

**STRATEGY
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HOMELAND SECURITY, A PRIMARY ARMY FUNCTION

BY

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ABSTRACT

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This paper will explore new Army requirements based on the September 2001 Quadrennial Defense Review's guidance. The paper is based on the assumptions that 1) end strength may increase but only enough to fill Army authorizations (around 530K) and 2) a draft is not politically acceptable at this time. In particular, the paper examines force structure requirements to support homeland security-related requirements in an extended war against terrorism.

Questions this paper explores: What are the likely homeland security tasks the Army will be supporting? To better support civil authorities, do Army forces need to be apportioned to a yet-to-be-named CINC for homeland security? What are the legal impediments to providing this support (e.g., Posse Comitatus Act)? If apportioned, do units need a new METL that supports HLS missions? Finally, what are the force structure impacts, if any? This paper will show that the Army should apportion forces for homeland security and give them new missions, force structure, and doctrine. However, the Army, which includes the Army National Guard and the U.S. Army Reserve, faces a conundrum because it must also retain its focus on fighting the Nation's land battles--the unique capability the Army provides the nation. Homeland security functions will likely be assigned to the Army National Guard but the National Guard must still retain a critical role in reinforcing or augmenting active forces during sustained land combat. Therefore, the purpose of this paper is to recommend doctrinal changes and a new force-sizing construct that would help the Army meet both the requirements of homeland security and sustained land combat.

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PREFACE

I would like to thank COL Mike Flanagan, seminar-mate and fellow member of the USAWC Class 2002, who provided me great insight about the structure, function and potential of the 7th and 24th Infantry Divisions. I am deeply indebted to my wife, Maureen, for proofreading this paper.

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HOMELAND SECURITY, A PRIMARY ARMY FUNCTION

Defending the Nation from attack is the foundation of strategy. As the tragic September terror attacks demonstrate, potential adversaries will seek to threaten the centers of gravity of the United States, its allies, and its friends. As the U.S. military increased its ability to project power at long-range, adversaries have noted the relative vulnerability of the U.S. homeland. They are placing greater emphasis on the development of capabilities to threaten the United States directly in order to counter U.S. operational advantages with their own strategic effects. Therefore, the defense strategy restores the emphasis once placed on defending the United States and its land, sea, air, and space approaches. It is essential to safeguard the Nation's way of life, its political institutions, and the source of its capacity to project decisive military power overseas.¹

The events of September 11, 2001 vividly show there are now real threats to the U.S. homeland. Homeland defense is not a new mission for the U.S. military--securing the nation against foreign invasion and internal rebellion were the U.S. military's primary tasks at its inception. However, this nation's geographic separation from most of its direct threats allowed the importance placed on this fundamental mission to decline.² What will be the impact of the re-invigoration of this fundamental Army mission? The Army will likely be required to apportion forces for homeland security and give them new missions, force structure, and doctrine. However, the Army, which includes the Army National Guard and the U.S. Army Reserve, faces a conundrum because it must also retain its focus on fighting the Nation's land battles--the unique capability it provides. Homeland security functions will likely go to the Army National Guard but these reserve forces will need to retain a critical role in reinforcing or augmenting active forces. Therefore, the purpose of this paper is to recommend doctrinal changes and a new force-sizing construct that would help the Army meet both the requirements of homeland security and sustained land combat.

HOMELAND SECURITY, AN EVOLVING CONCEPT

The 2001 Quadrennial Defense Review (QDR) indicates that defending the nation requires a broad concept that acknowledges limits based on U.S. law and traditions. The QDR states, "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."³ Within DOD, an overarching concept called homeland security is emerging and is defined as, "The prevention, deterrence, and pre-emption of, and defense against, aggression targeted at U.S. territory, sovereignty, population, and

infrastructure as well as the management of the consequences of such aggression and other domestic emergencies."⁴ This definition encompasses a wide range of tasks performed by organizations from all elements of national power. DoD's current homeland security definition addresses this shared responsibility by dividing DoD's tasks into two categories, homeland defense and civil support.

