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**HOMELAND SECURITY: ROLES AND RESPONSIBILITIES OF
THE ARMY NATIONAL GUARD**

BY

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USAWC STRATEGY RESEARCH PROJECT

HOMELAND SECURITY: ROLES AND RESPONSIBILITIES OF THE ARMY NATIONAL GUARD

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ABSTRACT

AUTHOR: Lieutenant Colonel Daniel J. Jensen

TITLE: Homeland Security: Roles and Responsibilities of the Army National Guard

FORMAT: Strategy Research Project

DATE: 07 FEBRUARY 2002

PAGES: 32

CLASSIFICATION: Unclassified

The attack of the United States on September 11, 2001 elevated homeland security to a top priority of our nation. The aftermath of the tragedy has highlighted the importance of well defined roles and responsibilities of all organizations that are responsible for securing the United States and responding to attacks. The Phase III Report of the United States Commission on National Strategy recommends that the Secretary of Defense, at the President's direction, should make homeland security a primary mission of the National Guard, and the Guard should be organized, properly trained, and adequately equipped to undertake that mission. What should the specific roles and responsibilities of the Army National Guard be in regards to this mission? This paper will answer this question as well as exploring the specific roles of the Governors, State Adjutant Generals, and the Director of the Army National Guard.

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HOMELAND SECURITY: ROLES AND RESPONSIBILITIES OF THE ARMY NATIONAL GUARD

The highest priority of the U.S. military is to defend the Nation from all enemies. The United States will maintain sufficient military forces to protect the U.S. domestic population, its territory, and its critical defense related infrastructure against attacks emanating from outside U.S. borders, as appropriate under U.S. law.¹

—Donald H. Rumsfeld, Secretary of Defense

The September 11, 2001 attacks on the United States took the Nation, and its Armed Forces, by surprise. Although various personnel in the intelligence profession had predicted such an event the time, methods and magnitude of an attack were widely debated and unknown. The attacks brutally brought home the reality that vast oceans and superior military technology no longer meant that the citizens of the United States would be immune from catastrophic terrorism originating from outside the country. Violence and terrorism shown on CNN was no longer images of Europe and the Middle East, but that of New York City, the Pentagon, and the fields of rural Pennsylvania.

As a result of these attacks the National Guard was mobilized in support of a concerted effort to secure the homeland and support civil authorities in the aftermath of the destruction of the World Trade Center and part of the Pentagon. This effort was named Operation Noble Eagle. The President declared a National Emergency and invoked a Partial Mobilization (10 USC 12302) which authorized the calling to active duty of up to one million reservists for up to 24 months. As of December 20, 2001 the total Reserve Component personnel on active duty numbered 60,350 from 50 states, the District of Columbia, and Puerto Rico.² The Army National Guard (ARNG) has mobilized 8,899 soldiers to perform State duty missions at airports, borders and at the sites of the attacks as well as other locations throughout the United States.

At the same time the ARNG is providing significant forces in support of federal missions in the Balkans and Southwest Asia. The ARNG has deployed over 5000 soldiers overseas, as part of a Presidential Reserve Call-up (PSRC), in FY01³. These soldiers have served in Task Force Eagle in Bosnia, Operation Joint Guardian in Kosovo and Operation Desert Spring in Southwest Asia. The ARNG is truly capable and accessible when called across the spectrum of contingencies from Operation Noble Eagle to Task Force Eagle.

Concurrent to the planning and execution of the Partial Mobilization of Reserve Component personnel was the release of the September 30, 2001 Quadrennial Defense Review Report (QDR). As part of the Joint Strategic Planning System (JSPS) the report drives and gives direction to the National Military Strategy (NMS). The NMS then provides focus and

direction to the Joint Strategic Capabilities Plan (JSCP) and, ultimately, to Theater Engagement Plans (TEPS) and Contingency Plans. The JSCP apportions forces for planning, to include ARNG units. To date the NMS has not been updated; however, based on the emphasis on Homeland Security in the new QDR, the NMS is sure to have equal emphasis resulting in missions and tasks that directly relate to the military's role in Homeland Security.

The QDR outlines four major missions of the United States Armed Forces:

- Defend the United States;
- Deter aggression and coercion forward in critical regions;
- Swiftly defeat aggression in overlapping major conflicts while preserving for the President the option to call for a decisive victory in one of those conflicts – including the possibility of regime change or occupation; and
- Conduct a limited number of smaller-scale contingency operations⁴.

Defending the United States is one of four major missions. The QDR also allocates a baseline Army force structure that has not grown to meet the myriad of additional requirements inherent to the four major missions above. Specifically, the Army's force structure is 18 Divisions (10 Active and eight ARNG), one Active Armored Cavalry Regiment, one Light Cavalry Regiment, and 15 ARNG Enhanced Separate Brigades⁵. There is no additional force structure allocated for Homeland Security and other missions overseas resulting from the attacks on the United States.

