



Department of Defense
DIRECTIVE

AD-A277 079



February 4, 1994
NUMBER 3025.12

2

SUBJECT: Military Assistance for Civil Disturbances (MACDIS)

USD(P)

- References:
- (a) DoD Directive 3025.12, "Employment of Military Resources in the Event of Civil Disturbances," August 19, 1971 (hereby canceled)
 - (b) Executive Order 12656, "Assignment of Emergency Preparedness Responsibilities," November 18, 1988
 - (c) DoD Directive 5160.54, "DoD Key Asset Protection Program (KAPP)," June 26, 1989
 - (d) DoD Directive 3025.1, "Military Support to Civil Authorities (MSCA)," January 15, 1993
 - (e) through (r), see enclosure 1

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A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to:

1. Update policy and responsibilities governing planning and response by the DoD Components for military assistance to Federal, State, and local government (including government of U.S. territories) and their law enforcement agencies for civil disturbances and civil disturbance operations, including response to terrorist incidents, which hereafter are referred to cumulatively as "Military Assistance for Civil Disturbances (MACDIS)."
2. Designate the Secretary of the Army as the "DoD Executive Agent for MACDIS."
3. Ensure continuous planning by the DoD Components, both in the Department of Defense and in cooperation with civil government agencies for MACDIS operations that may be required during any time or condition of peace, war, or transition to war, including any national security emergency, as defined in reference (b).
4. Provide for the inclusion in MACDIS of appropriate measures to support civil law enforcement in providing for the physical security of Federal property and DoD key assets (as defined by reference (c)) when they are threatened by a civil disturbance or terrorist incident.
5. Facilitate the coordination of MACDIS with Military Support to Civil Authorities (MSCA) under reference (d), when required in civil emergencies, particularly those following any attack on the United States.
6. Authorize the publication of DoD 3025.12-R, "Military Assistance for Civil Disturbances (MACDIS) Regulation," consistent with DoD 5025.1-M (reference (e)), at the election of the DoD Executive Agent. Alternatively, the DoD Executive Agent

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is authorized to include in the DoD Civil Disturbance Plan (GARDEN PLOT) all material that might otherwise be publishable by a DoD regulation, to provide administrative and logistics procedures and operational guidance for implementation of this Directive by all the DoD Components.

B. APPLICABILITY AND SCOPE

This Directive:

1. Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the U.S. Coast Guard (USCG) (when it is operating, or planning for operations, as a Service of the Navy).
2. Shall govern MACDIS activities of all the DoD Components in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories and possessions.
3. Normally, shall be applied separately from DoD Directives 5525.5 and 5030.46 (references (f) and (g)). It may be applied with either or both references (f) and (g) under certain circumstances, as determined by the DoD Executive Agent.
4. Governs all planning and response by the DoD Components for MACDIS. Where applicable in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories and possessions, contingency war plans also shall provide for use of the DoD Executive Agency established in paragraph D.3.a, this Directive, until otherwise directed by the Secretary of Defense.
5. Shall not include responsibility for response to aircraft piracy or counterdrug operations that are governed by other legal authorities and DoD Directives. Responsibilities of the DoD Components for aircraft piracy and counterdrug operations shall be communicated by the Chairman of the Joint Chiefs of Staff for the Secretary of Defense under authorities other than this Directive.

C. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

D. POLICY

1. National Policy

a. The President is authorized by the Constitution and laws of the United States to employ the Armed Forces of the United States to suppress insurrections, rebellions, and domestic violence under various conditions and circumstances. Planning and preparedness by the Federal Government and the Department of Defense for civil disturbances are important due to the potential severity of the consequences of such events for the Nation and the population.

b. Military resources may be employed in support of civilian law enforcement operations in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories and possessions only in the parameters of the Constitution and laws of the United States and the authority of the President and the Secretary of Defense, including delegations of that authority through this Directive or other means.