Homeland defense is defined as "the prevention, preemption, and deterrence of, and defense against direct attacks aimed at U.S. territory, population, and infrastructure."⁵ Homeland defense is a proactive concept that attempts to deter, defeat or mitigate the threat to the homeland. DoD is the lead federal agency for many of the warfighting and deterrent tasks associated with homeland defense such as National Missile Defense (NMD) and protection of land and air approaches to the U.S. However, DoD would also support other lead federal agencies depending on the homeland defense task being executed (e.g., DoD supports the Coast Guard and Drug Enforcement Agency in counter-drug operations and the Border Patrol in securing our borders with Canada and Mexico).⁶

Civil support is what DoD does to assist the designated lead federal agencies that are executing tasks not directly related to defense. DoD currently defines the concept of civil support as "DoD support to civilian authorities for natural and manmade domestic emergencies, civil disturbances, and designated law enforcement efforts."⁷ In a domestic crisis, DoD could support the Federal Bureau of Investigation, the designated lead federal agency (LFA) for crisis management, until the Attorney General transfers the overall LFA role to Federal Emergency Management Agency."⁸ Crisis management is defined as "measures to identify, acquire, and plan the use of resources needed to anticipate, prevent and resolve a threat or act of terrorism. Crisis management is predominantly a law enforcement function in domestic situations."⁹

The QDR states, "In addition, DoD components have the responsibility, as specified in U.S. law, to support U.S. civil authorities as directed in managing the consequences of natural and man-made disasters and [chemical, biological, radiological, nuclear or high-yield explosives] CBRNE-related events on U.S. territory."¹⁰ If deterrence and protection fails, consequence management (CM) seeks to reduce the effects of a successful WMD attack to the U.S. homeland. In the event of a CBRNE event, "The primary authority rests with the states [and local authorities] to respond, and the federal government to provide assistance as required."¹¹ CM applies to both deliberate incidents like a terrorist attack and inadvertent events such as toxic fumes released from a fire at a chemical plant. A 1995 study by the National Environmental Law Center found that a large percentage of the U.S. could be affected by toxic smoke from a chemical plant fire, such as the 1984 Union Carbide chemical fire in Bhopal, India

that killed over 2000 people. "They found that nearly 1 in 6 Americans live in a "vulnerable zone"--an area in which there could be serious injury or death in the event of a chemical accident created by neighboring industrial facilities."¹² In general, U.S. military forces can conduct CBRNE consequence management either under their "immediate response" authority (e.g., responding to imminently serious conditions resulting from any civil emergency or attack) or in support of the designated LFA in a disaster, the Federal Emergency Management Agency (FEMA).¹³ Congress and the executive branch continue to develop homeland security-related definitions. The definitions mentioned above may change to more directly address the threats facing the homeland--cyber, chemical, or biological attacks--or the levels of government receiving this support--state, local, federal--but for the purposes of this paper, the proposed DoD definitions listed here will be used.

THE CHANGING THREAT

Well before September 11, 2001, experts acknowledged that the nature of the threat was changing and the homeland was at risk. John Gannon, Chairman, National Intelligence Council, U.S. Central Intelligence Agency stated in 1998, "America is no longer an insular nation protected by two large oceans. The battlefield of the future could be Main Street, USA."¹⁴ Deputy Secretary of Defense John Hamre commented in 2000, "When the United States is such a dominant force on the battlefield, especially conventionally, it is unlikely that another country will choose to do what Saddam did in 1990, which is to try to take on the United States or a coalition of Western powers in a conventional way. So we perceive that potential opponents would choose to confront us in a nontraditional manner."¹⁵ The QDR defines this new asymmetric threat and changing security trends as follows:

- "Diminishing protection afforded by geographic distance. Ballistic missiles, economic globalization--increased trade and travel across borders have created new vulnerabilities for hostile states and actors to exploit by perpetrating attacks on the U.S. homeland."¹⁶
- "Regional Security Developments. Although the United States will not face a peer competitor in the near future, the potential exists for regional powers to develop sufficient capabilities to threaten stability in regions critical to the U.S. interests."¹⁷
- "Increasing challenges and threats emanating from the territories of weak and failing states."¹⁸
- "Diffusion of power and military capabilities to non-state actors."¹⁹
- "Developing and sustaining regional security arrangements."²⁰
- "Increasing diversity in the sources and unpredictability of the locations of conflict."²¹

The static, predictable, but dangerous Cold War Soviet threat has disappeared and no peer competitor directly threatening the U.S. will likely emerge in the near term. But, new types of threats have emerged to challenge the U.S. and western culture.

