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USAWC MILITARY STUDIES PROGRAM PAPER

SAFEGUARDING THE INTERNAL SECURITY OF THE
UNITED STATES - OLD MISSION, NEW CHALLENGES
FOR THE MILITARY

AN INDIVIDUAL STUDY PROJECT

INTENDED FOR PUBLICATION

by

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This study examines the military's role in safeguarding the internal security of the United States, its territories, and possessions. It develops a conceptual framework within which the nature of internal security is examined, reviews the constitutional and statutory basis for using the military in domestic and internal matters, discusses the decision sequence for calling forth the military, highlights examples of missions performed (including counternarcotics) examines the mechanism by which the military responds to these "non-traditional" missions, and notes implications, challenges, and considerations for the Military Services.

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ABSTRACT

AUTHOR: Ronald E. Jones, LTC, MP

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Firefighting, counternarcotics, disaster relief, security, law and order, and air traffic control only suggest the myriad domestic support and internal security missions the military has been called upon to execute. In response to the needs of U.S. communities and the diminution of the Soviet threat, comments such as "can't do it," "won't work," "will degrade readiness," will become the exception as the Military Services take on more non-traditional yet critical missions. What is the legal/constitutional basis for using the military in such missions? How does the military get involved? What are the implications and challenges for the Military Services? Could this be a spin-off of the so-called "peace dividend?"

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SAFEGUARDING THE INTERNAL SECURITY OF THE UNITED STATES-
OLD MISSION, NEW CHALLENGES FOR THE MILITARY

INTRODUCTION

" . . . there's looting; shots are being fired; there's total chaos and anarchy; and its like a war zone; you can't even go outside! We need troops!"

The actions in response to this desperate call for help from the U.S. Virgin Islands during the aftermath of Hurricane Hugo focused immediate public attention on a role not usually associated with military readiness: safeguarding the internal security of the United States, its territories and possessions.¹ In a relatively short time, soldiers and equipment were airborne, ships were steaming, and a number of other actions were underway to accomplish the mission directed by the President: assist local officials in restoring law and order in the Virgin Islands.

Of course, the Hurricane Hugo emergency was by no means the first time the military has been called forth to assist in domestic and internal matters. In fact, since its inception the military has assisted in everything from quelling disturbances such as the Whiskey Rebellion in 1794,² to discerning what the country had bought when it negotiated the Louisiana Purchase in 1803,³ to fighting fires in the national parks,⁴ to controlling air traffic at civilian airports,⁵ to conducting conternarcotics missions at home and abroad. Indeed, in response to the social,

political, and economic needs at home and to the apparent degradation of Soviet threats to U.S. national security,⁶ there have been increasing calls for the military to do even more!⁷ Comments such as "can't do it," "won't work," "will degrade readiness and training" will soon be the exception rather than the rule as the military is called upon to provide more domestic support and carry out a variety of internal security missions.

But what is the military's role in safeguarding the nation's internal security? Specifically, what is the basis for domestic use of the military? By what mechanism does the military become involved? What are some of the missions the Services perform? What are the implications and challenges for the military as it take on a greater domestic role? Could such activities be a spin-off to the "peace dividend" expected from cuts in the defense budget?⁸ This study examines these questions with a view towards providing a better understanding of a role that is not often talked about, planned for, trained to, and certainly not boasted about--yet are executed daily. Moreover, while much has been written about the traditional missions the military performs--such as Urgent Fury (Grenada, 1983); Libya, 1986; Golden Pheasant (Honduras, 1988); Just Cause (Panama, 1989)--there is a distinct void in the literature on the military's peacetime domestic mission to assist civil authorities in safeguarding the internal security of the

or other public disasters or equivalent emergencies.¹⁵ This definition thus lays the groundwork for support to civil authorities and the Congressionally - declared threats to national security, such as illegal drug trafficking, illegal immigration and customs violations. Except for civil defense emergencies as a result of enemy attack,¹⁶ this definition includes all of the domestic peacetime emergencies in which the military may--will--have a role to play. Further, these emergencies parallel those listed in U.S. Forces Command's Spectrum of National Security Emergency Preparedness (NSEP) Actions (U),¹⁷ which is portrayed in figure 1. Figures 2 and 3 highlight the agencies and departments generally associated with NSEP.

It should be clear by now that the structure by which the nation's internal security is protected is, indeed, overarching, interdisciplinary, and interagency. The military's role in maintaining internal security will be discussed within this conceptual framework.

BASIS FOR DOMESTIC USE OF THE MILITARY

. . . When rail unions struck that same year [1943], Roosevelt put the War Department in charge of the railroads. Harry Truman similarly ordered strike-bound coal mines seized in 1946, railroads in 1950 and steel mills in 1952. Richard Nixon in 1970 sent military troops into postal offices where federal employees had illegally left their job.¹⁸

The Framers of the Constitution expended great effort

FIGURE 1

SPECTRUM OF NATIONAL SECURITY EMERGENCY PREPAREDNESS ACTIONS

MISSION/ RECOVERY	GENERAL DESCRIPTION
MILITARY ASSISTANCE TO CIVIL AUTHORITY (MACA)	MACA provided for several domestic civil relief support type operations. Military directives establish procedures for processing requests, approval authorities, coordination of operations and reimbursements. Supported operations and responsible organizations include: major disasters (FEMA), disaster relief (ANRC), forest fires (NIFCC), floods (USACE), pollution control (EPA or USCG), imminent serious conditions (any civil authority), search & rescue (USAF or USCG rescue coordination centers), and Military Assistance to Safety and Transportation (MAST) local emergency Medical System.
CIVIL DISTURBANCES	Support to civil authorities is preplanned in response to several types of civil disturbance events. Operations include those ordered by National Command Authority or those responses to sudden and unexpected events to prevent loss of life or wanton destruction of property and the protection or restoration of government functioning and public order.
SELECTIVE MOBILIZATION	For a domestic emergency, the President (or Congress upon special action) may order expansion of the active armed forces by mobilization of RC units and/or individual reservists to deal with situations where the armed forces may be required to protect life, Federal property and functions, or to prevent disruption of Federal activities. A selective mobilization normally would not be associated with requirement for contingency plans involving external threats to the national security.
PRESIDENTIAL CALL-UP	The President may augment the active forces by a callup of units of the Selected Reserve up to 200,000 men for up to 90 days to meet requirements of an operational mission. Must notify Congress with reasons for action. (May extend additional 90 days).
PARTIAL MOBILIZATION	To meet requirements of war or other national emergency involving an external threat to national security, Congress or the President may order augmentation of the active armed forces (short of Full Mobilization) and mobilization of up to 1 million men of the Ready Reserve (units or individuals) for up to 24 months. Congress can increase numbers and duration by separate action.
FULL MOBILIZATION	Full Mobilization requires passage by Congress of a public law or joint resolution declaring war or a national emergency. It involves mobilization of all RC units in the existing approve force structure, all individual reservists, and the materiel resources needed for expanded force structure.
LAND DEFENSE OF CONUS (LDC)	Necessary military assistance to civil/private sector agencies to plan for and coordinate Key Asset Protection Program (KAPP) and (when required to assure DoD capability to mobilize, deploy and sustain the armed forces in national emergency) to take necessary military action.
TOTAL MOBILIZATION	Total Mobilization involves expansion of the active armed forces by organizing and/or activating additional units beyond existing approved troop basis to respond to requirements in excess of troop basis and mobilization of all additional resources needed, to include production facilities, to round out and sustain such forces.
MILITARY SUPPORT TO CIVIL DEFENSE (MSCD)	Military support to the national civil defense program and a full range of civil preparedness and response measures that might be taken by DoD in conjunction with civil government in anticipation of, or response, to a national security emergency or any form of attack on the country.
ARMY SURVIVAL , RECOVERY AND RECONSTITUTION SYSTEM (ASRRS)	All planning and actions at each command level to ensure continuity of operations or rapid reestablishment of operational capability following major attack. Includes but not limited to alternate headquarters, evacuation, duplicate files, and redundant communications. Also includes the mission to conduct Residual Capabilities Assessment (RECA)

SOURCE: U.S. FORCES COMMAND Situation Manual, October, 1988.

FIGURE 2

PRINCIPAL NATIONAL NSEP AGENCIES



NATIONAL SECURITY COUNCIL

- Develop, coordinate and ensure implementation of Presidential policy.
- Oversee NSEP programs.



DEPARTMENT OF AGRICULTURE

- Plan for production and distribution of essential food resources.
- Plan for emergency production of forest products.
- Develop programs for agricultural use of water.
- Assist FEMA in stockpiling critical agriculture materials.
- Allocate food supplies and domestic distribution of farm equipment and commercial fertilizer.



DEPARTMENT OF COMMERCE

- Develop control systems for facilities and materials vital to national defense.
- Identify industrial products essential to national security.
- Provide for the collection of census information on human and economic resources.
- Provide meteorological, hydrologic and marine weather data affecting radioactive fall-out.



DEPARTMENT OF DEFENSE

- Provide for military response.
- Ensure efficient management of military support to Federal, State, and local governments.
- Ensure effective mutual support between the military, civil government and private sectors.
- Develop and operate damage assessment systems.
- Administer water resources for industrial use.



DEPARTMENT OF EDUCATION

- Plan for dissemination of emergency preparedness information through educational institutions.
- Plan for reconstitution/resumption of educational systems.



DEPARTMENT OF ENERGY

- Plan/conduct energy related emergency programs.
- Identify energy facilities essential to national security.
- Ensure security and continued viability of nuclear weapons production.
- Allocate forms of energy and related facilities.



DEPARTMENT OF HEALTH AND HUMAN SERVICES

- Promote/support planning for health services.
- Develop plans to mobilize health industry.
- Develop survival information programs.
- Assist state and local governments in providing emergency human services.
- Assist noncombatants evacuated from overseas.



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- Plan for construction/management of temporary housing.
- Plan for restoration of community facilities.

SOURCE: U.S. Forces Command Situation Manual, October, 1988.

FIGURE 3

PRINCIPAL NATIONAL NSEP AGENCIES



DEPARTMENT OF THE INTERIOR

- Develop programs to ensure continuity of production of strategic and critical minerals.
- Plan for/coordinate use of national land assets.
- Allocate minerals and processing facilities.



DEPARTMENT OF JUSTICE

- Coordinate Federal law enforcement activities.
- Coordinate domestic planning for law enforcement contingencies.



DEPARTMENT OF LABOR

- Plan for effective use of civilian workforce.
- Formulate plans for meeting defense and essential civilian labor requirements.



DEPARTMENT OF TRANSPORTATION

- Develop programs to meet essential civil and military transportation needs.
- Direct all modes of civil transportation.
- Cooperate with local roadway management.



NATIONAL COMMUNICATIONS SYSTEM (NCS)

- Plan for use of Federally owned/leased telecommunications assets.
- Develop plans to enhance telecommunications survivability, reliability, endurability, robustness, and interconnectivity.
- Manage Federal communications systems recovery and reconstitution following major disasters, terrorist attack or general war.