c. The primary responsibility for protecting life and property and maintaining law and order in the civilian community is vested in the State and local governments. Supplementary responsibility is vested by statute in specific Agencies of the Federal Government other than the Department of Defense. The President has additional powers and responsibilities under the Constitution of the United States to ensure that law and order are maintained.

d. Responsibility for the management of the Federal response to civil disturbances rests with the Attorney General of the United States.

e. Any employment of military forces in support of law enforcement operations shall maintain the primacy of civilian authority. Requests from the Attorney General to the Department of Defense shall be provided in response to an official request by State or Federal civil law enforcement or Executive authorities.

f. The employment of U.S. military forces to control civil disturbances shall be authorized by the President through an Executive order directing the Secretary of Defense to act in a specified civil jurisdiction under specific circumstances.

g. Planning by the DoD Components for MACDIS shall be compatible with contingency plans for national security emergencies, and with planning for MSCA under DoD Directive 3025.1 (reference (d)). For example:

(1) Under E.O. 12656 (reference (b)), it is the policy of the Federal Government to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency. That policy directs the Heads of the Federal Departments and Agencies to identify facilities and resources, both Government and private, essential to the national defense and national welfare, and to develop strategies, plans, and programs to provide for the security of such facilities and resources, and avoid or minimize disruptions during any national security emergency. In some circumstances, risks to such facilities and resources may coincide with or constitute civil disturbances.

(2) Under the national civil defense policy, the Department of Defense shall support civil authorities in civil defense, to include facilitating the use of the National Guard in each State for response in both peacetime disasters and national security emergencies. In some circumstances, an attack may coincide with or encompass civil disturbances.

2. Department of Defense Policy

a. The DoD Executive Agent under this Directive shall be the principal point of contact between the Department of Defense and the Department of Justice (DoJ) for planning and executing MACDIS.

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b. Military forces shall not be used for MACDIS unless specifically authorized by the President, except in the following emergency circumstances. In these circumstances, responsible DoD officials and commanders will use all available means to seek Presidential authorization through the chain of command while applying their emergency authority under this Directive.

(1) When the use of military forces is necessary to prevent loss of life or wanton destruction of property, or to restore governmental functioning and public order. That "emergency authority" applies when sudden and unexpected civil disturbances (including civil disturbances incident to earthquake, fire, flood, or other such calamity endangering life) occur, if duly constituted local authorities are unable to control the situation and circumstances preclude obtaining prior authorization by the President.

(2) When duly constituted State or local authorities are unable or decline to provide adequate protection for Federal property or Federal governmental functions, Federal action (including the use of military forces) is authorized, as necessary, to protect the Federal property or functions.

c. Military forces shall be made available for MACDIS, consistent with DoD priorities, which shall be coordinated by the DoD Executive Agent, as required by this Directive.

d. The DoD Components shall strictly comply with planning and operational guidance from the DoD Executive Agent.

e. The military forces employed in MACDIS operations shall remain under military command and control at all times.

f. The pre-positioning of military forces for MACDIS operations shall not exceed a battalion-sized unit unless a larger force is authorized by the President.

g. The DoD Components shall not take charge of any function of civil government unless absolutely necessary under conditions of extreme emergency. Any commander who is directed, or undertakes, to control such functions shall strictly limit military actions to the emergency needs, and shall facilitate the reestablishment of civil responsibility at the earliest time possible.

3. Delegations of Authority. The Secretary of Defense shall be assisted in executing his responsibility for MACDIS by the following:

a. The Secretary of the Army shall be the DoD Executive Agent and shall act for the Secretary of Defense in accordance with this Directive and any supplemental direction or guidance received from the Secretary of Defense. In that capacity, the DoD Executive Agent shall develop planning guidance, plans, and procedures for MACDIS, in accordance with this Directive. The DoD Executive Agent has the authority of the Secretary of Defense to task the DoD Components to plan for and to commit DoD resources, in response to requests from civil authorities under MACDIS. The DoD Executive Agent shall coordinate with the Chairman of the Joint Chiefs of Staff any commitment of military forces assigned to the Combatant Commands.