The roles and responsibilities of the Active Army, ARNG and Army Reserve across the wide range of missions, from Homeland Defense to major conflict, need to be clearly defined and deconflicted. The purpose of this paper is to examine one piece of that task – the roles and responsibilities of the ARNG in conducting Homeland Security. The Phase III Report of the United States Commission on National Security recommends that the Secretary of Defense, at the President's direction, should make Homeland Security a primary mission of the National Guard, and the Guard should be organized, properly trained, and adequately equipped to undertake that mission.⁶ If this is the case, what should be the specific roles and responsibilities of the ARNG in regards to this mission? Should JSCP missions and apportionment be compromised to meet Homeland Security requirements? This paper will explore these questions as well as outlining the Homeland Security operational framework and Army missions within this framework, interagency players and responsibilities, and specific federal and state roles of the ARNG and how they relate, and do not relate, to the Army's Homeland Security missions and tasks.

HOMELAND SECURITY OPERATIONAL FRAMEWORK

Civilian and military leaders need to expect an increase in domestic deployments of U.S. military forces. They need to recognize that each instance of use is accompanied by new and possibly unprecedented challenges.⁷

—COL Thomas R. Lujan, Staff Judge Advocate, U.S. Special Operations Command

Homeland Security is the protection of our territory, population, and infrastructure at home by deterring, defending against, and mitigating the effects of all threats to U.S. sovereignty; supporting civil authorities in crisis and consequence management; and helping to ensure the availability, integrity, survivability, and adequacy of critical national assets.⁸ Inherent in this definition are two primary tasks – Homeland Defense and Domestic Support. It is important that the ARNG, as well as the Active Component and the Army Reserve, evaluate its ability to accomplish assigned missions within the context of this definition.

HOMELAND DEFENSE

Homeland Defense missions respond to the actions of a hostile or unwelcome force intruding on or attacking targets on U.S. sovereign territory.⁹ The missions associated with Homeland Defense include support to missile attack, defense of sovereign territory, information assurance, and weapons of mass destruction (WMD) defense. The Army's intent for Homeland Defense is to:

provide trained and ready troops to deter hostile and unwanted intrusion or attacks on U.S. sovereign territory and, as required, defend against hostile actions to protect U.S. territory, institutions and people. Additionally, the Army assists in mitigating the effects of hostile actions, within legal constraints, by providing required capabilities to support crisis and consequence management activities. Consistent with laws and policy, the Army provides required capabilities to support CINC requirements and validated Lead Federal Agency (LFA) against a variety of land, air, and sea incursions that can threaten national security, to include invasion, drug trafficking, illegal immigration, cyber attack, missile attack, and terrorist/WMD attack. The desired end state for support to Homeland Defense is to deter, defend, and mitigate the effects of unwanted incursions or attacks on sovereign territory. Protect national security by providing timely, sustainable, appropriate and effective support, consistent with law and policy, to the supported CINCs or LFA.¹⁰

The course of action to support a potential missile attack, one of the four missions associated with Homeland Defense, is National Missile Defense (NMD). NMD is the detection, engagement, and destruction of hostile aircraft and ballistic and cruise missiles which pose a threat to the U.S., its territories and possessions.¹¹ The Army's objective is to perform those actions necessary to ensure the successful testing, deployment, and operation of a land-based

NMD system. The purpose of the NMD system is to provide protection against limited ballistic missile attacks targeted at the U.S.¹² The continuing proliferation of ballistic and cruise missile capabilities enables potential adversaries to hold at risk the projection and application of U.S. military power today and will continue to do so in the future. Effective missile defenses preserve freedom of action for the nation's political leadership and for deploying and deployed forces.¹³ Force structure plans indicate the ARNG will operate the planned land-based NMD interceptor system.

Defense of sovereign territory, a second mission, includes land, sea and air incursions, drug trafficking, and illegal immigration. Included in this mission is Critical Infrastructure Protection (CIP) – the protection and defense of critical infrastructure. Army support will likely consist of equipment and forces to prevent the loss of, or to assist in restoring, telecommunications, electric power, gas and oil, banking and finance, transportation, water, emergency services and government continuity.¹⁴ ARNG State Area Commands (STARCs), when ordered to Federal Service, will become the Department of Defense's (DoD) focal point for providing military assistance at the State and local levels in the event of an attack on the U.S. Many of the ARNG soldiers currently on active duty as a result of the September 11 attacks are also patrolling our nation's borders and airports. Additionally, the ARNG provides assistance to law enforcement agencies and community-based organizations in support of the National Drug Control Strategy. The ARNG provides a wide range of counterdrug support capabilities, including cargo inspection assistance at ports of entry, aerial and ground reconnaissance, intelligence analysis, training, construction of border roads and fences, and production of map products.

Information assurance, a third mission of Homeland Defense, is information operations that protect and defend information systems by ensuring their availability, integrity, authentication, confidentiality, and non-repudiation.¹⁵ CIP, in terms of protecting critical infrastructures against electronic attack, is also a subtask of information assurance. With advances in information technology, the infrastructures have become increasingly automated and inter-linked. The protection of the physical and information elements of these infrastructures is important, but the vulnerability of the information systems supporting the infrastructures is a more immediate concern.¹⁶ The ARNG provides Homeland Defense information assurance support in the 54 States and Territories by providing Computer Emergency Response Teams (CERTS). CERT functions include promulgating advisories and warnings on intrusions and viruses, monitoring network defense measures including intrusion

detection systems, reporting detected network attacks, identifying and implementing recovery actions following an intrusion, and providing network recovery support.