ASYMMETRIC THREATS

As al-Qaeda demonstrated, the new threat does not seek to fight our conventional forces directly. Instead, it seeks to employ unexpected asymmetric attacks that avoid our strengths because they are either unwilling or unable to confront the U.S. directly. One terrorism expert explains why the United States has become the target of hatred in the world by writing,

As the sole superpower with an active internationalist foreign policy, the United States at home and abroad has become the focus of the angst and bitterness of rogue states and non-state actors. Effectively combating a superpower requires the selection of asymmetrical means used against targets of opportunity. Foreign and domestic critics who perceive themselves as disenfranchised by globalization may also focus their anger on the United States.²²

A militarily inferior regional adversary who seeks to defeat or deter the U.S. would most likely employ asymmetric attacks. For instance, state or state-sponsored actors could seek to avoid fighting our high-tech forces in a regional conflict by conducting a sustained campaign of terror against the U.S. homeland that attacks our military's deployment and sustainment capabilities--in theater, en route, in the homeland, in space, or in cyberspace. More importantly, they may try to deter the U.S. by holding at risk our high value economic targets and population with the threat of WMD or cyber attack.²³

NON-SECULAR TERRORISTS

More troubling is the emergence of non-state actors--domestic or foreign religious, millenarian, and nihilist groups--who may not attack the U.S. to support some regional end or objective but instead seek death and destruction in the U.S. homeland as an end in itself. Unlike a rational state or state-sponsored threat that could be influenced by diplomacy or the threat of a credible military retaliation, these transnational actors may not be deterrable and are more likely to employ radical methods to achieve their ends.²⁴

The secular terrorist attempts to change a political system that has ignored the aspirations of some disenfranchised group, but religious, millenarian, and nihilist groups may be more interested in destroying or overthrowing the existing political order. Many of these groups view themselves as a persecuted minority and the outside world as infidels, subhuman, or an enemy, with whom there can be no compromise, thereby reducing the moral inhibitions to inflict mass casualties. Whereas secular terrorists appeal to a larger constituency that they purport to represent, the religious, millenarian, and nihilist groups frequently are alienated

from society with no constituency but the groups members themselves and, hence, may be less constrained by the public reaction to mass casualties.²⁵

These new threats seeking a martyr's death as we saw on September 11, 2001 warrant the defense strategy outlined in the QDR. The defense of the homeland must seek not only to deter rational or traditional threats but also to prevent these seemingly irrational threats, from a western point of view, from forming.

WEAPONS OF MASS DESTRUCTION

Weapons of mass destruction in the hands of irrational actors are now a major concern. Anthony Cordesman believes, "There is no way to predict whether a state actor, proxy, or terrorist/extremist will (a) be willing to take the risk of launching a nuclear attack on the U.S. over the coming decades, or (b) be able to acquire a weapon or device."²⁶ In general, he believes rational actors will remain deterred by the threat of U.S. massive retaliation with the following exceptions:

This [deterrence] is not necessarily true of a regime acting under *in extremis* that acts because it feels it has no other choice, or which is certain it will fall in any case. It is not true of a proxy, terrorist, or extremist that is willing to accept destruction or martyrdom to achieve a goal. It is not true of a state or terrorist that assumes--rightly or wrongly--that an attack cannot be attributed or will be ambiguous enough so that it can escape dramatic punishment. It is also possible that such an attack could occur as the result of escalation to the use of weapons of mass destruction in another theater in which the US is deeply involved--such as Korea, the Taiwan Straits, Israel, etc.²⁷

Of great concern is the ability of these terrorist groups to acquire and employ weapons of mass destruction against the U.S. homeland. Chemical weapons are lethal and accessible but are considered tactical because it is difficult to concentrate enough agent to kill a large number of people over a large area. Biological weapons, however, are considered strategic weapons because of their mass-killing potential, but they are more difficult to acquire and manufacture than chemical weapons. Some non-state actors have the ability to construct or acquire these types of weapons.²⁸ As an example, the Aum Shrinrikyo terrorist cult in Japan actually conducted open-air biological agent releases (botulinum toxin and anthrax) in Tokyo to kill the Diet and the Japanese royal family, but technical problems prevented them from producing any noticeable results. This failure with biological weapons led to the cult employing chemical weapons. They successfully released sarin gas to disrupt a trial in 1994, killing seven and incapacitating 160 to include the three judges they were targeting. They then executed a sarin attack in the Tokyo subway on 15 March 1995, killing 12 and hospitalizing approximately 1,000.²⁹

Cordesman also believes that although a chemical or biological attack is feasible, a nuclear terrorist attack is currently unlikely. He writes, "The production of fissile material is probably impossible for most terrorist and extremist movements. At present, Russia seems to be the only state that might lose control over weapons grade U-235- or P-239, although the U.S. Department of Defense feels this risk is diminishing."³⁰ He also believes nuclear weapons could be detected with various monitoring devices but there is a chance that these weapons could be shielded from detection and be smuggled into the U.S.