b. The Chairman of the Joint Chiefs of Staff shall communicate to the Commanders of the Combatant Commands appropriate guidance issued by the DoD Executive Agent for their compliance with this Directive, and also shall assist the DoD Executive Agent in developing MACDIS planning guidance for all conditions of war or attacks on the United States or its territories.

c. The Commander in Chief, U.S. Atlantic Command (USCINACOM); the Commander in Chief, U.S. Pacific Command (USCINCPAC); and the Commander in Chief, U.S. Special Operations Command (USCINCSOC), shall serve as DoD Planning Agents for MACDIS. Under guidance issued by the DoD Executive Agent, after coordination with the Chairman of the Joint Chiefs of Staff, the DoD Planning Agents shall conduct MACDIS planning, execute MACDIS as directed by the DoD Executive Agent, and lead MACDIS planning activities of the DoD Components in the following areas:

(1) The USCINACOM (48 contiguous States, the District of Columbia, the Commonwealth of Puerto Rico, and the territory of the U.S. Virgin Islands).

(2) USCINCPAC (Alaska, Hawaii, and U.S. possessions and territories in the Pacific area).

(3) USCINCSOC (For DoD response to a terrorist incident).

d. For response to domestic terrorist incidents and other purposes, the DoD Executive Agent shall obtain authority from the Secretary of Defense for any employment of U.S. counterterrorism forces. The DoD Executive Agent shall coordinate with the Chairman of the Joint Chiefs of Staff any request, contingency plan, directive, or order affecting the employment of such forces and, simultaneously, shall provide all applicable information to the Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict), who provides policy oversight for the Secretary of Defense, in accordance with DoD Directive 5138.3 (reference (h)).

e. The Secretary of Defense reserves the authority to modify or terminate the executive agency established by this Directive if operational needs so require in a particular situation.

4. MACDIS Policy

a. The DoD Components shall respond to requirements of the DoD Executive Agent and DoD Planning Agents for MACDIS planning and operations, in accordance with any of the following:

- (1) This Directive;
- (2) DoD 3025.12-R, if published;
- (3) The DoD Civil Disturbance Plan ("GARDEN PLOT"); or
- (4) Any other plans or orders published by the DoD Executive Agent.

b. To ensure essential control and sound management of all military forces employed in MACDIS operations, centralized direction from the DoD Executive Agent shall guide planning by the DoD Components, whether alone or with civil authorities; and execution of MACDIS missions shall be decentralized through the DoD Planning Agents or other Joint Task Force Commanders only when specifically directed by the DoD Executive Agent.

c. MACDIS operations are unprogramed emergency requirements for the Department of Defense. DoD Instruction 7200.9 (reference (i)) prescribes procedures for financing and reporting costs associated with civil disturbance operations. The DoD Components shall comply with the procedures in that Instruction to determine whether financing is to be accomplished on a reimbursable or non-reimbursable basis.

d. MACDIS plans and preparedness measures must foster efficient employment of Federal resources controlled by the National Guard (whether employed under State or Federal authority), as well as resources of the DoD Components.

5. Role of the National Guard

a. Army and Air National Guard forces have primary responsibility for providing military assistance to State and local government agencies in civil disturbances, normally serving on State active duty status under the command of the State's governor, in accordance with State law.

b. Federal forces shall not be placed under the command of National Guard authorities who are not on Federal active duty. Federal military forces may conduct MACDIS operations with National Guard forces, or otherwise support National Guard forces that are operating under State orders.

c. National Guard forces may be ordered into Federal service to ensure unified command and control of all military forces for MACDIS operations, if the President determines that action to be necessary in extreme circumstances.

d. The Army National Guard State Area Commands (STARCs) shall plan for contingency use of non-Federalized National Guard forces for civil disturbance operations, and to facilitate MACDIS operations within its State, if federalized.

6. Cooperation With Civil Agencies

a. The Attorney General of the United States is designated to receive and coordinate preliminary requests for MACDIS from civil agencies.