The final mission in homeland defense is WMD defense. WMD are weapons that are capable of a high order of destruction and/or of being used in such a manner as to destroy large numbers of people. They can be chemical, biological, radiological, nuclear, and high explosive (CBRNE) weapons.¹⁷ The Army's objectives are to ensure sufficient resources are planned and programmed to support the range of operations required to defend against and respond to WMD attacks on the homeland. The 22-member ARNG WMD Civil Support Team (WMD-CST) is one of the only units specifically manned, equipped, and trained to respond to domestic CBRNE events. The team's primary mission is to test a disaster site for chemical, biological, and radiological agents that could harm first responders. They are not deployable and are strictly a domestic asset. As of December 31, 2001 12 WMD-CSTs were certified by the DoD. Representative James Maloney, D-Conn., and 27 other House members, have introduced legislation that would place an ARNG WMD-CST in each State. Army Chief of Staff, GEN Eric K. Shinseki, told Guard leaders to get 17 more teams federally certified and equipped by the end of the year.¹⁸

DOMESTIC SUPPORT

Domestic Support missions are conducted in reaction to or in anticipation of a major disaster; act of civil disobedience, or to assist with a national-level event.¹⁹ Domestic Support missions are disaster response, civil disorder response, and special events support. The Army's intent for Domestic Support is to:

Provide rapid support to approved LFA requests for military assistance and provide Army capabilities to local, State, and Federal agencies through the LFA to response to the consequences of natural and manmade disasters in the U.S., its territories, and possessions. While maintaining command and control of Federal military forces, commanders must ensure close coordination with civil authorities and the effective use of military capabilities to satisfy validated requests. Local military commanders and responsible officials located in the vicinity of the crisis situation may execute an immediate response within their organic capability to save lives, prevent human suffering, and mitigate great property damage, in accordance with DoD Directives. The approval of requests for military assistance to civil authorities will be considered against several factors: (1) compliance with laws, (2) potential use of lethal force by or against Army forces, (3) safety of Army forces, (4) impact on budget, (5) appropriateness of use of military forces, and (6) impact on Army's ability to perform its primary mission. The desired end state form Domestic Support is to save lives, relieve suffering, and assist in the mitigation of property damage by providing timely, sustainable, appropriate and effective support, consistent with law and policy, to the designated LFA. Upon determination of the Federal Emergency

Management Agency (FEMA) (or another LFA) and the military on-scene commander that Army forces are no longer needed, Army assets will redeploy.²⁰

Title 42 United States Code (USC), the Stafford Act, identifies two major categories of disaster response – an emergency and a major disaster. The Act defines an emergency as any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or lesson or avert the threat of a catastrophe in any part of the U.S.²¹ A major disaster is defined as any natural catastrophe or any fire, flood, or explosion in any part of the U.S. which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations.²² The Army's objective in disaster response is to provide support when requested and authorized. The Stafford Act is the authority under which support is provided. Federal, active-duty military personnel are not first responders. They are in support of local, State and Federal agencies. Following an emergency or natural disaster the governor may request a presidential declaration of a state of emergency. Once the President declares an emergency Federal, active-duty soldiers can provide support under the direction of FEMA. ARNG soldiers performing State duty (State status or Federal Status – Title 32) can provide immediate support, regardless if the President declares a state of emergency. The Army's first responder to disasters is State activation of ARNG units under the authority of the Governor through the State Adjutant General (TAG).

DoD Directive 3025 – Military Assistance for Civil Disturbances (MACDIS) categorizes the next mission of Domestic Support, civil disorder response, into two areas. The first, civil disturbances, is defined as group acts of violence and disorders prejudicial to public law and order. The term includes all domestic conditions requiring the use of Federal Armed Forces.²³ The second category, domestic terrorist incident, is a distinct criminal act that is committed or threatened to be committed to advance a political objective, and which endangers safety of people, property, or a Federal function.²⁴ As is the case in disaster response, the Army's objective in civil disorder response is to provide support when required and authorized. First responders again include local and State agencies to include the ARNG on State duty. Civil disturbance training is directed by National Guard regulations and is typically conducted at least one weekend each training year. The ARNG can be brought on Federal duty/Federal status (Title 10) at the request of the Governor to the President. ARNG soldiers under Title 10 status

are federal military forces and, consequently, do not operate under the command and control of the Governor or non-federal chain of command (ARNG chain of command).

The third mission of Domestic Support, special event support, is defined as a planned program of athletic competition and related activities involving participants from the U.S. and/or other nations. The Secretary of Defense may also designate non-athletic events to receive support.²⁵ Examples include the Olympic Games, Special Olympics, World Fair, and World Trade Organization meetings in Seattle and Washington D.C. The Army's objective in special event support is, again, to provide support when directed and authorized. ARNG forces, on State duty, are often called to support special events such as the examples cited above. National Guard units to include WMD-CSTs from Colorado, Massachusetts, and Texas will assist in security operations during the 2002 Winter Olympics in Salt Lake City, Utah.

HOMELAND SECURITY MANAGEMENT

The myriad of missions and tasks required when responding to a Homeland Defense and/or Domestic Support incidents are generally categorized into two functions – crisis management and consequence management. Each form of management has distinct processes, areas of responsibilities, and lines of communication. Crisis and consequence management facilitate appropriate and timely planning, execution, and resourcing.