ENVIRONMENTAL PROTECTION AGENCY

- Develop guidance on acceptable emergency levels of nuclear radiation.
- Develop plans to ensure potable water supplies.



FEDERAL EMERGENCY MANAGEMENT AGENCY

- Coordinate all mobilization activities of the executive branch (except military).
- Support and coordinate Federal NSEP planning.
- Assist government/private organizations in emergency preparedness.
- Develop programs to enhance capabilities for crisis management/population protection/recovery.
- Provide guidance on resource claimancy.
- Develop capabilities to assess attack damage.



GENERAL SERVICES ADMINISTRATION

- Develop plans for use/protection of Federal buildings.
- Administer government ADP facilities/ services.
- Develop plans for general transportation and traffic management services.
- Promote a government wide program to minimize effects of attack on government personnel.



INTERSTATE COMMERCE COMMISSION

- Develop programs for reduction of vulnerability/ restoration of privately owned transportation system.
- Prepare orders and regulations for operation domestic surface transportation industry.

SOURCE: U.S. Forces Command Situation Manual, October, 1988.

In designating the proper role of a standing federal army and in protecting the primacy of civil authorities.

Posse Comitatus¹⁹ and other limitations notwithstanding, the Nation's history is replete with instances in which the military has been called upon to assist in what have normally been viewed as nonmilitary, civil matters. That the military has been "sent in" can be traced to provisions in the U.S. Constitution or federal statutes.

CONSTITUTIONAL PROVISIONS

As noted earlier, the "Best American Intention" has been to entrust domestic tranquility and internal security matters to the civil authorities. However, when they were unequipped, unmanned or undermanned, overwhelmed, or refused to act, presidents have used provisions found in Article I, Section 8; Article II, Sections 1 and 3; and Article IV, Section 4 of the U.S. Constitution to send in the military.²⁰

As written, Article I, Section 8 authorizes the Congress to call forth the militia to suppress Insurrections.²¹ On 2 May 1792, the power to call the militia into Federal service was delegated to the President. Almost "before the ink was dry," this provision was tested. In 1794, President Washington called upon the militia to suppress the Whiskey Rebellion; then four years later, President John Adams sent a mixed column of militia and regulars against the Fries' Rebellion in Pennsylvania.²²

In the latter case, President Adams had no authority from Congress to use the Regular Army for this purpose, "but seemed to believe that he did not need it."²³ Over time, the provisions of Article I have been perpetuated in federal statutes.²⁴

The provisions of Article II have also been cited as authority for domestic use of the military. Section 1 requires the President to "preserve, protect and defend the Constitution of the United States,"²⁵ and Section 3 requires that "he shall take care that the laws be faithfully executed."²⁶ Presidents Fillmore, Pierce, and Buchanan relied upon these provisions to employ military forces in sufficient numbers to enforce the Fugitive Slave Act of 1850. More recently on 23 September 1957, President Eisenhower sent Regular and National Guard soldiers into Arkansas when the state Governor ignored the orders of a federal Judge to permit Black students to enter Central High School in Little Rock. The provisions of Article II, Sections 1 and 3, have also been perpetuated in federal statutes.²⁷

Article IV, Section 4 guarantees protection against domestic violence upon application (request) of the State Legislature or Governor to the President. Using these provisions, which are perpetuated in 10 U.S.C. 331 and implemented within Department of Defense (DOD) by DOD Directive 3025.12, President Bush directed the deployment of federal law enforcement officials and military forces to

the Virgin Islands in the wake of Hurricane Hugo.²⁸

In short, the Constitution has been the "jumping off" point for using the military in internal security matters at home. But what about the authority for the military's involvement absent an insurrection or when the public order is not threatened? What is the statutory and/or humanitarian basis for military action?

STATUTORY PROVISIONS

It is the policy of the federal government to provide an orderly and continuing means of supplemental assistance to state and local governments in their responsibilities to alleviate the suffering and damage that result from civil emergencies.²⁹

This statement of national policy should come as no surprise, for it is rooted in the constitutional (Preamble) stipulation "to promote the general welfare" and the fundamental principle of state and local control of matters within their jurisdictional boundaries. It has been translated into numerous federal statutes and departmental directives which not only authorize military assistance but direct it as well. Paramount among this plethora of legislation are The Disaster Relief Act of 1974³⁰, The Flood Control Act of 1941³¹, The Economy Act of 1932³², The Military Cooperation with Civilian Law Enforcement Officials Act of 1981³³, and The National Defense Authorization Act of 1989.³⁴

The Disaster Relief Act of 1974 authorizes the Federal

government to provide emergency assistance and aid to state and local governments in the event of emergencies or major disasters. JCS Pub 1-02 defines a major disaster as

Any flood, fire, hurricane, tornado, earthquake or other catastrophe which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government . . . to supplement the efforts and available resources of state and local governments in alleviating the damage, hardship, or suffering caused thereby.³⁵

Normally, military resources are committed as a supplement to non-DOD resources and may include equipment, supplies, facilities, or personnel; medicine, food, and other consumable goods; and emergency assistance. It's important to note that a presidentially-declared emergency or major disaster does not in itself grant overall authority to commit resources. Support is provided when directed to do so. DOD Directive 3025.1 and Army Regulation 500-60 implement this Act within DOD, as was the case during the Alaska oil spill cleanup, Hurricane Hugo and the California earthquake in 1989.³⁶

Section 701 of the Flood Control Act addresses funding and measures to be taken by the military, specifically the Secretary of the Army and the Corps of Engineers, in the event of floods. These include responsibilities for flood emergency preparations, flood fighting and rescue operations, flood control, emergency water supplies, and others. DOD Directive 3025.1 and AR 500-60 are the

Implementing directives.

The Economy Act of 1932 authorizes military assistance to federal agencies in situations not otherwise provided for by law. All assistance under this Act is provided on a reimbursable basis; it may come in the form of materials, supplies, equipment, and work or service.³⁷ The Economy Act provides the basis for using military forces to maintain and operate federal functions normally performed in peacetime by civilian workers. Under the provisions of this Act, military personnel and equipment were used to direct air traffic in towers all over the Nation during the early 1980's and to deliver mail in March, 1970.³⁸

The Military Cooperation Act of 1981 was enacted to clarify and modify the Posse Comitatus Act, which constrained the use of military personnel and equipment in civil law enforcement. Specifically, it addressed areas related to providing criminal information, military equipment and facilities, and military personnel to train and advise civilian law enforcement personnel.³⁹ In the minds of many, this act really gave the military the "nudge" it needed to get into the "drug war:"

At the time of the passage of the new Act, Congress had its thoughts on the drug smuggling problem. The House Committee on the Judiciary saw no reason why military missions could not be compatible with the needs of civilian law enforcement officials [i.e., scheduling routine training missions that easily accommodate the need for improved intelligence information concerning drug trafficking in the

Caribbean].⁴⁰

The Act served to expand assistance to and cooperation with civilian law enforcement officials consistent with the needs of national security and military preparedness. For example, in Fiscal Year 1987, the Army provided major support to Operation BAT (Bahamas and Turks). Army crews flew UH-60A (BLACKHAWK) helicopters stationed at Georgetown, Great Exuma Island, Bahamas to quickly insert specially trained Bahamian drug enforcement teams on drug apprehension missions.⁴¹ Similar operations were conducted in Bolivia.⁴²

The National Defense Authorization Act of 1989 made DOD the lead agency of the Federal government for detecting and monitoring aerial and maritime transit of illegal drugs into the United States. It integrated command, control, communications, and technical intelligence assets dedicated to drug interdiction into an effective communication network. Additionally, it approved and funded state governors' plans for expanded use of the National Guard in support of state drug interdiction and enforcement operations.⁴³ This Act is tantamount to "calling forth" the military. As Secretary of Defense Cheney stated, "The Department of Defense is an enthusiastic participant in the nation's drug control effort and can make a substantial contribution if its assets are used intelligently and efficiently."⁴⁴

These, then, are the major constitutional and statutory provisions presidents have used to send in the military

to safeguard the Nation's internal security. Citing one provision or another--and the stipulations in the Preamble to ensure domestic tranquility and promote the general welfare--presidents have used the military to play a positive and productive role in assisting civil authorities.

Having established the basis for domestic use of the military, the next logical step is to discuss the mechanism by which soldiers, sailors, airmen, and marines become involved. What's the system or process that gets them from their posts, bases and ships to "Main Street America?"

THE MILITARY RESPONSE

Our role in Hurricane Hugo disaster relief operations in South Carolina has reached an end. For over two weeks our men and women toiled with a task not routinely associated with military readiness. They performed in a magnificent manner and were true ambassadors of the U.S. military. All are fully deserving of a hearty thanks for a job well done. . . . The responsiveness of our forces to requests for civil assistance is appreciated by everyone and a source of accolades for the entire command. We can be justly proud of their accomplishments. My personal thanks to all who assisted in easing the suffering caused by Hurricane Hugo. (Emphasis added).⁴⁵

As discussed earlier, it is national policy to provide federal supplemental assistance to state and local governments in times of need. Consistent with that policy and defense priorities, DOD is often the first called or directed to provide assistance. But what is the mechanism

