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by

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Abstract

The Department of Defense is appropriately responsible for Homeland Defense and established Northern Command to execute this mission. In addition to Homeland Defense, Northern Command is responsible for supporting the Department of Homeland Security with civil support and ensures the safety of United States citizens during events such as man-made and natural disasters. It is not a matter of *if* another mass casualty event will occur within the United States, but a question of *when* the next event will occur. Preparedness does not mean just knowing what your responsibilities are and those of other agencies, but practicing and putting that knowledge to the test. While DHS has numerous opportunities to put its systems to the test with local and state agencies, the Department of Defense, on the other hand, does not get these same, frequently occurring opportunities. Existing legal constraints, high operational tempo, and lack of coordination efforts between the DHS and DOD contribute to an unprepared response for civil support. Communication of local DOD capabilities and local governance requirements needs to be understood by governors and local military commanders. In addition, plans and memorandums of agreements need to be developed and put into practice.

Is the Department of Defense (DOD) fully prepared to execute its responsibilities as part of the Homeland Security Presidential Directive-5 (HSPD-5) in which it is required to ". . . establish appropriate *relationships* and mechanisms. . ." ¹ between Homeland Security and the DOD for civil support? When local and state emergency services are overwhelmed from catastrophic events, whether man-made or natural disaster, the citizens of the United States place their trust in senior leadership to assist during unfortunate circumstances. The attacks executed by terrorists in New York City on September 11, 2001, exposed the United States and its citizens to attacks by state and non-state actors with no discrimination against loss of life. In the eight years since 9/11, the United States Government (USG) transformed much of its organizational structure and improved its response and protective abilities. DOD's new focus on internal security increased its responsibility with the development of Northern Command (NORTHCOM) and its Homeland Defense (HLD) mission. ² The Department of Homeland Security (DHS) emerged with the transformation of twenty-two separate agencies into one consolidated organization designed to provide for the security of American citizens. ³ The activation of the DHS improved interagency coordination and collaboration across a multitude of operational factors to include intelligence, technology, doctrine, training, and emergency response. The vast capabilities and resources available within the DOD make its responsibility to support the DHS essential. As DHS continues to increase its capabilities for disaster response and assistance, integration of the DOD in coordination with DHS must improve in order to provide better-quality civil support to United States citizens. While the DOD has a responsibility to defend its citizens, it must also respect their civil rights and their states' sovereignty.

Providing American's with civil support and protecting their fundamental rights during the aftermath of natural or man-made catastrophes requires the federal government to act within

existing legal limitations. Depending on the circumstances, the United States Constitution, Title 10 United States Code, Title 32 United States Code, the Posse Comitatus Act, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and the Insurrection Act dictate some limitations and, in some cases, increased authority for federal support to governors and their states when in need.⁴ When comparing the ridiculed federal response after the devastation created by Hurricane Katrina on August 29, 2005⁵, and the subsequent, improved response after the complete destruction of Greensburg, Kansas from a super cell tornado May 4, 2007⁶, the DHS made tremendous strides in reaction time, resource availability, and command and control during emergency management operations. During the Greensburg Tornado response, coordination between local, state, and federal agencies improved dramatically.⁷ While there are differences between these two devastating natural disasters, many of the lessons learned from Hurricane Katrina contributed to the successful support of the Greensburg Tornado. Between 2005 and 2007, in the span of just two years, The DHS was fully capable of executing one of its primary missions of emergency disaster response and recovery. Civil support was accomplished within the legal framework established, and the DOD provided adequate civil support using the National Guard after activation by the state governor.⁸ The DHS is making great strides and governors are realizing the tremendous benefit, within legal limits, this new agency provides to their states and its citizens. Constructive interaction between the robust and highly resourced federal Title 10 military service and the DHS, State Governments, and local first responders combined needs improvement.

DHS responds and executes its responsibilities in conjunction with state resources to numerous requests for assistance on a regular basis. The current amount of training and sustained coordination between the DOD, state, and local agencies is still unacceptable. DHS

responded to several events to include the California wildfires⁹ and numerous airport incidents.¹⁰

These responses provide opportunities for the DHS, state governments, and first responders to unite their efforts and provide civil support to citizens. We must not become complacent and more emphasis on training must continue starting with each state's senior leadership.

Complacency is already seen in The Alabama Governors Vision for 2010.¹¹ Governor Robert Riley does not mention any effort to improve coordination between different levels of government or training with first responders. Nonetheless, coordination is occurring, but not at its fullest potential. Incidents as large as Hurricane Katrina, fortunately, are rare; however, they put the full execution of requests for federal aid to the test.¹² The National Security Strategy, National Strategy for Homeland Security, National Defense Strategy, and the Strategy for National Defense and Civil Support all have clear guidance and depict how federal agencies are to coordinate and integrate into the state and local plans.¹³ Having something in writing is progress; however, now is the time for hands on execution. Unless there is more emphasis by state leadership and DOD officials, the only time the DOD integrates fully with HLS, State governments, and local responders is during national level exercises similar to annual Top Officials (TOPOFF) exercises now called National Level Exercises planned and executed by the HLS.¹⁴