Crisis management relates to a set of predominantly law enforcement tasks. Crisis management response for acts of terrorism is the responsibility of the Justice Department, through the Federal Bureau of Investigation (FBI), with local and State assets in support. It includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism.²⁶

Consequence management includes actions which comprise those essential services required to manage and mitigate problems resulting from disasters and catastrophes including natural, manmade, or terrorist incidents.²⁷ It involves treating victims of an incident, searching for survivors, ensuring the containment of victims who are infected or exposed, and cleaning up the area where the incident occurred.²⁸ The National Security Council, through FEMA, is the interagency consequence management coordinator. In short, crisis management is both a proactive and reactive form a management. Consequence management is reactive in nature (occurs after the event has taken place), however, extensive planning, resourcing, and training is conducted to prepare for an efficient and effective response to Homeland Security incidents.

The Homeland Security operational framework includes missions and tasks encompassing both Homeland Defense and Domestic Support. The resources, funding,

planning, and execution of these missions and tasks are coordinated through the implementation of crisis and consequence management. The ARNG has traditionally played a key role in Homeland Security support missions, particularly on State duty, as an asset to their respective Governors. The Homeland Security interagency infrastructure attempts to shape and define the roles and responsibilities of the DoD, Army, Governors, TAGs and the ARNG.

INTERAGENCY PLAYERS AND RESPONSIBILITIES

Before September 11, Homeland Security was as nebulous as any theoretical issue can be. Every agency with any kind of role to play jockeyed for a place to provide its own expertise. Everyone is still jockeying, but the lines are less blurry and responsibilities for securing the homeland are taking shape.²⁹

—MG Ronald O. Harrison, President, National Guard Association

September 11, 2001 highlighted the need to coordinate efforts between agencies responsible for Homeland Security, train agency personnel, and define specific roles and responsibilities. Various agencies had coordinated and worked together, with varying degrees of success, in previous disasters such as the first World Trade Center attack, the bombing of the Alfred P. Murrah Federal Office Building in Oklahoma City, Oklahoma, and the siege and assault of David Koresh's Branch Davidian compound outside of Waco City. The September 11 attack, however, set a precedent in terms of devastation, delivery, and the fact that those responsible for planning the attack were from outside the U.S. The threat of attack and potential battlefields were no longer exclusively abroad but in the cities and streets of the U.S. When the twin towers collapsed it was not only physical walls that came tumbling down, but also decades-old divisions of labor between various agencies – federal and local, intelligence and law enforcement, military and civilian, and foreign and domestic.³⁰ The ARNG is unique in that it bridges various agencies. It can be a Federal or State asset as well as serving in a foreign or domestic environment. This uniqueness often causes confusion and misunderstanding of key functions and responsibilities such as funding, chain of command, and missioning.

There are at least 43 agencies and offices involved in Homeland Security. These agencies can be categorized into five areas of responsibility – national policy, intelligence, preemption and retaliation, border security, and disaster preparedness and response.³¹ The ARNG currently plays a role in at least three of these areas – preemption and retaliation, border security, and disaster preparedness and response.

NATIONAL POLICY

The agencies responsible for national policy set the vision and direction of Homeland Security as well as providing strategic level leadership. These organizations are part of the White House and include the National Security Council – responsible for coordinating foreign strategy; the Council of Economic Advisors – coordinates economic recovery; and the Office of National Homeland Security – coordinates domestic defense.³²

The creation of the Office of National Homeland Security was announced by President Bush on Columbus Day, 2001 as a result of the September 11 attacks. The Director of National Homeland Security is Tom Ridge, former Governor of Pennsylvania. His experiences while serving as a Governor, in charge of the Pennsylvania National Guard, should facilitate the judicious and effective use of the ARNG in Homeland Security missions.

The authority and resourcing of the Director of National Homeland Security has been extensively debated. Senators Lieberman and Specter have introduced legislation to establish the Department of National Homeland Security which clarifies definitions, duties, reporting requirements, coordination with other organizations, and resourcing issues such as personnel and funding. The bill (Department of National Security Act of 2001) proposes the establishment of the Secretary of National Homeland Security, a cabinet level position, whose Secretary also serves as a member of the National Security Council. According to the bill the duties of the Secretary of National Homeland Security shall be the following:

- To plan, coordinate, and integrate those U.S. Government activities relating to Homeland Security, including border security and emergency preparedness, and to act as a focal point regarding natural and manmade crisis and emergency planning.
- To work with State and local governments and executive agencies in protecting U.S. Homeland Security, and to support State officials through the use of regional offices around the Nation.
- To provide overall planning guidance to executive agencies regarding U.S. Homeland Security.
- To conduct exercise and training programs for employees for the Department and establish effective command and control procedures for the full range of potential contingencies regarding U.S. Homeland Security, including contingencies that require the substantial support of military assets.
- To annually develop a Federal Response Plan for Homeland Security and emergency preparedness.³³

If this bill is passed the Nation will have a central agency at the federal level for planning, coordinating, and planning Homeland Security issues and initiatives. The Secretary of Homeland Security will be the logical point of contact for Governors when requesting assistance and guidance in the event of a disaster.