Therefore, a terrorist attack with weapons of mass destruction (WMD) in the United States is possible, with a chemical weapons attack being most probable. All such weapons could be delivered by missile from a rogue state as part of a regional conflict or smuggled into the U.S. homeland by terrorists. A WMD attack could cause significant loss of life and property, warranting DoD's efforts to prevent and mitigate such attacks.

CYBER THREAT

Finally, there now exists an active cyber threat to U.S. information systems, a threat that is projected to increase. There were 1,334 documented computer intrusions in 1999 that grew to 8,800 in just the first six months of 2000.³¹ Experts believe that "the potential for cyberterrorism is within the reach of terrorist organizations, and that many of these terrorist organizations are only now becoming aware of the awesome potential for use of information technologies in furthering their respective objectives."³² Given how our society is becoming increasingly interconnected electronically, any targeted computer network attack could have strategic level effects on the U.S. homeland.

AMERICA'S RESPONSE TO THE NEW THREAT

EXECUTIVE BRANCH

Given the changed threat, how has the nation responded? On October 8, 2001, President Bush signed the Executive Order Establishing the Office of Homeland Security and the Homeland Security Council. The President selected former Pennsylvania Governor Tom Ridge to serve as the nation's first Assistant to the President for Homeland Security. The Executive Order states, "The functions of the Office shall be to coordinate the executive branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States."³³ The HLS functions are: 1) Detection (collect and analyze intelligence regarding terrorist threats within U.S. borders and develop monitoring equipment and protocols for detecting biological, chemical, and nuclear hazards), 2) Preparedness (coordinate national

efforts to prepare for and mitigate the consequences of terrorist attacks within the U.S.), 3) Prevention (coordinate investigations, prevent entry of terrorists, improve security of borders, territorial waters, and airspace), 4) Protection (protect U.S. critical infrastructure--real and informational—from terrorist attacks), 5) Response and Recovery (rapid restoration of systems and stabilization of markets after a terrorist attack), 6) Incident Management (coordinate domestic response of all departments and agencies).³⁴

Recognizing the cyber threat to the U.S. homeland, President Bush signed another executive order on October 16, 2001 that seeks to protect information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support these systems. The Executive Order for Critical Infrastructure Protection in the Information Age aims to prevent disruption of information systems critical to national security, telecommunications, energy, financial services, manufacturing, water, transportation, health care, and emergency services.³⁵

DEPARTMENT OF DEFENSE (DOD)

DoD's regional planning focus placed no combatant commander responsible for homeland security. Consequently, DoD found itself ill prepared for attacks on the homeland. Planners had seen the threat to homeland security "only in terms of relatively isolated acts of terrorism, not as part of a highly capable enemy integrated military campaign. Consequently, homeland security has not been integrated very well into U.S. war planning."³⁶ The Office of Homeland Security is leading the interagency process to develop a Homeland Security Strategy, which will delineate the roles and responsibilities of the many governmental organizations, departments, and agencies--to include those of DoD. During this process, DoD will address command relationships and responsibilities of forces and analyze the active and reserve component roles, functions, and force structure required to execute likely homeland security tasks. The QDR states, "Preparing forces for homeland security may require changes in force structure and organization.... DoD will continue to examine the roles and responsibilities of its active and reserve forces to ensure they are properly organized, trained, equipped, and postured to provide for the effective defense of the United States."³⁷

Instead of sizing a force capable of fighting two Major Theaters of War (MTW), the QDR proposes a new force-sizing construct that may fill the homeland security gap created by the current force sizing metric. The new construct will shape forces to:

- "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 operations.”³⁸

This new construct continues to acknowledge that threats to the U.S. cannot be defeated just at our borders and U.S. forces must continue shaping the strategic environment by committing to smaller scale contingencies (SSCs) like those in the Balkans. The QDR seeks a force large enough to meet both SSC commitments and to defeat regional adversaries. If the strategy review validates a requirement to apportion forces to homeland security, this decision would be a major departure from the current two MTW force-sizing construct. Active and reserve forces could be diverted from regional contingencies, reducing the forces and capabilities apportioned to the regional CINCs to fight those conflicts.³⁹ Given this guidance from higher authority, how has the U.S. Army responded to the changed strategic environment?

THE U.S. ARMY

The Headquarters, Department of the Army staff is responding to the attacks on the U.S. homeland and is supporting the guidance of the Secretary of Defense and the President. Does Army doctrine and vision assist them with accomplishing this task?