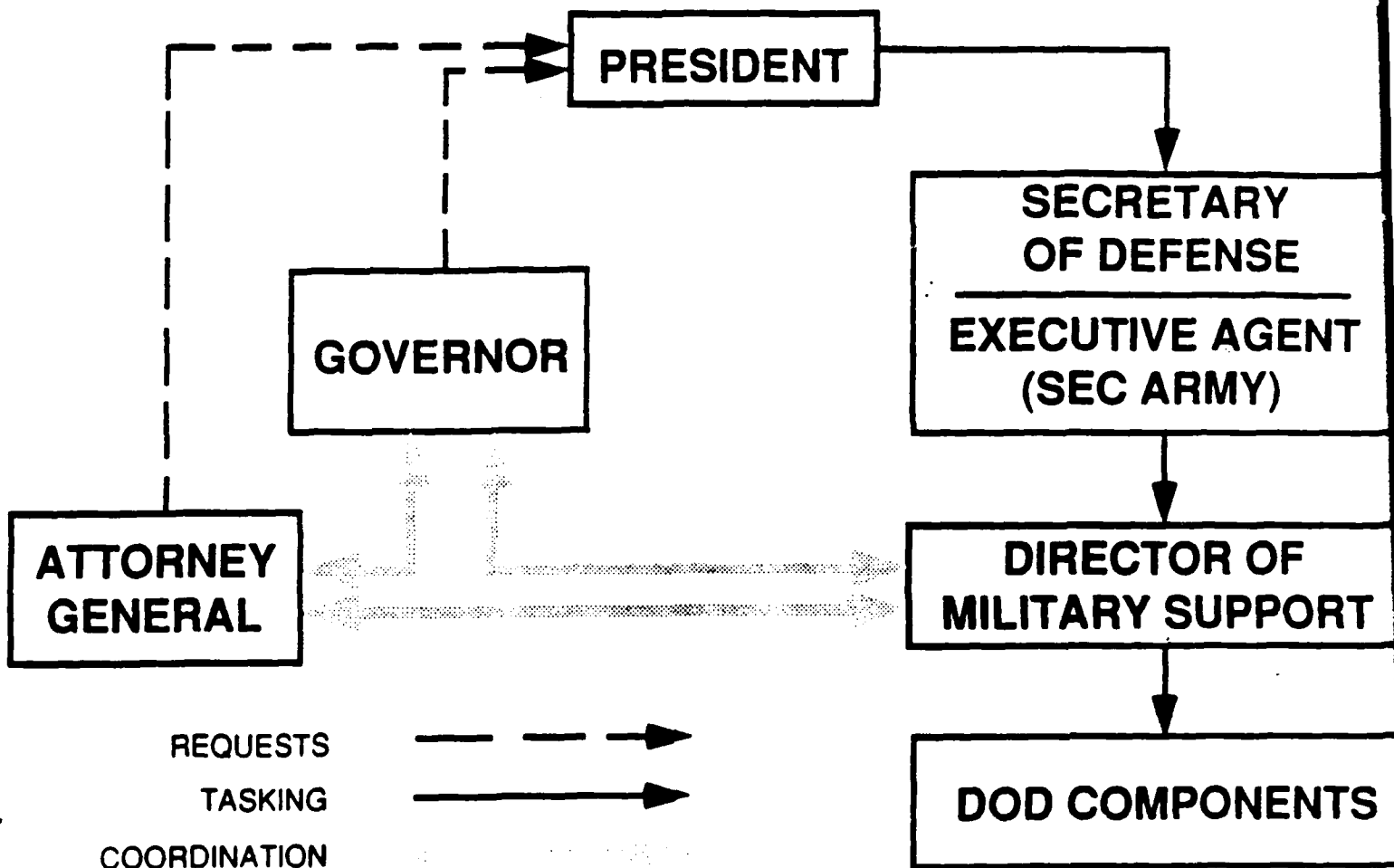
that gets the military on-site once the decision has been made to send them in? What are some of the missions the Services are directed to execute? This section focuses on that system from a departmental perspective and describes the myriad missions the military performs.

DECISION SEQUENCE FOR USE OF MILITARY FORCES

Policies and procedures governing the military response in support of civil authorities differ depending on the nature of the emergency. The same is true for the decision sequence for calling forth the military. The initiatory device, however, is similar: a Presidential executive order, directive or declaration that gets people, equipment, supplies, and other resources where and when they're needed.⁴⁶ Figure 4 depicts the typical decision sequence for using military forces to support law enforcement. In most cases, these requests originate with the state Governor and are channeled through the Attorney General to the President for approval. If the request is approved and all statutory requirements are met (such as issuance of a cease and desist order), the decision is forwarded to the Secretary of Defense (SECDEF) for implementation. This sequence enacted the decision to deploy soldiers to the Virgin Islands to restore law and order in the wake of Hurricane Hugo.

FIGURE 4

DECISION SEQUENCE FOR USE OF MILITARY FORCES TO SUPPORT LAW ENFORCEMENT



SOURCE: Office of the Deputy Chief of Staff for Operations and Plans (DAI.O-CDS), Headquarters, Department of the Army.

Alternatively, a different sequence was used to send military forces into South Carolina for disaster relief operations. Upon a Presidential declaration of a major disaster in several counties in South Carolina, the Federal Emergency Management Agency (FEMA) assumed responsibility and authority for directing and coordinating federal emergency and major disaster relief in behalf of the President. In effect, FEMA was the President's Executive Agent; it had authority to task other Federal agencies for support, including DOD.

Whatever the sequence, DOD is either ordered or directed to assist civil authorities--EXECUTE.

DOD AND EXECUTIVE AGENCY

DOD uses an "executive agency" system to carry out and fulfill its statutory internal security responsibilities. This system originated in 1956 when the Chief of Staff, U.S. Army (CSA) was designated as the Joint Chiefs of Staff's (JCS) Executive Agent for assistance to civil authorities during domestic emergencies. In 1968, DOD Executive Agent authority for domestic civil disturbances was reassigned to the Secretary of the Army (SECARMY). This transfer of authority ensured direct civilian oversight and control of military forces that are in support of law enforcement agencies within the United States. This particular executive agent authority is set forth in DOD Directive 3025.12.47

Currently, the SECARMY is the designated DOD Executive Agent for civil emergencies and domestic military support⁴⁸; and when directed by the Secretary of Defense (SECDEF), SECARMY acts in his behalf and with the requisite authority to carry out a specific mission.⁴⁹ Figure 5 depicts a typical executive agency chain of command for carrying out executive agent missions. Of particular note is the authority of the Executive Agent (SECARMY) over all DOD components on behalf of the SECDEF.

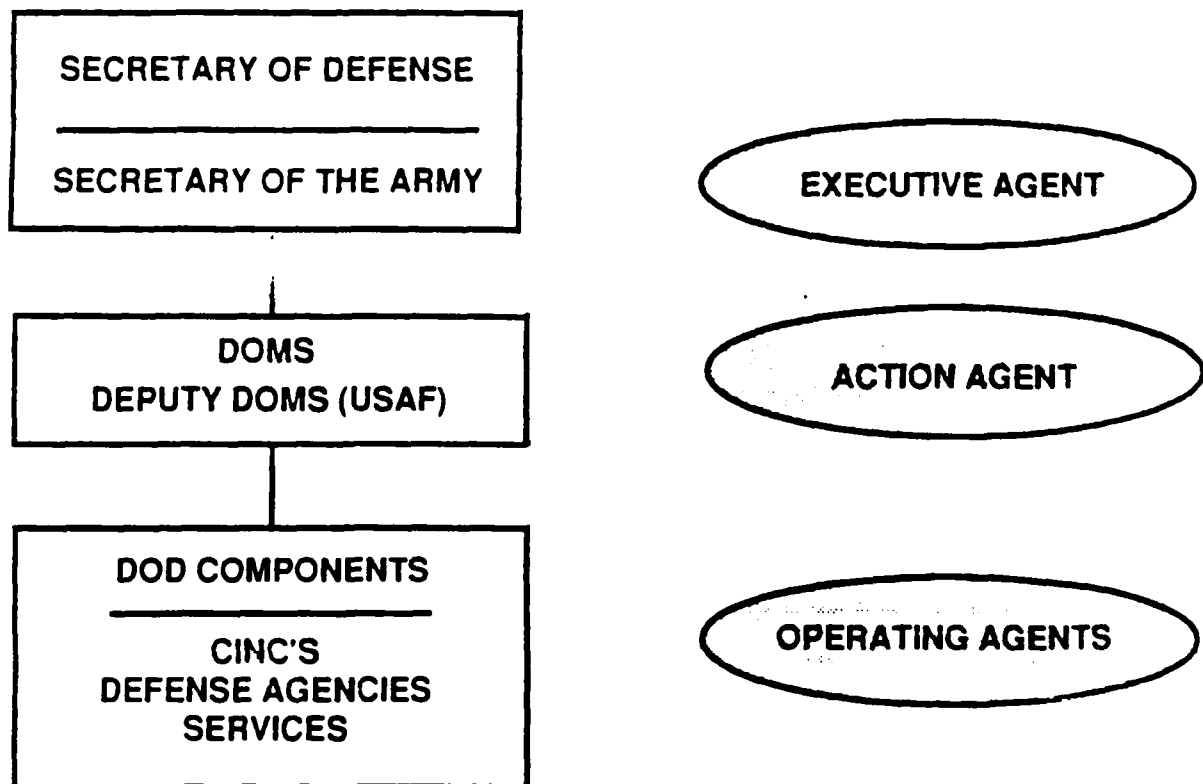
The Goldwater-Nichols Act reaffirmed this American tradition of civilian oversight over domestic military support. While the Act established that military operations are the exclusive province of the military operational chain of command which excludes the Military Departments, it specifically maintained that the Service secretaries would control military forces in support of national domestic missions:

While removing "operations" from the responsibilities . . . each Secretary of a Military Department . . . retains authority to use military equipment and forces for activities such as disaster relief, response to domestic disturbances, public affairs, the operations of non-combatant forces and many training activities.⁵⁰

The Executive Agency concept was reviewed recently by the General Counsel, Office of the SECDEF. During testimony before the U.S. Senate Subcommittee on Techno-Terrorism in 1988 by Mr. Craig Alderman, then-UnderSECDEF for Policy,

FIGURE 5

EXECUTIVE AGENT CHAIN OF COMMAND



SOURCE: Office of the Deputy Chief of Staff for Operations and Plans (DA&O-ODS), Headquarters, Department of the Army.

reiterated the concept. Both of these reviews confirmed the Executive Agent authority of the SECARMY.⁵¹ The action agent is the linchpin in the Executive Agency structure.

THE DIRECTOR OF MILITARY SUPPORT (DOMS)

The Director of Military Support (DOMS) serves as SECARMY's action agent for execution of missions for which he has been designated DOD Executive Agent by the SECDEF. Formerly a separate office under the SECARMY, the DOMS has been absorbed as an additional responsibility of the Directorate of Operations, Readiness, and Mobilization, Office of the Deputy Chief of Staff for Operations and Plans (ODCSOPS), Headquarters, Department of the Army. The DOMS acts essentially as director for a joint staff that provides support to the SECARMY in his DOD Executive Agent role. Figure 6 portrays a typical multi-service DOMS staff. This joint staff has broad capabilities to plan, coordinate, and manage the full range of military support during an operation. The chart shows the staff structure in its basic form; it varies in number and detail from mission to mission consistent with operational requirements.

The DOMS staff maintains close coordination with a number of agencies, activities, and commands within and outside the DOD. The DOD Executive Secretariat and the Director of Operations (J3) within the JCS are especially important. Liaison is established between the DOMS Task Force and appropriate federal, state, and local agencies.