(1) Formal requests shall be addressed to the President, who shall determine the Federal action to be taken.

(2) In the DoJ, the Federal Bureau of Investigation (FBI) leads the operational response to a civil disturbance incident.

(3) The President may provide, through the Attorney General or other source, a personal representative to communicate the President's policy guidance to the military commander for MACDIS operations. That representative may augment, but shall not replace, the military chain of command. In addition, an individual may be designated by the Attorney General as the Senior Civilian Representative of the Attorney General.

b. The DoD Executive Agent shall represent the Department of Defense in coordinating with the DoJ on MACDIS planning and execution.

c. The DoD Executive Agent also shall represent the Department of Defense in coordinating MACDIS planning and execution with other Federal and State law enforcement agencies, and shall delegate authority for such coordination to others, as appropriate.

7. DoD Key Asset Protection Program (KAPP)

a. DoD Directive 5160.54 (reference (c)) directs compliance by the Department of Defense with E.O. 12656 (reference (b)), in part, through establishing the DoD KAPP to ensure the identification, planning, and protection of key industrial and infrastructure assets not owned by the Department of Defense but of critical importance to the Department of Defense

b. MACDIS shall not include any responsibility to develop plans to protect specific DoD key assets. The DoD Executive Agent and the DoD Planning Agents established by this Directive shall be cognizant of the KAPP, and shall do the following:

(1) Plan to provide assistance to civil law enforcement, if required, to ensure the physical security of DoD key assets, if necessary, as a primary or secondary mission with MACDIS operations.

(2) Prepare to use existing plans for the protection of DoD key assets to help MACDIS operations, where such plans can increase effectiveness and efficiency of military forces under conditions short of mobilization or attack.

8. Domestic Terrorist Incidents

a. Responsibility for managing the Federal response to acts of terrorism in the United States rests with the Attorney General of the United States.

(1) The Attorney General coordinates all Federal Government activities during a major terrorist incident and advises the President as to whether and when to commit military forces in response to such a situation.

(2) In the DoJ, the lead Agency for the operational response to a terrorist incident is the FBI. The initial tactical response to such incidents is made by

the FBI Special Agent in Charge at the scene, under the supervision of the Director of the FBI, who has overall responsibility for ongoing operations to contain and resolve the incident.

b. All military preparations and operations, including the employment of military forces at the scene, for any terrorist incident in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories and possessions, shall be the primary responsibility of the DoD Executive Agent under this Directive.

(1) In discharging those functions, the DoD Executive Agent shall observe such law enforcement policies as the Attorney General may determine.

(2) When a terrorist incident develops, having a potential for military involvement, the DoD Executive Agent may dispatch military observers to the incident site, on mutual agreement between Department of Defense and the FBI, to appraise the situation before any decision is made to commit Federal military forces. Any dispatch of U.S. counterterrorism forces as observers shall be specifically authorized by the Secretary of Defense through the Chairman of the Joint Chiefs of Staff.

c. When U.S. counterterrorism forces are authorized to assist with the resolution of a domestic terrorist incident, the Chairman of the Joint Chiefs of Staff shall issue the appropriate order for the Secretary of Defense. That order shall designate the command relationships for the deploying forces.

E. RESPONSIBILITIES

1. The Under Secretary of Defense for Policy shall:

a. Exercise policy oversight of MACDIS for the Secretary of Defense, and ensure compatibility of MACDIS with National Security Emergency Preparedness, in accordance with DoD Directive 3020.36 and E. O. 12656 (references (j) and (b)).

b. Assist the DoD Executive Agent in coordinating DoD policy governing MACDIS with the DoJ and other Federal and State agencies, and with the DoD Components, as required.

2. The Comptroller of the Department of Defense shall facilitate accounting procedures that shall enable the Department of Defense to respond expeditiously to all emergency requirements for MACDIS.