INTELLIGENCE

The intelligence category of Homeland Security encompasses a number of agencies to include the Central Intelligence Agency (CIA) – coordinates all foreign intelligence; National Security Agency (NSA) – intercepts foreign communications; Defense Intelligence Agency (DIA) – coordinates military intelligence; and the Federal Bureau of Investigation (FBI) – investigates attacks.³⁴

The U.S. intelligence community, particularly the CIA, received much criticism for not detecting the September 11 attack on the U.S. In the Phase III Report of the U.S. Commission on National Strategy/21st Century, published in February, 2001 the authors concluded that the basic structure of the U.S. intelligence community does not require change.³⁵ However, as evidenced by September 11 and also by the failure to warn of Indian nuclear tests, the intelligence community has been unable to respond to the burgeoning requirements levied by more demanding consumers trying to cope with a more complex array of problems.³⁶ The report goes on to state that the steep declines in human intelligence (HUMINT) resources over the last decade have been forcing dangerous tradeoffs between coverage of important countries, regions, and functional challenges.³⁷ One of the commission's recommendations is that the Director of Central Intelligence should emphasize the recruitment of human intelligence sources on terrorism as one of the intelligence community's highest priorities.³⁸

The ARNG is uniquely positioned and qualified to serve as sources of HUMINT. Based in all 54 States and Territories the men and women of the ARNG are able to provide a forward set of eyes and ears both while on duty and while working in their civilian capacity. While most ARNG soldiers are not formally trained in intelligence, all have formal military training and could receive additional training during drill weekends to facilitate HUMINT efforts. Many ARNG soldiers, on duty at airports and on borders, are fulfilling this role.

BORDER SECURITY

The Coast Guard – patrols coasts and waterways; Immigration and Naturalization Service (INS) – monitors people entering the U.S.; Customs Service – monitors goods entering the U.S.; and the North American Aerospace Defense Command (NORAD) – monitors aircraft and

missiles are examples of agencies involved in border security.³⁹ The effectiveness of border security has come under intense scrutiny since September 11. Securing our land (Canadian and Mexican borders) sea (ports) and air (airports) is a monumental task. The additional requirements imposed since September 11 has overwhelmed the Coast Guard, INS and Customs Service. As a result, the ARNG has been called upon to "temporarily" assist in fulfilling some of the border security requirements. For example, the 1775th Military Police Company, Michigan ARNG, is assisting Customs officers on the U.S.-Canadian border. Their mission includes vehicle searches and security. They were called to duty because of a shortage of Customs personnel⁴⁰. Sixty miles away soldiers from the 1st Battalion – 119th Field Artillery are performing a similar mission. At the same time ARNG soldiers are reinforcing security crews at 422 airports for the next four to six months.⁴¹ Soldiers from the Virginia ARNG are tasked with an airport security mission at Ronald Reagan Airport in Washington, D.C. Their tasks include providing a military presence, monitoring and reinforcing security checkpoints, monitoring the alertness and performance of civilian screeners, and assisting screeners and supervisors and airport police as required.⁴²

These border security missions are being conducted in a professional and thorough manner by the ARNG. The question remains, however, how "temporary" in nature these missions will be. It is imperative that the agencies that are responsible for border security acquire more resources, in terms of personnel and training, in order to effectively accomplish their missions.

DISASTER PREPAREDNESS AND RESPONSE

This area of responsibility includes agencies such as the FBI – coordinates crisis response (crisis management); FEMA – supports, trains, and equips local fire, and medical personnel (consequence management); Bureau of Alcohol, Tobacco, and Firearms (ATF) – trains locals in explosives handling; and Health and Human Services (HHS) Department – assists locals with bioterrorism and mass casualties.⁴³

The Army and ARNG also play a role in disaster preparedness and response although the specific role has been extensively debated. Recently, as a consequence of anthrax incidents and scares, the Nation's focus has been on WMD preparedness and response. Presidential Decision Memorandum 39 (PDD-39), signed in 1995, and the Defense Against Weapons of Mass Destruction Act of 1996 are the cornerstones of the U.S. WMD terrorism strategy. This strategy is divided into four elements: intelligence and warning, prevention and deterrence, crisis and consequence management, and acquisition of equipment and technology.⁴⁴ The

question that many Army, ARNG, and civilian leaders are debating is to what extent the Army should be involved in these elements of the U.S. WMD terrorism strategy. Many, such as the Commission on National Security/21st Century, believe that the National Guard should have the primary mission Homeland Security, to include assistance, and sometimes taking the lead, in disaster preparedness and response. Others, such as the Deputy Director of the ARNG, argue that Homeland Security should be a mission, not *the* mission.⁴⁵ In addition, the Secretary of the Army, Thomas E. White, has been identified as DoD's interim executive agent for Homeland Security matters. However, he has stated that the Army follows and supports FEMA, HHS, and others depending upon the nature of the problem and that there are 11 million first responders in this country that have the primary duty to deal with emergencies, and the Army is a backup to them.⁴⁶ The solution is that the responsibility for consequence management is bottom-up. That is, local responders, then State responders, then Federal responders, to include the active military if needed, are responsible for consequence management missions. The crux of the issue, however, lies in adequate resourcing in terms of both funding, personnel and equipment. Unless the local and State agencies are properly resourced Federal agencies will be called upon to assist. Consequence management should be decentralized both in planning and execution with overall national coordination accomplished at the Federal level.