During TOPOFF-4 conducted October 15-20, 2007, many after action remarks regarding interagency coordination received satisfactory comments; coordination with the DOD received needs improvement comments.¹⁵ Even with current directives, joint publications, field manuals, and joint task lists, the DOD's integration into training on civil support tasks needs improvement. There are several possible reasons for this lack of integration. Legal limitations require specific time-consuming efforts by senior leadership, bureaucratic requests for support and limited

knowledge of support capabilities all add to limited coordination between federal military assets and state assets. Ongoing operations in Iraq and Afghanistan place limitations on available personnel and the time to conduct civil support training and simultaneously conduct contingency operations training. Finally, a lack of permanent, existing coordination positions and a lack of subject matter expertise with knowledge of active duty capabilities at the tactical, local level available to mayors and governors prevent execution of adequate support and training. While ongoing contingency operations is a strategic priority and most DOD resources are allocated to support these missions, legal limitations and state and federal cooperation, on the other hand, are matters senior leaders can readily address in order to best protect United States citizens.

HLS's Federal Emergency Management Agency (FEMA) has ten regional offices responsible for a designated number of states. Each of these regional offices is responsible for working with their designated states to "prepare for, respond to and recover from disasters."¹⁶ There are no DOD representatives listed at points of contact at these regional offices.¹⁷ Assigning an active duty military representative to each region is a simplest, cost effective solution and requires no known legislative legal modifications. This representative is a liaison between FEMA and NORTHCOM and provides both agencies with training opportunities, up to date military resource availability, and a conduit for all information between FEMA and NORTHCOM. Another solution complimenting a regional liaison solution is giving garrison commanders of military installations dual-hat status as local or regional civil support commanders.

Rather than providing a color guard for baseball games, completing volunteer work at the local Habitat for Humanity, or handing out water at a local half-marathon, communities must coordinate more training events. Some ideas include mass casualty at a local baseball stadium

with the local hospital, setting up decontamination stations with the local fire department, and establishing field expedient command and control operations centers with the police chiefs, fire marshals, hospital directors, and managers of local businesses. A garrison command and a supplemental staff for civil support operations located at the garrison command is a possible solution to coordinate training. The garrison staff does not typically deploy in support of contingency operations and they have visibility of all tenant organizations. DOD liaisons and civil support commander's are two preliminary actions that can make a significant improvement in coordination, communications, and interaction between HLS and DOD resulting in improved civil support to local citizens.

The personnel, equipment, and transportation assets along with the vast expertise across multiple critical fields to include communications, medical, and engineering makes military installations an immediate resource for speedy response that a state governor can utilize in times of need. The activation of NORTHCOM for Homeland Defense and support of Homeland was a step in the right direction; however, more effort is needed to close the gap between the Department of Defense, Homeland Security, State and local capabilities. Arguably, the Department of Homeland Security is doing what they can with the resources they have; however, is the Department of Defense taking the best actions within their legal and resource availability to execute their civil support mission?

The Department of Homeland Security is responsible for protecting American citizens from the destruction caused by man-made and natural disasters. It is not a matter of *if* another mass casualty event will occur within the United States, but a question of *when* the next event will occur. Preparedness does not mean just knowing what your responsibilities are and those of other agencies, but practicing and putting that knowledge to the test. While DHS has numerous

opportunities to put its systems to the test with local and state agencies, the Department of Defense, on the other hand, does not get these same opportunities. Existing legal constraints, high operational tempo, and lack of coordination efforts between the DHS and DOD contribute to an unprepared response for civil support. The DOD, in particular NORTHCOM, is not sitting idle; however, more inter-level coordination must occur rather than planning in a vacuum. Communication of local DOD capabilities and local governance requirements needs to be understood by governors and local military commanders. In addition, plans and memorandums of agreements need to be developed and put into practice. The Federal Response to Hurricane Katrina; Lessons Learned states, "At all levels of government, we must build a leadership corps that is fully educated, trained, and exercised in our plans and doctrine. Training is not nearly as costly as the mistakes made in a crisis."¹⁸

¹ President George W. Bush, HSPD-5, 2.

² U.S. NORTHCOM, *About NORTHCOM*.

³ 107th Congress, Homeland Security Act 2002

⁴ Phillips, “Legal Aspects of Incident Management.”

⁵ Townsend, “The Federal Response to Hurricane Katrina; Lessons Learned.”

⁶ Hainje, “The Federal Emergency Management Agency Response to the Greenburg, Kansas, May 4, 2007, Tornado; After Action Report”

⁷ *Ibid.*, 15.

⁸ *Ibid.*, 12.

⁹ Kailes, “Southern California Wildfires After Action Report, 25.

¹⁰ Skinner, “TSA’s Role in General Aviation Security.”

¹¹ Riley, “PLAN 2010; Our Vision for Alabama.”

¹² Joint Publication (JP) 3-28 Civil Support. II-4.

¹³ Department of Defense, “Strategy for Homeland Defense and Civil Support.” 6.

¹⁴ McNally. “Top Officials 4 (TOPOFF 4) Full-Scale Exercise (FSE) After Action Quick Look Report.”

¹⁵ *Ibid.*, 17.

¹⁶ FEMA. *FEMA: Region IV. What We Do*.

¹⁷ *Ibid.*, www.fema.gov/about/regions/regioniv/index.shtm

¹⁸ Townsend, “The Federal Response to Hurricane Katrina: Lessons Learned,” 72.

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