3. The Assistant to the Secretary of Defense for Public Affairs shall:

a. Advise the DoD Executive Agent, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the DoD Planning Agents, and others, as required, on public affairs matters impacting on MACDIS.

b. Provide assistance and guidance to the DoD Executive Agent, and provide personnel to serve as DoD points of contact with other Federal and State or local civil agencies on public affairs matters, as required, for MACDIS operations.

4. The Assistant Secretary of Defense (Legislative Affairs) shall:

a. Advise the DoD Executive Agent, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the DoD Planning Agents, and others, as required, on legislative affairs impacting on MACDIS.

b. Provide legislative liaison on all matters involving MACDIS, including guidance to the DoD Executive Agent (and to others as appropriate) on the release of information to the Congress related to assistance given to civil authorities during MACDIS operations.

5. The Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict) shall:

a. Facilitate and support planning by the DoD Executive Agent under this Directive for the contingent use of U.S. counterterrorism forces in response to domestic terrorist incidents.

b. Provide civilian policy oversight for the Secretary of Defense, and provide policy recommendations on the use of U.S. counterterrorism forces.

6. The Assistant Secretary of Defense (Reserve Affairs) shall provide advice to the DoD Executive Agent, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, and others, as required on Reserve component matters impacting on MACDIS, particularly any consideration of the activation of Reserve component forces or the federalization of the National Guard for MACDIS operations.

7. The General Counsel of the Department of Defense shall advise the Secretary of Defense and the Under Secretary of Defense for Policy, as required, on legal matters impacting on MACDIS, and assist the DoD Executive Agent, as required.

8. The Chairman of the Joint Chiefs of Staff shall:

a. Advise the Secretary of Defense and the DoD Executive Agent on policies, responsibilities, and programs bearing on MACDIS.

b. In coordination with the DoD Executive Agent, facilitate communications by the DoD Executive Agent with Commanders of Combatant Commands, as appropriate.

c. Ensure the compatibility of MACDIS plans with other military plans.

d. Assist in the DoD Executive Agent's determination of military units and capabilities sufficient for all contingencies of the GARDEN PLOT plan.

e. Support training for and coordinated evaluation of MACDIS plans and capabilities by the Commanders of the Combatant Commands through exercises or other means, as appropriate.

9. The Secretary of the Army, as the DoD Executive Agent, shall:

a. Provide for participation by all the components of the Army in MACDIS planning, in accordance with this Directive; and ensure readiness of Active and Reserve components of the Army to execute plans for MACDIS.

b. Represent the Secretary of Defense in communications and negotiations on MACDIS with the DoJ or other Agencies of Federal, State, or local government.

c. Coordinate with the Chairman of the Joint Chiefs of Staff, in advance, for the employment of forces assigned to the Combatant Commands in MACDIS missions.

d. Use the "Directorate of Military Support (DOMS)" established by the Secretary of the Army, as the DoD Executive Agent under DoD Directive 3025.1 (reference (d)), to also serve as the principal coordinator of duties of the DoD Executive Agent under this Directive.

e. Establish guidance, through the National Guard Bureau, for the Adjutants General of the 50 States, the District of Columbia, the territory of Guam, the Commonwealth of Puerto Rico, and the territory of the Virgin Islands to ensure compliance by the National Guard with this Directive. Such guidance shall provide for the following:

(1) Resourcing the National Guard for MACDIS planning and response tasks. This shall include nonstandard equipment and materiel items required for MACDIS (e.g., body and face shields, and riot batons, etc.).

(2) National Guard interfaces with commands and installations of all the Services, including the DoD Planning Agents, and with State civil agencies.

(3) National Guard acceptance, support, and utilization of liaison and augmentation from all Military Services, as appropriate.