The interagency process is complex. Agencies at the Federal, State and local levels need to continue to define specific roles and responsibilities in order to avoid duplication of effort or allowing essential tasks to be overlooked. The primary frame of reference that should be used by all leaders when deconflicting missions is what is best for the American people in terms of protection and timely and effective response. Agencies that jockey for position for the primary purpose of obtaining additional funding and growing their programs have their priorities misaligned and could possibly harm, not improve, steps toward achieving effective and efficient interagency coordination when dealing with Homeland Security issues.

ROLES OF THE ARMY NATIONAL GUARD

A force missioned across the spectrum of contingencies, structured and resourced to accomplish its mission, capable and accessible when called, with trained citizen-soldiers committed to preserving the timeless traditions and values of service to our nation and communities.

—The Army National Guard Vision

The ARNG has two primary roles, or missions – Federal and State – and has distinct Homeland Security roles and responsibilities at both of these levels. As a result of ARNG units

being stationed in cities, towns and villages throughout the 54 States and Territories, the ARNG full-time staff also has a daily mission of interacting and supporting the local community. The varying levels of focus, coupled with the multiple missions at each of these levels, presents a challenge to the men and women who serve in the ARNG. With typically 37 days of duty each year it is imperative that the ARNG leadership at all levels provide clear guidance and establish priorities for resourcing and training. It is equally important that ARNG units execute Homeland Security missions that are congruent with the guidance and training priorities that have been established by their leaders. A mismatch between priorities/resources and missions may result in soldiers that are not competent and confident and, ultimately, missions not being accomplished.

FEDERAL ROLES AND RESPONSIBILITIES

The ARNG's federal mission is to maintain properly trained and equipped units available for prompt mobilization for war, national emergency or as otherwise needed. The ARNG has accomplished this mission in every major conflict our nation has encountered. The Federal use of the ARNG for missions normally accomplished by the Active Component is a relatively recent phenomenon. Between the Vietnam conflict and OPERATION DESERT SHIELD/STORM no American president had voluntarily activated a single reservist for an armed conflict.⁴⁷ In recent history, ARNG soldiers on Federal status, have served or are still serving in OPERATION DESERT STORM, Haiti, Bosnia, Southwest Asia, Kosovo – a total of eight Presidential Reserve Call-ups since 1989, including the Partial Mobilization in support of missions as a result of September 11. As a part of the recent mobilization the 115th Military Police Battalion, Maryland ARNG, was deployed to help guard Taliban and al Queda prisoners at Guantanamo Bay, Cuba.⁴⁸ Other federalized ARNG units are serving in various capacities both CONUS and OCONUS.

The Federal Homeland Security roles and responsibilities of the ARNG are being examined and debated. The Phase III Report of the U.S. Commission on National Security/21st Century recommended that Homeland Security should be a primary function of the National Guard. Many interpreted this recommendation as meaning it should be *the* primary function. Warren Rudman, Co-chair of the commission, stated:

One of the recommendations that has been vastly misunderstood is, we talk about forward deployment of U.S. forces, the U.S. National Guard is forward deployed in this country, and in the event of the kind of holocaust we're talking about, they are the best people to aid local authorities in their States as they do now. Some of them have thought we were recommending, who didn't read the report, that that be their primary mission. We say it should be a secondary

mission. Their primary mission is the one to support the regular forces in time of national emergency, particularly in times of war.⁴⁹

The Assistant Secretary of Defense for Strategy and Threat Reduction, in the Reserve Component Employment Study – 2005, recommended that the Reserve Component (RC) provide an expanded role in providing homeland defense capabilities. The study suggested that the RC:

- Assist in managing the consequences of attacks within the U.S. involving nuclear, chemical or biological weapons.
- Protect critical U.S. infrastructure from physical and information operations attacks.
- Participate in manning a national missile defense system should one be deployed.⁵⁰

Still others, such as COL Michael Fleming, Chief of Staff of the Florida ARNG, suggest that the Army cannot meet its worldwide responsibilities without the warfighting capabilities of the ARNG and that the ARNG can perform its current Homeland Security missions because of its preparation for the Federal mission. He goes on to state that the NG should remain the DoD's first military responder for Homeland Security missions and that the NG should be prepared to adapt its force structure.⁵¹

LTG (R) Herb Temple, Chief of the National Guard Bureau (NGB) from 1986 to 1990 has another perspective. He believes a reorganization to accomplish Homeland Security missions is not necessary. He writes:

Perhaps I'm just an anachronism. I want to believe the Guard is a fighting organization and its fighters are fully capable of meeting the Homeland Security challenge without be transformed into support forces. I didn't join the Guard to "wash the Army's socks." When I joined the 160th Infantry I expected to fight my nation's enemies. They could be in my hometown or on another continent, but wherever they were, my regiment wanted at them.⁵²

The debate will continue. The following considerations for Federal employment of the ARNG for Homeland Security missions are offered:

- *Determine missions and requirements.* Before decisions can take place regarding reorganization of the ARNG specific, quantifiable, mission-oriented requirements for Homeland Security need to be established. Based on these requirements forces (AC, ARNG, USAR) should be apportioned for Homeland Security missions. If specific skill sets of forces are not available in adequate numbers force structure modifications will be appropriate. Also, development of a Homeland Security (Homeland Defense and Domestic Support) Mission Essential Task List (METL) would provide the basis for effective training.