FIGURE 6

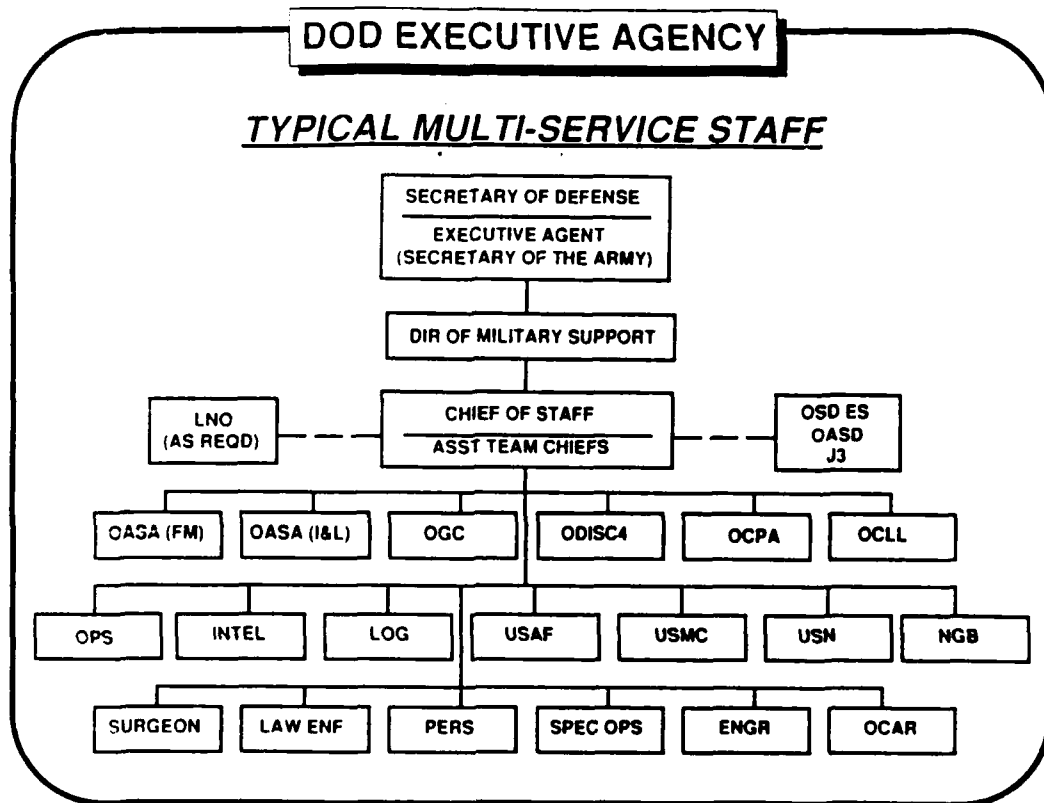
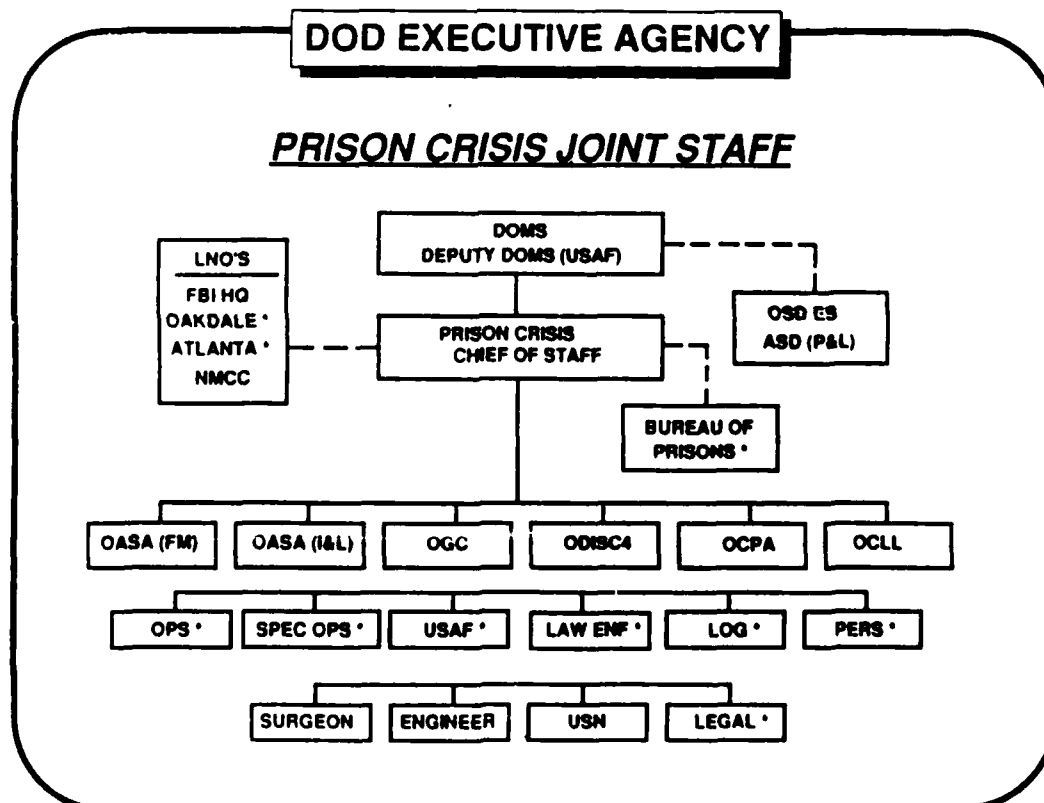


FIGURE 7



SOURCE: Office of the Deputy Chief of Staff for Operations and Plans, Headquarters, Department of the Army.

For example, during the November 1987 federal prison riots in Atlanta, Georgia, and Oakdale, California,⁵² representatives from the Federal Bureau of Prisons (FBOP) were full-time members of the DOMS staff. At the same time, the task force had a full-time representative at the Federal Bureau of Investigations (FBI) headquarters in Washington, D.C., and at both federal prisons. Figure 7 illustrates this staff structure. Figure 8 shows the staff interface with the operating agents (military commands) involved,⁵³ and figure 9 lists the items of support provided.

THE OPERATING AGENTS

The responsibility for providing initial assistance to civil authorities in domestic emergencies is that of the Military Service having available resources nearest the afflicted area.⁵⁴

The Unified and Specified Commands,⁵⁵ Defense Agencies and the Services are the operators in the system. They render military assistance to civil authorities in domestic emergencies when requested or directed to do so by superiors in the military chain of command. Assistance must not be undertaken without such authority unless:

1. The overruling demands of humanity compel immediate action to prevent starvation, extreme suffering, and property loss; or
2. Local resources available to state and municipal authorities are clearly inadequate to cope with the situation.⁵⁶

Operating agents may be tasked by the DOMS, the JCS, or both. Usually, DOMS tasks the Services in behalf of the

FIGURE 8

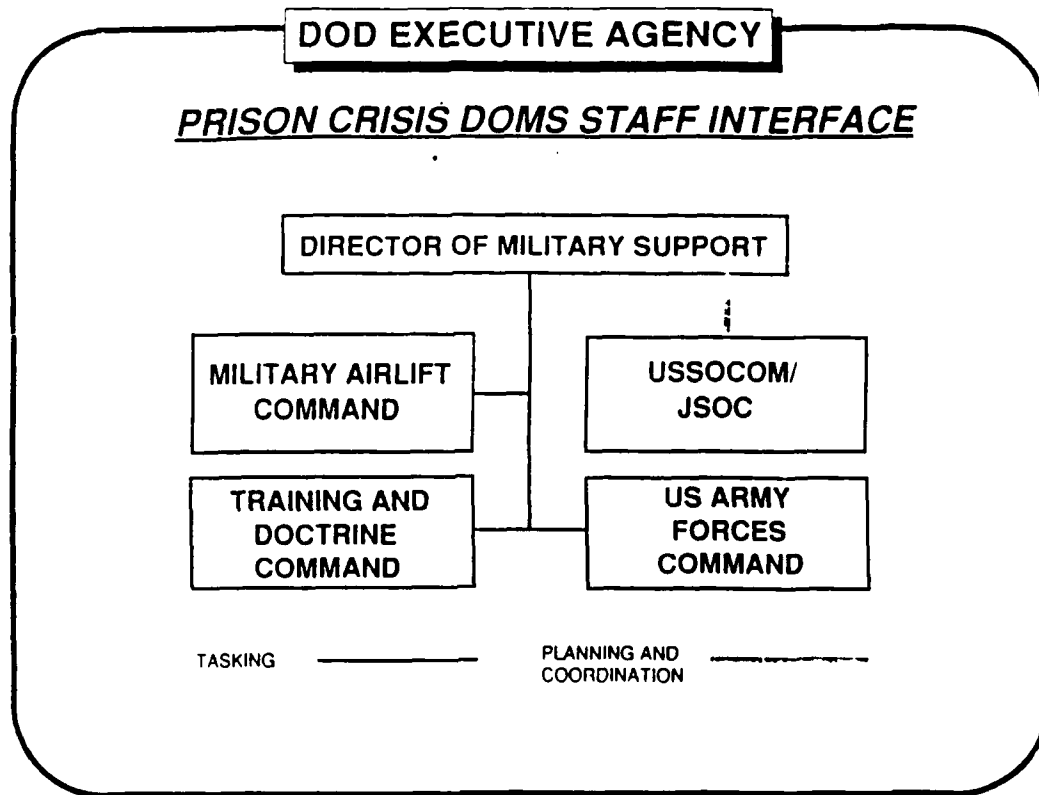
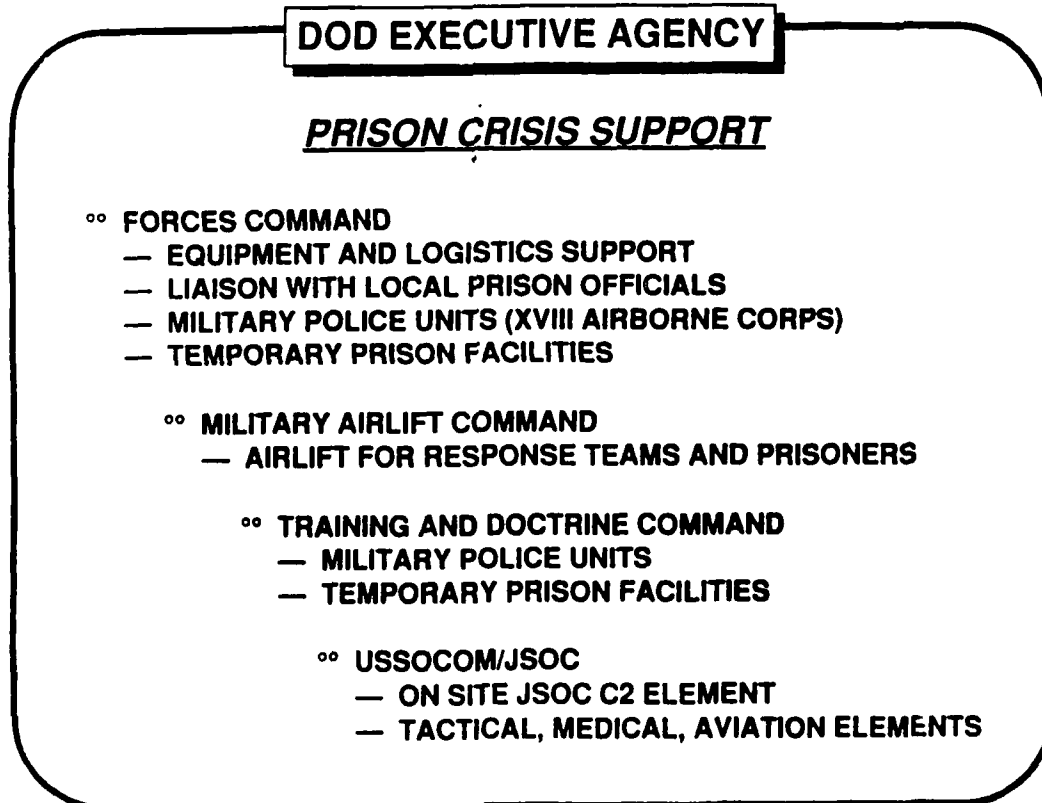


FIGURE 9



SOURCE: Office of the Deputy Chief of Staff for Operations and Plans, Headquarters, Department of the Army.