(4) Continuous evaluation of the capabilities of the Army National Guard to deal with civil disturbances when operating under either State or Federal authority, and facilitate training for the enhancement of those capabilities.

f. With the Secretaries of the Military Departments and the Assistant Secretary of Defense (Reserve Affairs), establish DoD policies and procedures for timely action to:

(1) Call the Army and Air National Guard to active Federal service;

(2) Order the National Guard or other Reserve components to Active Duty; and

(3) Employ such forces, when any of such actions are authorized by law, to carry out this Directive under specific conditions and circumstances. (See 10 U.S.C. 331-335 and 672 (d) (reference (k)).

g. Direct the DoD Planning Agents designated in paragraph D.3.c., above, to develop generic and incident-specific plans for MACDIS.

h. Promulgate orders, rules, and regulations, as appropriate, to govern all MACDIS operations in which the use of force or deadly force is or can be authorized, and all essential guidance on applicability of the the Insurrection Act and the Posse Comitatus Act (references (k) and (l)). Also ensure that all Joint Task Force or other commanders who are authorized to execute MACDIS missions promulgate supplemental rules of engagement and rules for the use of force, to cover the current circumstances of each MACDIS operation.

i. Maintain liaison with the DoJ and other Federal law enforcement agencies for MACDIS.

j. In accordance with the DoD Directives 5200.27 and 5240.1 (references (m) and (n)), and all governing regulations promulgated thereunder, the DoD Executive Agent shall promulgate policy guidelines and operational procedures that shall restrict, to the maximum extent consistent with effective conduct of MACDIS missions, the collection, retention, and dissemination of information on persons not affiliated with Department of Defense in support of MACDIS planning and operations.

k. Develop or select, and recommend to the DoD Components, MACDIS training programs, courses, and materials. Include specialized training for liaison officers and elements who will provide DoD interface with the National Guard, or with Federal and State law enforcement agencies when authorized, for MACDIS operations.

l. Publish planning guidance, administrative and logistics procedures, rules and regulations, and orders, to be followed by the DoD Components in providing resources for MACDIS. Such essential guidance and direction may be published in DoD 3025.12-R, or covered under the GARDEN PLOT Plan, at the election of the DoD Executive Agent.

m. Delegate authority under this Directive, as appropriate, except that any authority delegated to the DoD Executive Agent by the Secretary of Defense for the use of U.S. counterterrorism forces may be redelegated in each instance only as specifically approved by the Secretary of Defense.

10. The Secretary of the Navy shall:

a. Provide for participation by all the components of the Navy and the Marine Corps in MACDIS planning, to include assigning planning agents as directed by the DoD Executive Agent.

b. Ensure the readiness of Active and Reserve components to execute plans for MACDIS.

c. Maintain liaison and coordinate planning with the Department of Transportation for participation by USCG forces in MACDIS.

d. Furnish technical advice and support for MACDIS planning and implementation in areas that are unique to the Navy, the Marine Corps, and the USCG.

11. The Secretary of the Air Force shall:

a. Provide for participation by all the components of the Air Force in MACDIS planning, to include assigning planning agents as directed by the DoD Executive Agent.

b. Ensure readiness of Active and Reserve components to execute plans for MACDIS.

c. Facilitate planning by the Civil Air Patrol for participation in MACDIS.

d. Furnish technical advice and support for MACDIS planning and implementation in areas that are unique to the Air Force and its wartime augmentation elements.

12. The Commander in Chief, U.S. Atlantic Command; the Commander in Chief, U.S. Pacific Command; and the Commander in Chief, U.S. Special Operations Command shall:

a. In accordance with guidance from the DoD Executive Agent, as communicated through the Chairman of the Joint Chiefs of Staff:

(1) Serve as DoD Planning Agents for MACDIS for the areas specified in paragraph D.3.c., above, and develop MACDIS plans and preparedness measures for their MACDIS areas of responsibility.

(2) Ensure cooperative planning of operations for MACDIS between the DoD Components and other Federal or State civil agencies, as required.

(3) Coordinate with the State Adjutant General through channels established by the Secretary of the Army.

(4) Plan to perform any designated function of the DoD Executive Agent under this Directive, if ordered by the Secretary of Defense.

(5) Evaluate MACDIS plans, preparedness measures, and training in joint civil military exercises.

b. Prepare and execute MACDIS as directed by the DoD Executive Agent. Employ liaison officers to coordinate emergency response operations with civil agencies, the National Guard, the Military Departments, and the other commanders in chief.

