions.
- Develop authority-literate IW practitioners across military, intelligence, and law enforcement communities.
- Integrate law enforcement authorities as core elements of IW campaigns, not adjuncts.
- Leverage Title 28 forfeiture authorities lawfully and strategically to impose costs and resource sustained competition.

Adapting to the existing system of legal and structural constraints is necessary — but it is not sufficient. Authorities can be clarified, integrated, or refined, but none of these measures matter without a force designed to employ them. Ultimately, IW succeeds or fails based on people: their literacy, their confidence, and their ability to operate across institutional seams.

The fifth paper will examine how the force itself must evolve — organizationally, culturally, and operationally — to compete effectively in persistent competition. Where this paper focuses on authority as structure and process, the next will turn to force design: how to build, train, and empower practitioners capable of applying these authorities decisively, coherently, and at scale.

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A native of Virginia, and graduate of Georgia State University, Lieutenant General Nagata initially enlisted as an Army Private, and later received a commission from the Army's Officer Candidate School as an Infantry Officer in 1982. He initially served as a Platoon Leader in the 2d Infantry Division before volunteering for Army Special Forces in 1984.

During his Special Operations career he served in various positions in both Army and Joint Special Operations. These included: Detachment Commander, Executive Officer, Battalion S-3, Battalion Executive Officer, and Group Operations Officer. Later, he served as the Commander of 1st BN, 1st Special Warfare Training Group, responsible for the Special Forces Qualification Course. In 1990, he volunteered and assessed for a Special Missions Unit (SMU), in which he served at various times as a Troop Commander, Operations Officer, Squadron Commander, and SMU Commander.

After graduating from the National War College, Lieutenant General Nagata served in the Office of the Undersecretary of Defense for Intelligence. He then served in the Intelligence Community as a Military Deputy for Counter Terrorism. As a general officer, he has served as the Deputy Chief, Office of the Defense Representative to Pakistan (ODRP), the Deputy Director for Special Operations and Counter Terrorism (J-37) on the Joint Staff, and Commander, SOCCENT, before his final assignment at NCTC.

Lieutenant General Nagata today resides in Arlington, Virginia with his wife Barbie, and their five adult children and two grandchildren are the lights of their lives.

Mark Haselton

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Nick started his career in the Department of Defense as an Analyst in the 82nd Airborne Division, and quickly advanced to serve as a Special Forces Engineer in both 5th Special Forces Group and 19th Special Forces Group. Nick has met with many challenges over his career both in contracting and in service, most notably in developing an HVI list partnered with the Iraqi Ground Force Command, supporting the establishment of multiple Task Force elements to include an Integrated Deterrence Task Force, TF 4025, the SREC, and the JICC. He has served as a Sensitive Activities Advisor with emphasis on great power, and as an analyst at SOJTF-A covering both the north and the west of Afghanistan. Most recently he has applied the knowledge and skills gained over the past two decades as a Program Manager providing commercial support to a range of SOF activities.

Nick continues to be a voice for application of irregular warfare across the whole of government by enabling planners and staffs alike as they apply multiple capabilities from the perspective of both an analyst and an operations professional.

A native of California's Central Valley agricultural center, Nick has completed a Bachelor of Science in Business Administration, a Master of Business Administration, and an Executive Juris Doctorate along with several certifications including Lean Six Sigma Black Belt, Advanced Scrum Master, Lean Portfolio Manager, and the Project Management Professional Certification.