SECARMY for the SECDEF; and JCS (J-3) tasks the combatant commands. For example, support in the form of equipment (less the people to operate it) that is service-unique would be tasked to that Service by the DOMS, while support that involves equipment and people and/or a major force deployment would be tasked to a CINC by the JCS. In any case, a mission-type order (warning - planning - alert - execute) is the rule. Figure 10 is an example of an execute order used during disaster relief operations in Charleston, S.C.⁵⁷

In sum, once the decision is made to use the military to perform internal security missions, the mechanism used within DOD to deploy soldiers, sailors, airmen, and marines to "Main Street America" is overarching and elaborate. Yet it is simple and refined enough to produce clear and concise mission-type orders.

CATEGORIES OF MISSIONS

Over time, DOD has been assigned myriad missions with varying degrees of responsibility. These missions are founded upon departmental directives, letters of appointment, and memoranda. They fall into three categories: standing, crisis, and directed.⁵⁸

Standing missions have existed since the early 1970's. Short of execution, they are routinely handled by the DOMS from a planning and coordination perspective. They include

FIGURE 10

ODS

IMMEDIATE
O 020110Z SEP 89
FM CG FMFLANT
TO RUCBLFA/CG 11 MEF
INFO USCINCLANT NORFOLK VA
CINCFOR FT MCPHERSON GA
CORUSATWO FT GILLEM GA
DIRMILSPT DCSOPS WASHINGTON DC//DAMO-ODS//
CG SECOND MAW
CG SECOND FSSG
COMNAVBASE CHARLESTON SC

ZYUW RUCBSGG0055 2750126
CINCLANTFLT NORFOLK VA
CMC WASHINGTON DC//POC//
CG SECOND MARDIV
CG MCB CAMP LEJEUNE NC

UNCLAS //NO3000//
SUBJ: EXECUTE ORDER - DISASTER RELIEF FOR CHARLESTON, S.C.
A. CINCFOR FT MCPHERSON GA 011630Z OCT 89
B. LANTCAT TLCP MSG 383/CINCLANTFLT NORFOLK VA 011755Z OCT 89
1. THIS IS A DEPLOYMENT ORDER.
2. SITUATION: DISASTER CONTROL OFFICER (DCO) IN SOUTH CAROLINA HAS VALIDATED A REQUEST FROM THE FEDERAL CONTROL OFFICER (FCO) FOR TEN ADDITIONAL DUMP TRUCKS TO ASSIST CITY OF CHARLESTON CLEARING CREWS IN DEBRIS REMOVAL.
3. MISSION: ON C DAY/L HOUR 11 MEF DEPLOYS TEN DUMP TRUCKS TO AUGMENT 11 MEF FWD FORCES TO PROVIDE REQUESTED ASSISTANCE.
A. EXECUTION. ON ORDER, DEPLOY TEN DUMP TRUCKS TO CHARLESTON, S.C. TO AUGMENT 11 MEF FWD IN SPT OF CITY OF CHARLESTON CLEARING OPS. CONVOY COMDR WILL RPT TO 11 MEF CE (FWD) LOC JOHNSON HAYGOOD STADIUM, CHARLESTON, S.C. REF A AND B GERMANE.
B. COORDINATING INSTRUCTIONS:
(1) C DAY/L HOUR. 2 OCT 89/ON ORDER TO CHARLESTON S.C.
(2) DURATION OF OPERATIONS: ANTICIPATE 30 DAYS.
(3) DIRLAUTH ALCON. ADVISE FORCOM, USATWO AND CG FMFLANT OF UNIT MOVEMENT AND ARRIVAL IN CHARLESTON, S.C. ADVISE 11 MEF FWD ETA CHARLESTON, S.C. TO FACILITATE ARRANGEMENT FOR POLICE ESCORT UPON ARRIVAL CHARLESTON AREA.
(4) 11 MEF FWD: COL KILEY/LTCOL STEIGELMAN, COMM: (803) 577-4063.
4. ADMINISTRATION/LOGISTICS
A. TRANSPORTATION: DEPLOY BY CONVOY USING ORGANIC TRANSPORTATION RESOURCES.
B. LOGISTICS: DEPLOY WITH 5 DOS CLASS 1 AND INDIVIDUAL EQUIPMENT. DUTY UNDER FIELD CONDITIONS.
C. FISCAL. CAPTURE ALL FUNDING EXPENDITURES ASSOCIATED WITH THIS OPERATION. FUND CODE IS FEMA-843-OR.
5. COMMAND AND CONTROL:
A. COMMUNICATION. REMAINS AS ESTAB BY 11 MEF CE (FWD).
B. COMMAND RELATIONSHIP. 11 MEF RETAINS OPCOM OF DEPLOYED FORCES.
6. POC FMFLANT: G-3 COL SAVAGE/LCDR GORMAN, AV 564-4578/564-6040. BT

SOURCE: Office of the Deputy Chief of Staff for Operations and Plans (DAI-O-ODS), Headquarters, Department of the Army.

(1) support to domestic disaster relief operations, (2) support to civil disturbance operations (GARDEN PLOT), (3) support to the FBI in combating domestic terrorism, (4) support to the U.S. Postal Service (GRAPHIC HAND), (5) aid to the D.C. government in combating crime, and (6) Military Assistance to Safety and Traffic (MAST). Each has its own degree of significance and difficulty. For example, Operation GRAPHIC HAND, which entails support to the U.S. Postal Service during a labor strike assumes great significance--and warrants a lot of anticipation--during the months leading up to the expiration of the postal workers' contract. It is potentially the most labor intensive mission, requiring over 170,000 military personnel if fully implemented.⁵⁹ GARDEN PLOT is critical during major public events such as the 1984 Olympics in Los Angeles, the 1989 Presidential Inaugural, and the upcoming 1990 Goodwill Games in Seattle, Washington.

Crisis missions arise from critical incidents, emergencies, or disasters which demand substantial DOD support. They cover a broad range of catastrophes, are highly visible, and are usually politically and emotionally sensitive. Figure 11 shows past examples, excluding Hurricane Hugo and the California earthquake (1989).

Directed missions are executed less often than standing and crisis missions. They are not covered by specific legislation or DOD Directive. One recurring directed mission is the Presidential Inaugural. Some others

FIGURE 11

CRISIS MISSIONS

- °° MIAMI DEMOCRATIC CONVENTION (1972)
- °° WOUNDED KNEE CONFRONTATION (1973)
- °° VIETNAMESE REFUGEE RESETTLEMENT (1978)
- °° JONESTOWN, GUYANA (1978)
- °° THREE MILE ISLAND (1978)
- °° MARIEL BOATLIFT/CUBAN RELOCATION (1980)
- °° FAA AUGMENTATION (1982)
- °° AIR FLORIDA CRASH (1982)
- °° PUERTO RICO FLOODS (1985)
- °° OPERATION HAYLIFT (1986)
- °° MEXICO CITY EARTHQUAKE (1986)
- °° FEDERAL PRISON DISTURBANCE (1987)
- °° PITTSBURGH OIL SPILL (1988)
- °° WESTERN FOREST FIRE SUPPORT (1987-1989)
- °° ALASKA OIL SPILL CLEANUP (1989)

SOURCE: Office of the Deputy Chief of Staff for Operations and Plans (DAMO-ODS), Headquarters, Department of the Army.

are relatively short in duration, such as support to the Bicentennial Celebration in Philadelphia, Pennsylvania in 1987. But others, such as the 1984 Olympic Games and the 1987 Pan American Games, extend over the course of years.

Although not specifically categorized, drug interdiction (counternarcotics) support deserves special note, since it is "a high priority national security mission of the Department of Defense."⁶⁰ To be sure, President Bush assigned DOD an expanded support role by making it the lead agency for detecting and monitoring aerial and maritime transit of illegal drugs to the United States.

DOD has been cautious about taking on a larger counternarcotics role because that was not viewed as a primary mission for the military and because of strict constitutional proscriptions against using the military in a direct law enforcement role. However, the 1989 Defense Authorization Act and subsequent drug control strategy pronouncements clearly placed the military on the front lines. In addition to support that was already being provided to law enforcement agencies under the Economy Act of 1932 and/or the Military Cooperation Act of 1981 and the interdiction efforts by State National Guards,⁶¹ three Joint Task Forces (JTF) were recently activated to "shore up" the Nation's borders. JTF 4, under Atlantic Command (LANTCOM), conducts counternarcotics operations primarily in the Caribbean; JTF 5, under Pacific Command (PACOM), detects and monitors aircraft and ships suspected of smuggling drugs

into the mainland from the Pacific; and JTF 6, under Forces Command (FORSCOM), supports civilian law enforcement officials in stemming the flow of illegal drugs across the U.S. southwest border. North American Air Defense Command (NORAD) participates in the interdiction effort as it relates to air traffic coming into the United States. These roles provide "a real target to work, and the same skills they require in their normal, basic, national security assignment are very appropriate in this regard."⁶² Counternarcotics will certainly gain impetus in DOD well into the 1990's, as the SECDEF has clearly stated:

I believe that our military forces have the capability to make a substantial contribution in the area of successful drug interdiction, and I am asking them [CINC's] to make the necessary preparations to carry out that responsibility.⁶³

The military's ability to respond to missions associated with safeguarding the nation's internal security is, for sure, not a routine "readiness indicator." However, from the time the decision sequence to call in the military has been engaged to the time soldiers, sailors, airmen, or marines say "mission accomplished," nothing short of a magnificent performance will do. The mechanism in place within DOD routinely makes that happen. More often than not, military performance results in words of praise:

In a full-page ad in the daily St. Croix Avis, the United Concerned Citizens of St. Croix urged residents to phone the White House and Pentagon

to tell authorities "that we Crucians appreciate and want continued military presence.⁶⁴

Up to this point, we have carefully reviewed the military's role in safeguarding the nation's internal security. As we have seen, the nation has called and relied upon the military to perform diverse domestic support and internal security missions. What lies ahead as a new decade begins? What are the implications of a reduced external threat for the military? What new challenges shall we prepare for?

IMPLICATIONS AND CHALLENGES-LOOKING AHEAD

Our traditional role of supporting civil authorities remains an essential task for today's and tomorrow's Army, especially as we increase our national efforts to combat the flow of illicit drugs.⁶⁵

This statement by GEN Carl Vuono, Chief of Staff, U.S. Army, echoes the sentiment that's beginning to permeate the military as it moves into the decade of the Nineties. The ensuing discussion thus highlights some of the implications, considerations and challenges for the military as it "rekindles" an old mission.