13. The Directors of the Defense Agencies shall:

a. Designate a "principal planning agent" and "regional planning agents" for MACDIS, and advise the DoD Executive Agent of such designated agents.

b. . Ensure effective and efficient coordination of planning by subordinate elements with the STARCs, and State and local civil authorities, through the DoD Planning Agents, as directed by the DoD Executive Agent.

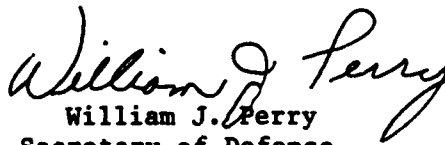
c. Furnish technical advice and support for MACDIS planning and implementation in areas that are uniquely within the competence of the Defense agency.

F. INFORMATION REQUIREMENTS

The reporting requirements in section E., above, are exempt from licensing in accordance with DoD 8910.1-M (formerly DoD 7750.5-M) (reference (o)).

G. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. The Secretary of the Army, as DoD Executive Agent, shall provide guidance to the other DoD Components, through DoD 3025.12-R, the DoD Civil Disturbance Plan (GARDEN PLOT), or both, in accordance with this Directive within 120 days; and the DoD Components shall revise existing documents or develop implementing documents, as necessary, to comply with that guidance and this Directive. Forward one copy of implementing documents to the Secretary of the Army within 120 days of receipt of that guidance.


William J. Perry
Secretary of Defense

Enclosures - 2

1. References
2. Definitions

REFERENCES, continued

- (e) DoD 5025.1-M, "DoD Directives System Procedures," December 1990, authorized by DoD Directive 5025.1, December 23, 1988
- (f) DoD Directive 5525.5, "DoD Cooperation with Civilian Law Enforcement Officials," January 15, 1986
- (g) DoD Directive 5030.46, "Assistance to the District of Columbia Government in Combating Crime," March 26, 1971
- (h) DoD Directive 5138.3, "Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict)," January 4, 1988
- (i) DoD Instruction 7200.9, "Financing and Reporting Costs of Military Resources Used in Civil Disturbances," January 26, 1970
- (j) DoD Directive 3020.36, "Assignment of National Security Emergency Preparedness (NSEP) Responsibilities to DoD Components," November 2, 1988
- (k) Sections 331-335 and 672 of title 10, United States Code, "The Insurrection Act"
- (l) Section 1385 of title 18, United States Code, "The Posse Comitatus Act"
- (m) DoD Directive 5200.27, "Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense," January 7, 1980
- (n) DoD Directive 5240.1, "DoD Intelligence Activities," April 25, 1988
- (o) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," November 1986, authorized by DoD Directive 8910.1, June 11, 1993
- (p) Section 1472i of title 49, United States Code, "The Federal Aviation Act of 1958"
- (q) Section 2251 of title 50, United States Code, "The Federal Civil Defense Act of 1950"
- (r) Section 5121 of title 42, United States Code, "The Robert T. Stafford Disaster Relief and Emergency Assistance Act"