Doctrine for Civil Support

General Gordon R. Sullivan, former Army Chief of Staff writes in his book, Hope is Not a Method, that he views Army doctrine as the engine of change. He wrote, "For the military professional, doctrine is not what to think but how to think."⁴⁰ Therefore it is important to see how the Army doctrinally views homeland security as an indication of its ability to change how it thinks to defeat the new threats to the homeland.

The Army's capstone manual, Field Manual 1, The Army, does not articulate a mission for the Army but does outline the Army's purpose as:

The Army's nonnegotiable contract with the American people is to fight and win our Nation's wars. Our unique contribution to national security is prompt, sustained land dominance across the range of military operations and spectrum of conflict. The Army provides the land force dominance essential to shaping the international security environment.⁴¹

It also states that based on DOD Directive 5100.1 the primary functions of the Army are to organize, equip, and train forces for the conduct of prompt and sustained combat operations on land. From these warfighting-focused statements of purpose and function, the Army's core competencies are defined in this manual as shaping the environment, prompt response,

mobilize the Army, forcible entry operations, sustained land dominance, and support civil authorities.⁴²

Important for defining the Army functions within homeland defense, Field Manual 1 states, "The Army also plays an essential role in defending both our Nation and our allies. Through its full range of capabilities, including national and theater missile defense, the Army's presence, at home and abroad, is a certain signal of America's commitment."⁴³

Further, Field Manual 1 indicates that DoD's concept of civil support is an Army function with the following statement:

As part of an interagency and joint team, the Army provides unique capabilities to support civil authorities in domestic and international contingencies. This competency includes homeland security and defense. Prompt Army assistance to civil authorities and agencies is often a decisive element in disaster relief or crisis resolution. The Army will assure all available support is provided until civil authority is reestablished or civilian relief agencies can assume the mission.⁴⁴

However, there is great debate over whether or not homeland security is a primary Army function. On one hand there are critics who see the Army as reluctant to embrace homeland security based on two considerations. "First, the military tends to view it as a distraction that siphons resources and training time away from its primary warfighting mission. Second, the military is concerned that its public support would suffer if it became heavily involved in policing or intelligence-gathering activities that appear to threaten civil liberties."⁴⁵ This camp believes the Army should retain its "traditional" warfighting focus and comments, "The military indisputably has a role in defending America from terrorist attacks, but it should focus on those roles for which it is uniquely qualified. Though U.S. law gives the military great scope for involvement, it would not be wise to allow the military to be drawn into an area for which it is ill suited and that would detract from its essential warfighting role."⁴⁶

On the other hand, some critics view with alarm the Army's reluctance to commit to civil support and homeland security. For instance, Professor Don Snider, a professor at the U.S. Military Academy and an expert in the Army's culture writes,

The bottom line is that the Army is torn between "fighting the big wars" and preparing for and executing "operations other than war." In a democracy, however, an army does not have the option of choosing the missions it accepts. The hesitancy of the U.S. Army to accept wholeheartedly the mission is currently being given is thus cause for concern regarding its professionalism.⁴⁷

Here, he decries any reluctance to provide civil support or to execute homeland security as a major break with the Army's traditional culture of service to the nation.

Another important document, Field Manual 3-0, Operations, tells the Army how doctrinally to support civil authorities; the Army adapts and employs forces and capabilities to civil support that are designed for warfighting. This manual differs somewhat from Field Manual 1, The Army, by indicating this support would be sustained and that,

Army forces adapt and tailor their warfighting capabilities to complement and support civil authorities and agencies at home and abroad. In times of need, Army forces provide support and expertise to reinforce or fill critical requirements beyond the immediate capabilities of civil authorities and agencies.... Army forces continue sustained support until civil authorities no longer require military assistance.⁴⁸

The doctrine, therefore, advocates an ad hoc approach (e.g. adapt and tailor warfighting capabilities) to supporting civil authorities in an emergency. This approach may be fully appropriate for traditional support like that provided during natural disasters but may be insufficient for defending the homeland against a sustained terrorist campaign. Units may not be trained, structured, or equipped for the tasks they are required to perform using this approach. In reference to training, Field Manual 3-0, Operations, states,

Training is the linchpin of strategic responsiveness. Prior to alert, units train for wartime missions and conditions first. Unless directed otherwise, division and lower-level commanders develop battle focused [Mission Essential Task Lists] METLs. When corps and higher-level commanders anticipate a stability mission or support mission, they may direct subordinate commanders to develop METLs to support employment in those missions.⁴⁹

If homeland security tasks become the most likely missions a unit would execute, then a warfighting training focus may not be preparing that particular unit for its primary mission.