THE WEINBERGER DOCTRINE

In a speech at the National Press Club a few weeks after the 1984 elections, then - SECDEF Caspar Weinberger

laid down six major tests to be applied when weighing the use of military forces abroad:

1. The United States should not commit forces to combat overseas unless the engagement or occasion is deemed vital to our U.S. National interests or that of our allies.
2. If we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all.
3. If we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that.
4. The relationship between our objectives and the forces we have committed--their size, composition and disposition--must be continually reassessed and adjusted if necessary.
5. . . . there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress.
6. The commitment of U.S. forces . . . should be a last resort.⁶⁶

Certainly, these criteria have served as a theoretical framework for discussing the propriety of U.S. military intervention abroad.⁶⁷ However, given the nature of the drug war and other situations that so often place military personnel "in harm's way" at home, these tests should also be applied when military forces are being considered for

internal security missions. In fact, they may be more applicable on the national front than for internationally affairs.⁶⁸ The decision to deploy the military in an internal security role has great potential effect upon all Americans. Therefore, such a decision requires a rigorous examination. The Weinberger prescriptions do just that! Further, they counsel those who are quick to say "send in the military:"

The tests . . . are intended to sound a note of caution -- caution that we must observe prior to committing forces . . . When we ask our military forces to risk their very lives in such situations, a note of caution is not only prudent, it is morally required.⁶⁹

POSSE COMITATUS AND OPERATIONAL LAW

The temptation to call upon the military quickly and reflexively is definitely appealing. Centuries-old legal proscriptions against military assistance in safeguarding the nation's internal security are being relaxed; external threats from the East are subsiding; and the U.S. military itself firmly acknowledges its domestic role.⁷⁰

Nevertheless, The Posse Comitatus Act continues to pose unique challenges for the military. So it must be considered along with the other aspects of operational law before committing the military to carry out domestic missions.

The Posse Comitatus Act provides that "whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of

the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years or both.⁷¹ The underlying rationale of this Act was to curb the use of soldiers to enforce the Reconstruction Acts in the aftermath of the Civil War.

More recently, Congress has acted to ease some of the restrictions of the Act, thereby allowing for greater use of military personnel and equipment in civil law enforcement matters.⁷² In addition, in late 1989 the U.S. Department of Justice offered its own interpretation of the Act; this interpretation could have a profound influence on the role the military adopts in certain internal security matters, especially the war on illegal drugs. In short, it opens the possibility that the military may be used to apprehend drug traffickers in foreign countries or at sea. Thus far, however, arrests and seizures have been left up to trained federal, state, and local law enforcement officers.⁷³

From an operational perspective, several areas quickly come to mind as matters that must be considered and addressed by leaders before putting subordinates "on the front line." Under no circumstances can force protection (security) be taken for granted. Some risks are involved in everything undertaken; everyone must know this, and act accordingly within clearly defined and understood legal and operational prescriptions. Personnel reliability and personal liability, rules of engagement, rules on the use of

forces, and damage limitations cannot be over-emphasized. This was dramatized recently when four Marines working with Border Patrol officers near Nogales, Arizona, got into a nighttime firefight with drug traffickers on horseback. The smugglers fled, abandoning almost 600 pounds of marijuana. No Marine was hurt.⁷⁴

JOINTNESS AND INTEROPERABILITY

Jointness and interoperability are "a way of life." Virtually without exception, the forces deployed in peacetime to perform internal security missions are multi-service and often multi-agency. Capability assessments, operating procedures and techniques, limitations and risk analysis, and other information must be shared and closely integrated to ensure maximum effectiveness. Such unity of effort not only increases effectiveness but economizes resources as well. It prevents unnecessary duplication, overlapping, confusion or disconnects that sometimes characterize multi-service and interagency operations. Hurricane Hugo provided myriad positive examples of true interoperability and interagency actions:

St. Croix remains calm with no significant violations of law reported. Joint Task Force 140 has been conducting law enforcement and security operations on the island since 21 September with over 900 Military police. These operations have been conducted in conjunction with 170 federal law enforcement officers.⁷⁵

PLANNING

"Unplanned, everything is ad hoc; it's tough to plan or coordinate [for a disaster] before it happens" was the immediate response from a DOMS actions officer when questioned about planning for internal security operations.⁷⁶ Crisis management is a fast-moving process, usually a reaction to something not anticipated. It does not allow for execution of the formal, more deliberate planning process. Nonetheless, each of the Services and the combatant commands must develop plans or procedures for the employment of resources in internal security missions to the greatest extent possible. As a minimum, planning must address specified and implied tasks, delineate rules of engagement and/or rules on the use of force, sustainment, and force protection. Shortfalls must be identified and addressed. The significance of horizontal and vertical coordination within and outside DOD cannot be over-stated.

COMMAND, CONTROL AND COORDINATION

Command and control (C2) relationships are complex in internal security operations, just as they are in the more traditional military actions. In most instances, decentralized, small-unit operations are the rule. Command and control elements must contend with operational ambiguities and complexities, tailored and nonstandard forces, and extraordinary political-military-psychological sensitivities. Thus, sustained, coordinated "foxhole"

actions are absolutely critical to successful mission accomplishment. This was demonstrated repeatedly during the fires at Yellowstone National Park:

The fire was fought essentially by platoons, and the conduct of platoon operations under moderately stressful conditions over an extended period provided a unique leadership opportunity for platoon leaders and platoon sergeants.⁷⁷ (Emphasis added).

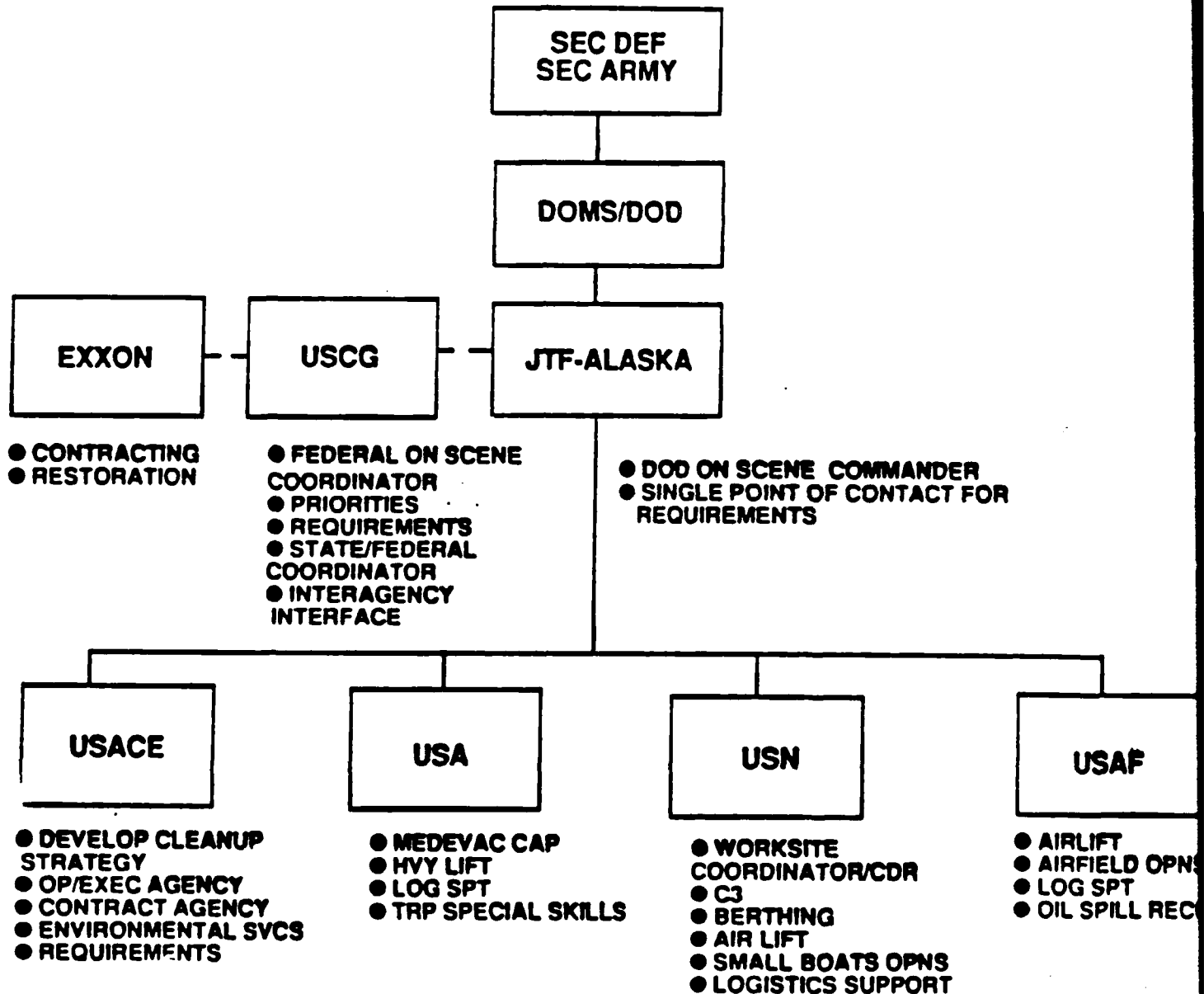
Like traditional military operations, the activities of national--and sometimes international or private--agencies must be coordinated and synchronized. Consider the Alaska oil spill cleanup operations. The U.S. Coast Guard is designated the lead federal agency for coastal oil spills. Thus it worked directly with Exxon to provide federal assistance. Vice Admiral Clyde E. Robbins, U.S. Coast Guard, was designated the Federal On-Scene Coordinator (FOSC). As FOSC, he was the senior federal representative on site.⁷⁸ Figure 12 illustrates the command, control, and coordination structure that extended from the SECDEF (SECARMY as Executive Agent) through the DOMS to JTF-Alaska, which was the lead DOD On-Scene agency. Note the horizontal and vertical connections and the interagency and multi-service involvement.

TRAINING AND READINESS

We train all the time to deploy on short notice and into unknown areas. The only difference is that this time, we're not carrying rifles. But what we're doing is just as

FIGURE 12

ALASKA OIL SPILL COMMAND, CONTROL & COORDINATION



SOURCE: Office of the Deputy Chief of Staff for Operations and Plans (DAW-O-ODS), Headquarters, Department of the Army.

dangerous . . .79

This comment by a battalion executive officer whose unit was on the fire lines in Yellowstone National Park points up the change in philosophy that's ongoing within DOD with respect to readiness and the use of the military to safeguard the nation's internal security. During a recent trip to the West Coast, President Bush's response to a question on the readiness impact of using the military in the drug war even supported this philosophical turnaround. He suggested that rather than viewing the use of the military at home as a training or readiness distractor, it should be viewed as a positive indicator of their state of training and readiness. Such activities are not "typical" military missions that are practiced, yet soldiers, sailors, airmen and marines carry them out all the time. In short, "training is everything and everything is training." It is imperative that leaders maximize the training and readiness potential in internal security missions rather than viewing them as distractors. What were once viewed as distractors must become training opportunities!