- *Federalizing ARNG forces should be a last resort.* Homeland Security missions (crisis/consequence management) should be accomplished at the local and State level if possible. Resources to accomplish these missions include ARNG soldiers on State status. Federalizing the ARNG takes soldiers out of the command and control of the TAG and Governor.
- *The Director of the ARNG (DARNG) is a key player.* The DARNG is the ARNG's senior representative on the DA staff. As such, he is responsible to represent the best interests of the ARNG in the 54 States and Territories. In order to do so, he must keep the TAGs informed on current Homeland Security issues and decisions occurring at the national level as well as soliciting feedback from the States. The DARNG should be a two-way conduit of information and resources. TAGs that communicate directly with the primary DA staff or the Chief of Staff of the Army circumvent this conduit which can lead to an uncoordinated, disjointed approach to issues and recommendations regarding the ARNG's roles and responsibilities in Homeland Security.
- *The homeland is the second front in the war on terrorism.* The President declared on war on terrorism as a result of an attack on the U.S. The U.S. is engaging in war on two fronts – offensive operations OCONUS and defensive operations CONUS. The offensive operations are being fully resourced and aggressively conducted. The defensive operations appear to be a second priority, contrary to the QDR. ARNG leadership needs to readily accept “defensive operations” type missions and continue to fully consider what is best for not only the ARNG, but the citizens of the U.S.

STATE ROLES AND RESPONSIBILITIES

The ARNG's State mission is to provide trained and disciplined forces for domestic emergencies or as otherwise required by State laws. The ARNG has been engaged throughout history in accomplishing this mission. Many of these State missions, such as response to natural disasters and response to civil emergencies, are also Homeland Security missions. In fact, between 1997 and 2000, the NG conducted a total of 1,161 State/Homeland Security missions; 598 of those in response to natural disaster, 133 in support of law enforcement agencies, and 174 in response to civil emergencies.⁵³ Approximately 1,146,333 man-days were devoted to Homeland Security missions during this period.⁵⁴ Other ARNG State roles and responsibilities in crisis/consequence management include Military Support to Civil Authorities

(e.g., heavy construction, air and ground transportation, food delivery); execution of WMD-CST missions; Reception, Staging, Onward movement and Integration (RSOI) support to forces deploying for Homeland Security operations; facilitating local, State, and regional planning; providing incident assessment/reconnaissance; managing special inventories and stores and providing these materials to the incident site; and counterterrorism support.⁵⁵

Because the ARNG is stationed in approximately 3200 facilities in all 54 States and Territories it is uniquely qualified to serve as the Army's first responder for Homeland Security missions. The ARNG, on State duty, is also legally qualified.

The Posse Comitatus Act prohibits the use of the Federal military to arrest and detain criminal suspects, conduct search and seizure activities, restrict civilian movement through the use of blockades or checkpoints, gather evidence for use in court, and use undercover personnel in civilian drug enforcement activities.⁵⁶ These prohibitions do not apply to ARNG soldiers on State duty. The President, however, can waive the Act when a Governor has requested assistance because State and local agencies are unable to protect civil rights and property.

Funding for Homeland Security State missions has become an issue. The source of funding depends on whether the soldiers are serving on State duty/State status or State duty/Federal Status (Title 32). If soldiers are on State duty/State status the respective States are responsible for soldiers' pay and allowances. Many of the soldiers serving on security missions at airports, dams, and nuclear energy plants are on State status. Unfortunately, State budgets are being depleted while attempting to resource these requirements, many of which are being dictated by Federal agencies or the President. At the Western Governors' Association Meeting on Homeland Security members stated that they want the Federal government to pay for ARNG support when soldiers and units are called up to protect people from terrorists.⁵⁷

Another issue is the competition of human resources between the ARNG and civil agencies such as police departments and fire departments. Many ARNG soldiers are employed by these agencies and, if called to State duty because of a Homeland Security incident, will not be available to serve the police or fire departments who may be responding to the same incident. It is in the best interests of all involved to not assign civil responders in ARNG units that are likely to be called up to support State level Homeland Security incidents. Such units include WMD-CSTs, CERTs, engineer units, and transportation units.

The following considerations for State employment of the ARNG for Homeland Security missions are offered:

- *The ARNG will be able to effectively continue to serve as the Army's first responder at the State and local level only if adequately resourced.* Resourcing includes funding for training, equipment, and pay; recruiting of men and women; and competitive enlistment and re-enlistment bonuses. If this is not feasible, the civil first responders must be resourced to take on a greater magnitude of Homeland Security consequence management missions.
- *ARNG leadership, down to at least company level, must be involved in State and local level planning.* The majority of Homeland Security incidents involve extremely quick response. For the ARNG to be effective and efficient its leadership must be intimately involved in planning response operations.
- *USAR units and soldiers serving in Homeland Security missions should be under the operational control (OPCON) of the Deputy Adjutant General - Army.* This command and control arrangement will allow a focused, synergistic unity of effort. The DTAG will have the authority to organize and employ USAR forces, assign tasks, designate objectives and give authoritative direction necessary to accomplish missions. This action will require an amendment to the Posse Comitatus Act to allow USAR forces under OPCON to the DTAG to perform law enforcement functions, if necessary.
- *When feasible, Homeland Security tasks should be similar to a unit's federal mission as well as soldier's military occupational specialty (MOS).* While serving in the ARNG soldiers have an expectation that they will perform tasks in-line with their training and mission. Transportation units should be assigned transportation tasks and military police units should be assigned security tasks as well as law enforcement functions. If the mission demands a task that is not congruent with a soldier's training it is the responsibility of the leadership to explain to each soldier the circumstances behind the tasking.