DEFINITIONS

1. Air Piracy. Any seizure or exercise of control, by force or violence, or threat of force or violence, or by any other form of intimidation, and with wrongful intent, of an aircraft. See 49 U.S.C. 1472i (reference (p)).
2. Attack. Any attack or series of attacks by an enemy of the United States causing, or that may cause, substantial damage or injury to civilian property or persons in the United States (or its territories) in any manner, by sabotage or by the use of bombs, shellfire, or nuclear, radiological chemical, bacteriological, or biological means, or other weapons or processes. See 50 U.S.C. 2251 (reference (q)).
3. Civil Defense. All those activities and measures designed or undertaken to do the following:
 - a. Minimize the effects on the civilian population caused, or that would be caused, by an attack on the United States or by a natural or technological disaster.
 - b. Deal with the immediate emergency conditions that would be created by any such attack or natural or technological disaster.
 - c. Effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack or natural or technological disaster.
4. Civil Disturbances. Group acts of violence and disorders prejudicial to public law and order in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, U.S. possessions and territories, or any political subdivision thereof. The term "civil disturbance" includes all domestic conditions requiring the use of Federal Armed Forces under this Directive. (Also see definition 12, below.)
5. Civil Emergency. Any natural or manmade disaster or emergency that causes or could cause substantial harm to the population or infrastructure. That term can include a "major disaster" or "emergency," as those terms are defined in the Stafford Act, as amended (reference (r)), as well as consequences of an attack or a national security emergency. Under reference (r), the terms "major disaster" and "emergency" are defined substantially by action of the President in declaring that extant circumstances and risks justify Presidential implementation of the legal powers in those statutes.
6. Civil Emergency Preparedness. The nonmilitary actions taken by Federal Agencies, the private sector, and individual citizens to meet essential human needs, to support the military effort, to ensure continuity of Federal authority at national and regional levels, and to ensure survival as a free and independent nation under all emergency conditions, including a national emergency caused by threatened or actual attack on the United States.

7. Civil Government Resources. Civil resources owned by, controlled by, or under the jurisdiction of civilian Agencies of the U.S. Government, or of State and local government agencies.
8. Civil Resources. Resources that normally are not controlled by the Government, including workforce, food and water, health resources, industrial production, housing and construction, telecommunications, energy, transportation, minerals, materials, supplies, and other essential resources and services. Such resources cannot be ordered to support needs of the public except by competent civil government authority.
9. DoD Executive Agent. The individual designated by position to have and to exercise the assigned responsibility and delegated authority of the Secretary of Defense, as specified in this Directive.
10. DoD Planning Agent. An individual designated by position to facilitate and coordinate MACDIS contingency planning (and MACDIS operations when ordered) by all the DoD Components in an assigned geographic area in accordance with this Directive.
11. DoD Resources. Military and civilian personnel, including Selected and Ready Reservists of the Military Services, and facilities, equipment, supplies, and services owned by, controlled by, or under the jurisdiction of a DoD Component.
12. Domestic Terrorist Incident. A form of civil disturbance, that is a distinct criminal act that is committed or threatened to be committed by a group or single individual to advance a political objective, and which endangers safety of people, property, or a Federal function in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories and possessions. Domestic terrorist incidents do not include "air piracy" as defined above.
13. Federal Function. Any function, operation, or action carried out under the laws of the United States by any Department, Agency, or instrumentality of the United States, or by an officer or employee thereof.
14. Federal Property. Property that is owned, leased, possessed, or occupied by the Federal Government.
15. Military Resources. Military and civilian personnel, facilities, equipment, and supplies under the control of a DoD Component.
16. Military Support to Civil Authorities (MSCA). Those activities and measures taken by the DoD Components to foster mutual assistance and support between the Department of Defense and any civil government agency in planning or preparedness for, or in the application of resources for response to, the consequences of civil emergencies or attacks, including national security emergencies.

17. National Security Emergency. Any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or seriously threatens the national security of the United States. See E.O. 12656 (reference (b)).

18. Planning Agent. A military or civilian official of any DoD Component, who has been designated by the head of that Component to exercise delegated authority for MACDIS planning for the entire Component (i.e., "principal planning agent") or for certain subordinate elements or a specified geographic area (e.g., "regional planning agents"). Authority and responsibilities of each planning agent shall be defined by the Component, and may include MACDIS response as well as planning at the election of any Component. The actual authority of planning agents shall be communicated to others, as determined by the DoD Component, or when requested by the DoD Executive Agent.

19. State Area Commands (STARCs). Specific headquarters units of the Army National Guard for each State, the District of Columbia, the territory of Guam, the Commonwealth of Puerto Rico, and the territory of the Virgin Islands.

20. U.S. Counterterrorism Forces. Those military forces that are specifically organized, trained, and equipped to conduct counterterrorist operations.