CIVIL-MILITARY RELATIONS

Military involvement in internal security matters can have far-reaching effects on civilian support of and perceptions about the military. Indeed, an already unstable situation can easily deteriorate; conversely, a carefully synergized internal security operation can have significant,

positive and long-term effects. To that end, planners and operators at all levels must consider the second and third order effects of their actions or inaction on public perceptions and opinion. Plans and actions must be monitored and assessed continually, and adjusted as necessary. When its all said and done and the second-guessing begins, never let it be said that the military's image and relationships with the public were not improved:

We performed a very important service here . . . The citizens of St. Croix appreciate what we have done and I believe that appreciation has been expressed back on the mainland. The [military] comes out a winner.⁸⁰

CONCLUSION

Over the years, soldiers, sailors, airmen, and marines have been called upon to do many things in many places under a wide range of circumstances. This will not change, especially at home. Indeed, for the foreseeable future, the nation's enduring internal security requirements mandate a force capable of responding rapidly to support civil authorities in a variety of tasks not usually associated with "being ready." Yet these tasks are absolutely critical to domestic tranquility and the general welfare of all citizens. The Whiskey Rebellion, Little Rock, Exxon Valdez oil spill, Hurricane Hugo, the California earthquake--all such events--have come to pass. Others such as illicit drug

trafficking, terrorism, homelessness, the "Next Big One," still loom out there somewhere in the world of uncertainty.

The military is unquestionably the only existing U.S. organization with the resources to contend with such a wide range of threats to the nation's internal security. Of course, Americans have never been happy with military intervention into what was normally viewed as civil matters. So the military has generally resisted, citing legal proscriptions, readiness and training distractions, and force structure limitations. Now "Times are a changing!" East-West relations are improving; democracy is breaking out all over; and the nation is looking to the military to do more safeguarding at home. Peace dividend! You bet! Why not more bang at home!

This paper has examined the military's role in the nation's internal security, a role which will become more routine for the military in the ensuing period of retrenchment on defense spending, searches for "new missions," force reductions, no new taxes, and rising domestic and social challenges. In this non-traditional yet critical role and within the limits of laws and departmental directives, soldiers, sailors, airmen, and marines must affirm the military's commitment not only to provide for the common defense but also to promote the general welfare and ensure domestic tranquility. "See you on Main Street!"

ENDNOTES

1. For purposes of this paper the military means the three Military Departments within the Department of Defense: Departments of the Army, the Navy (including Naval Aviation and the United States Marine Corps), and the Air Force, and the U.S. Coast Guard. During peacetime, the U.S. Coast Guard operates under the direction of the Department of Transportation. During war, it operates as a Military Service. U.S. Department of Defense (DOD), DOD Directive 5100.1: Function of the Department of Defense and Its Major Components, 25 September 1987, p. 17. (Hereafter cited at DOD Director 5100.1).

2. President George Washington called nearly 13,000 militiamen into federal service to suppress the Whiskey Rebellion in Western Pennsylvania in 1794. This is the only case in our history in which the federalized militia by itself acted against disturbers of the peace. John K. Mahon, "The Domestic Use of Force," The Constitution and the U.S. Army, U.S. Army War College and U.S. Army Military Institute, ed., pp. 35-44.

3. Exploration was the Army's initial peacetime contribution to implementing national objectives. In 1803, the United States negotiated the Louisiana Purchase, possibly the most stupendous real estate transaction in history. For \$15 million, the country received title to some 1 million square miles stretching from the Mississippi River and the Gulf of Mexico westward to "beyond the mountains." Both buyer and seller were ignorant of the physical characteristics of territory, more than one-quarter the size of the entire European continent. It was the U.S. Army's task to find out what the country had bought. Specifically, it was the task of Captain Meriwether Lewis, Lieutenant William Clark, four sergeants, twenty-three privates, and several guides and Indian interpreters. Vernon Pizer, The United States Army, p. 21.

4. For example, in 1987, 1988, and 1989, the military was called upon to fight fires in California, Oregon, Wyoming, Montana, Washington, and Idaho. "Saving Yellowstone," Soldiers, December 1988, pp. 14-17. See also "Army Mops Up Forest Fires," Soldiers, January 1990, p. 16.

5. In 1981, when 85% of the 17,000 federal employees who direct the nation's air traffic went on strike, a backup force of some 500 military controllers, out of an

available pool of 10,000, rushed to major air centers.
"Turbulence in the Tower," Time, 17 August 1981, pp. 14-20.
See also "Take This Job and Shove It," Time, 17 August 1981,
p. 21.

6. On 23 January 1990, William Webster, the Director of the Central Intelligence Agency, told the Senate Armed Services Committee that Eastern Europe's tumultuous push for democracy had cut the Soviet threat to the West: "Overall, the conventional threat to the United States and our alliance partners in Europe has decreased as a result of changes in Eastern Europe and Soviet force reductions. . . We can probably expect a continued diminution-but not elimination-of Soviet threats to U.S. interest." Donna Cassata, "Soviet Threat Eased, Panel Told," The Patriot-News, 24 January 1990, p. A 1. See also Patrick E. Taylor, "CIA's Webster Says Soviet Threat Declining," The Washington Post, 24 January 1990, p. A4.

7. For example, the DOD Shelter for the Homeless Program was established in January 1983 by a White House initiative which directed the Secretary of Defense to provide "under utilized" facilities on military installations to shelter the nation's homeless. Congress granted statutory authority to the program by enacting 10 U.S.C. 2546 in 1983. Currently, there are nine shelters around the Nation operating with Army assistance. Lee McMichael, LTC, Office of the Deputy Chief of Staff for Operations and Plans (DAMO-ODS), Headquarters Department of the Army, Information Paper: Army Shelter for the Homeless Program, 17 January 1990. Title 10, United States Code, Section 2546, and DOD Directive 4165.65: Shelter for the Homeless Program, 30 October 1987.

8. The so-called "peace dividend" represents savings from the Department of Defense budget reductions because of reduced tensions. Whatever the "peace dividend" may end up being, a recent New York Times/CBS News Poll found that three out of four Americans say they want it spent to fight domestic problems here such as drugs and homelessness, rather than to cut taxes or close the budget deficit. Michael Oreskes, "Poll Finds U.S. Expects Peace Dividend," The New York Times, 25 January 1990, p. B9. See also Hobart Rowan, "No Peace Dividend?," The Washington Post, 25 January 1990, p. A27.

9. Pizer, p. 29.

10. John K. Mahon, p. 35.

11. U.S. Joint Chiefs of Staff, JCS Pub 1.02, Dictionary of Military and Associated Terms, Washington, 1 June 1987, p. 192. (Hereafter cited as JCS Pub 1.02).

12. The "Best American Intention" has been to control domestic disorder without using military force. If armed power becomes necessary, it would be applied at the local level by police, at the county level by sheriffs, and at the state level by the Militia/National Guard. These instruments would be controlled by civil officers. Only as a last resort would the government of the United States be involved, first using marshals (civil officers), next federalized militia, and finally, regular forces. At whatever level, the minimum force needed to suppress the disorder was the force to use. Mahon, p. 42.

13. The operational continuum is the intellectual tool used to address the range of threats in the various theaters. It encompasses a range of operations progressing in ascending levels of hostility in three general states: peacetime competition, conflict and war. U.S. Joint Chiefs of Staff (JCS). JCS Pub 3-0 (Test Pub): Doctrine for Unified and Joint Operations, p. I-6 (Hereafter cited as JCS Pub 3-0).

14. U.S. Department of the Army. Field Manual (FM) 100-1: The Army, pp. 7-8 (Hereafter cited as FM 100-1).

15. An adaptation from JCS Pub 1-02, pp. 118-119. See also U.S. Joint Chiefs of Staff, JCS Pub 0-2, Unified Action Armed Forces (UNAAF), Washington, December 1986, pp. 4-37-4-52. (Hereafter cited as JCS Pub 0-2).

16. A Civil Defense Emergency is a domestic emergency or disaster situation resulting from devastation created by an enemy attack and requiring emergency operations during and following that attack. It may be proclaimed by appropriate authority in anticipation of an attack. JCS Pub 1-02, p. 119). Emphasis added.

17. Recently, more government-wide attention has been focused on National Security Emergency Preparedness (NSEP). In September 1985, President Reagan signed National Security Decision Directive (NSDD) 188 which redirected, on a sustaining basis, civil-military planning. As the DOD Executive Agent for Land Defense of CONUS (LDC) and Military Support to Civil Defense (NSCD), U.S. Forces Command plays a key role in planning and executing NSEP-related missions and functions as well as retaining its responsibilities in mobilization and providing land forces in support of overseas theaters. U.S. Forces Command, Joint Command Readiness Program (JCRP), Situation Manual (SITMAN), Fort McPherson, Ga., October 1988. See also General Joseph T. Palastra, Jr., "The FORSCOM Role in the Joint Arena," Military Review, March 1989, pp. 2-9.

18. "Turbulence in the Tower," Time, 17 August 1985, p. 15.

19. The Posse Comitatus Act was originally passed 1878. It is generally accepted that the catalyst for passage of the Act was the excessive use of and resulting abuses by the Army in the southern states while enforcing the reconstruction laws. Generally, it prohibits the use of the Army and Air Force to execute local, state, or Federal law, unless authorized by the constitution or act of Congress. COL Paul Jackson Rice, "New Laws and Insights Encircle the Posse Comitatus Act," Military Law Review, Fall, 1984, p. 111.

20. Articles I, II, and IV are the most widely used. Incredibly, President Cleveland used Article IV, which includes treaties as part of the supreme laws of the land, to send troops into Oregon to enforce a treaty with China which called for the government to protect Chinese aliens working in the United States. Mahon, p. 40.

21. The Calling Forth Act reads: "In case of an insurrection in any state against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such state, or the executive (when the legislature cannot be convened) to call forth such number of militia of any other state as may be applied for as he may judge sufficient to suppress such insurrection." Ibid, p. 35.

22. Fries' Rebellion (1799) was an uprising in opposition to a direct federal property tax by farmers in eastern Pennsylvania led by John Fries. Several hundred farmers took up arms and forced the release of a group of tax resisters who had been imprisoned under the custody of the federal marshal. On hearing of this incident, President Adams called out a group of federal troops and militia who marched into the rebellious counties and made wholesale arrests of the dissidents. "Fries's Rebellion," Encyclopaedia Britannica, 1986, Vol 5, p. 12.