CONCLUSION

Reserve personnel have been integrated across all functional lines including systems, counterterrorism, analysis, imagery, targeting, and battle damage assessment. We would be unable to accomplish our missions and meet emerging requirements without this Reserve Component contribution.

—GEN Tommy R. Franks, CinC, U.S. Central Command

Defining the roles and responsibilities of the ARNG, as well as the Army and other agencies, is an on-going process. The importance of clearly identifying these roles and responsibilities was dramatically highlighted in the aftermath of the attack on the U.S. on September 11. The ARNG is a key player in Homeland Defense missions as well as Domestic Support missions because of its unique role as both a Federal and State asset.

The ARNG also has various roles in support of the spectrum of agencies that are responsible for Homeland Security. From national policy and intelligence to border security and disaster preparedness and response the ARNG effectively serves as the common thread in the Homeland Security interagency process. Further streamlining of this process is necessary to efficiently defend our country and support civil authorities in consequence management tasks.

The ARNG has a distinguished history fighting for its country. It is carrying on its proud tradition in the current global War on Terrorism. Homeland Defense is the second front in this war and, according to the QDR, the top priority of the Department of Defense. The requisite planning and resourcing for Homeland Defense, as well as Domestic Support, has yet to be achieved. Adequate resourcing of local and State first responders, to include the ARNG on State status, is necessary for our country to become truly secure.

The ARNG is one tool in the Homeland Security tool chest. In order to be used properly missions and requirements must be clearly defined. The country's leadership will then be able to determine which service and agency can best serve the crisis and consequence management needs of the American people.

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ENDNOTES

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¹¹ Ibid., D-2.

¹² Antulio J. Echevarria II, The Army and Homeland Security: A Strategic Perspective, (Carlisle Barracks: Strategic Studies Institute/U.S. Army War College, March 2001), p.8.

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¹⁷ Department of the Army, Deputy Chief of Staff for Operations and Plans, F-3.

¹⁸ Bob Haskell, "Civil Success," National Guard, December 2001, 30.

¹⁹ Department of the Army, Deputy Chief of Staff for Operations and Plans, 6.

²⁰ *Ibid.*, 7.

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²² *Ibid.*

²³ "Military Assistance for Civil Disturbances (MACDIS)," 4 February 1994, available from <http://www.uhuh.com/laws/DODD3025_12.htm>; Internet; accessed 10 January 2002.

²⁴ *Ibid.*

²⁵ Department of the Army, Deputy Chief of Staff for Operations and Plans, J-1.

²⁶ *Ibid.* 8.

²⁷ *Ibid.*

²⁸ Aaron Weiss, "When Terror Strikes, Who Should Respond," *Parameters* (Autumn 2001): 117.

²⁹ Ronald O. Harrison, "A Delicate Balancing Act," *National Guard* (November 2001): 8.

³⁰ Sydney J. Freedberg Jr., "Homeland Defense Efforts Break Down Walls of Government," *Government Executive Magazine Online* 19 October 2001; available from <<http://www.govexec.com/dailyfed/1001/101901nj1.htm>>; Internet; accessed 19 October 2001.

³¹ "Homeland Security: The Players," *Government Executive Magazine Online* 19 October 2001; available from <<http://www.govexec.com/dailyfed/1001/101901nj1a.jtm>>; Internet; accessed 19 October 2001.

³² *Ibid.*

³³ *Department of National Homeland Security Act of 2001 - Draft*, 107th Congress, 1st Session.

³⁴ "Homeland Security: The Players".

³⁵ Commission on National Security/21st Century, 81.

³⁶ *Ibid.*, 82.

³⁷ *Ibid.*

³⁸ *Ibid.*, 83.

- ³⁹ "Homeland Security: The Players".
- ⁴⁰ Jack Holt, "National Guard Troops Man America's Busies Border Crossing After Attacks," The On Guard, December 2001, p. 6.
- ⁴¹ Bob Haskell, "Airports Safer Due To Citizen Soldiers," The On Guard, December 2001, p. 13.
- ⁴² Ibid.
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- ⁴⁴ Weiss. p. 177.
- ⁴⁵ The idea in this sentence is based on remarks made by BG Michael Squire, Deputy Director of the ARNG, on Army Leader Day at the U.S. Army War College, 7 November 2001.
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- ⁴⁷ Stephen M. Duncan, Citizen Warriors – America's National Guard and Reserve Forces and the Politics of National Security, (Novato, CA: Presidio Press, 1997), 6.
- ⁴⁸ "National Guardswomen Reported AWOL," Washington Post, 14 January 2002, sec. B, p. 3.
- ⁴⁹ Congress, House of Representatives, Government Reform Subcommittee on National Security, Veterans Affairs, and International Relations, Testimony by Commissioner Co-Chair Warren Rudman, 27 March 2001.
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