23. Mahon, p. 36.

24. For example, on 3 Mar 1803, President Thomas Jefferson pushed through Congress an "Act Authorizing the Employment of the Land and Naval Forces of the United States in Cases of Insurrection." This statute permanently implicated the regular military service in the domestic use of force. Ibid.

25. Commission on the Bicentennial of the United States Constitution, The Constitution of the United States, Washington: U.S. Government Printing Office, 1987, p. 11.

26. Ibid, p. 12.

27. 10 U.S.C. 332 and 10 U.S.C. 333. U.S. Department of Defense (DOD), DOD Directive 3025.12: Employment of Military Resources in the Event of Civil Disturbances, p. 4 (Hereafter cited as DOD Directive 3025.12).

28. In the wake of Hugo, public disorder emerged in St. Croix. Businesses and local government became nonfunctional. On 21 September 1989 following the request from the Governor of the Virgin Islands for federal assistance to reestablish law and order, President Bush directed deployment of military forces. Approximately 1100 military police and supporting units began to arrive on St. Croix to assist federal law enforcement officers in restoring order. James D. Smith, MG, Memorandum for Director Management Directorate: Proposed Chief of Staff Weekly Summary: Hurricane Disaster Relief Efforts, 29 September 1989.

29. U.S. Department of Defense (DOD), DOD Directive 3025.1: Use of Military Resources During Peacetime Civil Emergencies within the United States Its Territories, and Possessions, p. 2 (Hereafter cited as DOD Directive 3025.1).

30. Title 42, United States Code, Section 5121 et. seq. (The Disaster Relief Act of 1974, "as amended"), Public Law 93-288 (Hereafter cited as The Disaster Relief Act of 1974).

31. Public Law 84-99, "The Flood Control Act of 1941," as amended, 33 U.S.C. 701n et. seq. (Hereafter cited as The Flood Control Act of 1941).

32. Public Law, "The Economy Act," (31 U.S.C. Section 1535) (Hereafter cited as The Economy Act of 1952).

33. Public Law 97-86, "Military Cooperation with Civilian Law Enforcement Officials," (10 U.S.C. Section 371-378) (Hereafter cited as The Military Cooperation Act of 1981).

34. Military Assistance to Safety and Traffic (MAST), is another emergency program worthy of comment. MAST is a federal interagency effort to provide DOD personnel, equipment, and supplies to respond to serious medical emergencies in designated civilian communities. The program began in July 1970, and as of 1 October 1989, participating DOD assets had flown 82,859 hours in supports of 37,404 missions. Twenty units are active in providing MAST Support to their communities. The principal federal departments currently involved with the MAST program are the Departments of Transportation, Health and Human Services, and Defense. Lee McMichael, LTC, Office of the Deputy Chief of Staff for Operations and Plans (DAMO-ODS), Headquarters, Department of the Army, Information Paper: Military Assistance to Safety and Traffic (MAST), 13 November 1989.

35. JCS Pub 1-02, p. 119.

36. The Federal Emergency Management Agency (FEMA) directs and coordinates federal emergency or major disaster relief on behalf of the President. When the President declares an emergency or major disaster, the FEMA Director or Regional Director may direct any federal agency to assist state and local governments. U.S. Department of the Army, Army Regulation 500-60, p. 1-1 (Hereafter cited as AR 500-60).

37. For example, at end of year 1989, over \$73 million worth of Army equipment was on loan to other federal agencies. Interview with John E. Davies, MAJ. Office of the Assistant Secretary of the Army for Installations, Logistics, and Environment (SAILE), Washington, 17 January 1990. See also U.S. Department of the Army, Army Regulation 700-131: Loan and Lease of Army Material, 4 September 1987 (Hereafter cited as AR 700-131).

38. In March 1970, when U.S. Postal employees went on strike, military personnel and equipment provided minimal mail service.

39. Jackson, p. 109.

40. Ibid., p. 114.

41. U.S. Department of Defense (DOD), Current DOD Assistance to Civilian Law Enforcement, 1988, pp. 4-5.

42. On 14 July 1986 six U.S. Army Blackhawk helicopters with American pilots and approximately 160 support troops landed in Bolivia to help the Bolivian police conduct raids on cocaine processing facilities in the Beni province. The U.S. helicopters were used to ferry specially trained civilian Bolivian anti-drug strike force personnel to the site of these raids. The United States assisted at the request of the Bolivian government. Raphael Perl, Narcotics Control and the Use of U.S. Military Personnel: Operations in Bolivia and Issues for Congress, 1986, p.1.

43. U.S. Department of Defense, Briefing: DOD Counternarcotics Program, 17 January 1990.

44. Dick Cheney, "DOD and Its Role in the War Against Drugs," Defense '89, November/December 1989, p. 2.

45. U.S. Forces Command, Message. (DTG 191410Z Oct 89): Hurricane Hugo -- South Carolina Relief, 19 October 1989.

46. This applies especially to calling forth federal forces and situations where the military may "compete" with commercial enterprises. Normally, MAST, search and rescue,

l in of certain equipment, and other domestic action or community relations activities are not effected.

47. U.S. Department of Defense (DOD). DOD Directive 3025.12: Employment of Military Resources in the Event of Civil Disturbances, 4 December 1973, pp. 5-6 (Hereafter cited at DOD Directive 3025.12).

48. DOD Directive 3025.1, p. 6. See also DOD Directive 5100.1, p. 14.

49. In this role SECARMY functions similar to a CINC in carrying out specific DOD civilian domestic support missions within the United States, its territories and possessions. Interview with MAJ Richard Kane, Office of the Deputy Chief of Staff for Operations and Plans (DAMO-ODS) Headquarters, Department of the Army, 17 January 1990.

50. U.S. Laws, Statutes, etc., Public Law 99-433, 11 September 1986, "The Goldwater-Nichols DOD Reorganization Act." (Hereafter cited at The Goldwater-Nichols Act).

51. Interview with Joseph Alexander, MAJ, Office of the Deputy Chief of Staff for Operations and Plans (DAMO-ODS), Headquarters Department of the Army, 17 January 1990.

52. In November 1987, Cuban detainees took over the federal prisons in Oakdale, California, and Atlanta, Georgia. The SECDEF designated the SECARMY as his executive agent to coordinate DOD assistance to federal, state, and local law enforcement agencies. See also "Libre at Last! Libre at Last!," Time, 7 September 1981, p. 11.

53. The SECDEF withheld operational control of U.S. Special Operations Command (USSOCOM) and Joint Special Operations Command (JSOC) from his Executive Agent, (SECARMY), something not often done.

54. JCS Pub 0-2, p. 4-41.

55. Unified Commands: U.S. European Command, U.S. Pacific Command; U.S. Atlantic Command, U.S. Southern Command, U.S. Central Command; U.S. Space Command, U.S. Special Operations Command, and U.S. Transportation Command. Specified Commands: U.S. Forces Command and U.S. Strategic Air Command.

56. JCS Pub 0-2, p. 4-39.

57. U.S. Fleet Marine Fleet Atlantic, Message, (DTG 020220z Sep 89): Execute Order-Disaster Relief for Charleston, S. C., 20 September 1989.

58. Drug interdiction, support to law enforcement, shelter for the homeless, support to secret service, humanitarian assistance, and support to the Boy Scout Jamboree are not categorized. They loom as potentially directed missions, given their order of magnitude, sensitivity, and priority. Briefing (DAMO-ODS), DOD Executive Agency, 17 January 1990.

59. Ibid.

60. Cheney, p. 3.

61. The National Guard has been active in the war on drugs since 1977, when Hawaii guardsmen supported the state's campaign to eradicate domestically cultivated marijuana. Since then, the governors of 53 states and territories have called upon their state Guards to support law enforcement agency efforts to destroy marijuana crops. Because they work for the governors of each state and are dispersed throughout the country, National Guard units are able to--and do--play an active role in interdiction efforts. Gil High, MSG, "Army Drug War Role Expanding," Soldiers, January 1990, pp. 14-15. See also Dennis Steele, "D. C. National Guard as 'Force Multiplier' in War on Drugs," Army, February 1990, pp. 50-52.

62. Cheney, p. 5.

63. Ibid., p.4.

64. "St Croix Residents Assail Plan to Withdraw Troops," The Washington Post, p. A16.

65. Carl E. Vuono, GEN., "Today's U.S. Army Trained and Ready in an Era of Change," Army. The 1989-90 Green Book, October, 1989, p. 18.

66. Caspar Weinberger, "The Uses of Military Power," in U.S. Army War College Selected Readings. Course 2: War. National Policy and Strategy, Vol I, pp. 90-96.

67. Jim Hoagland, "A National Consensus on Easy Little Wars," The Washington Post, 18 January 1990, p. A23. See also, David Broder, "When to Invade," The Patriot-News, 14 January 1990, p. B9.

68. Col James A. Cathcart, USMC, AWC Class of 1989, concluded that the Weinberger Doctrine was an excellent analytical framework for responding to recommendations for using the military in domestic affairs. Cathcart, James A. COL, USMC, "And That Goes For Domestic Wars Too!" The Weinberger Doctrine and Domestic Use of the Military, p. 37.

69. Weinberger, p. 94.

70. For example, the U.S. Army lists support to U.S. civilian authorities in activities such as interdiction of illicit drug traffic and disaster relief as one of its strategic roles. "Army Strategic Roles," Army Focus, June 1989. See also, Carl E. Vuono, GEN., "Army Doesn't Have to Compete with Marines," The New York Times, 1 January 1990, p. 26; and C. A. H. Trost, ADM., "Why We Need a Navy," The New York Times, 1 January 1990, p. 26.

71. Quoted in U.S. Department of the Army (DA), DA Pamphlet 27-21: Military Administrative Law Handbook, p. 71 (Hereafter cited as DA PAM 27-21).

72. For example, The National Defense Authorization Act authorizes DOD personnel to intercept and pursue drug smugglers, and to share criminal information with and provide equipment and facilities to civil law enforcement agencies. The military is not to get involved in arresting suspected dealers or smugglers. Indeed, SECDEF Cheney has insisted that military forces not arrest or shoot down drug traffickers.

73. William Matthews, "Drug Ruling May Have Profound Effect on the Military," Army Times, 15 January 1990, p. 18.

74. Ed Magnuson, "More and More, a Real War," Time, 22 January 1990, p. 23. See also, Patrick E. Tyler, "Coast Guard Fires Upon Cuban Ship," The Washington Post, 1 February 1990, p. A1.

75. James D. Smith, MG., Director of Military Support, Headquarters, Department of the Army, Memorandum for Secretary of Defense and Secretary of the Army: Hurricane Hugo DOD Support, 2 November 1989.

76. Kane, 17 January 1990.

77. U.S. Department of the Army, Headquarters, First Battalion, Fifty-second Air Defense Artillery Regiment, Executive Summary: OPERATION BIG SKY AFTER ACTION REPORT (AAR), September, 1988, p. 1.

78. Kane, 17 January 1990.

79. "Saving Yellowstone," Soldiers, December, 1988, p. 14.

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