Like Field Manual 1, Field Manual 3-0, Operations, unequivocally states that tasks falling under civil support are Army functions and are called "support operations." Further clarified in this manual,

Support operations employ Army forces to assist civil authorities, foreign or domestic, as they prepare for or respond to crisis and relieve suffering. Domestically, Army forces respond only after receiving authorization from the NCA. Army forces operate under the lead federal agency and comply with provisions of U.S. law, to include the Posse Comitatus and Stafford Acts.⁵⁰

Doctrinally, support operations could occur anytime from peace to war, at home or abroad as shown in figure 1 from FM 3-0, Operations.⁵¹ In a homeland defense scenario where the U.S. is under a sustained terrorist attack, this breakout is not helpful. Army doctrine should help soldiers and leaders understand that "homeland security is a warfighting mission that must be completely integrated into the U.S. national warfighting strategy."⁵² Given the new and real threat to the homeland, doctrine must be adjusted to view civil support and homeland defense

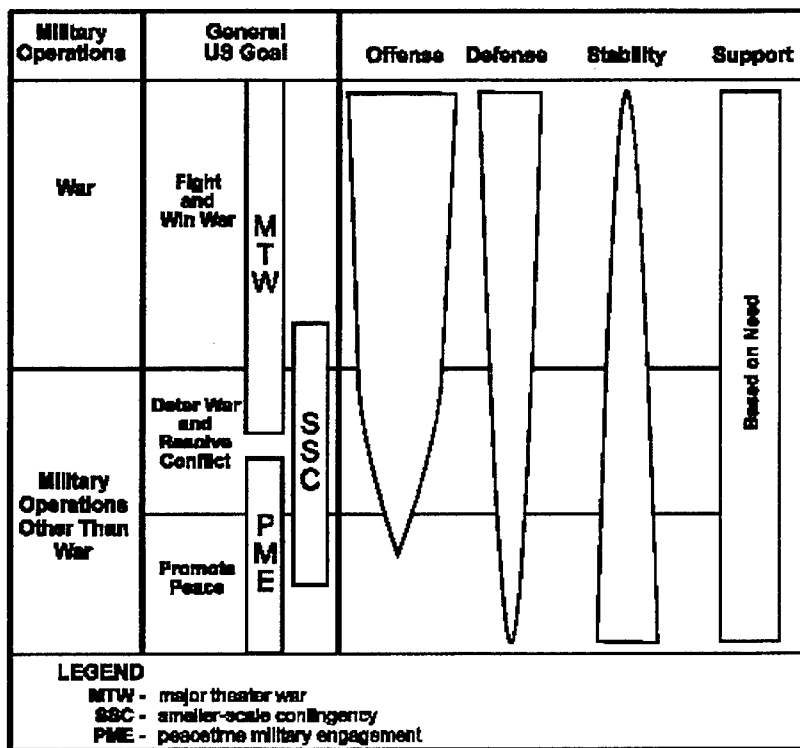


FIGURE 1, ARMY OPERATIONS

as "war fighting" tasks. Perhaps homeland security should be considered a Major Theater War (MTW) to give it the emphasis it requires. Further, once DoD finalizes the terms associated with homeland security, the Army should then update its doctrine accordingly. The bottom line on Army doctrine: it can help active and reserve forces change how they think about responding to the new threats to the homeland.

The National Guard -- A Return to the Militia?

On the Army National Guard Website is the following discussion of the Guard's mission,

The National Guard has a unique dual-mission that consists of both **Federal** and **State** roles. **The ARNG's federal mission is its primary focus.** [Emphasis added in original.] For state missions, the governor, through the State Adjutant General, commands Guard forces. The governor can call the Guard into action during local or statewide emergencies, such as storms, fires or civil disturbances.⁵³

The Guard trains and is equipped to execute its primary mission--strategic reserve for the active forces. This position is consistent with current law. Title 32, U.S. Code specifies: "In accordance with the traditional military policy of the United States, it is essential that the strength and organization of the Army National Guard and the Air National Guard as an integral part of the first line defenses of the United States be maintained and assured at all times."⁵⁴ Experts interpret this legislative requirement as follows: "In other words, current statute specifies that the purpose of the reserve components is to supplement the active components, that is, by providing additional forces to meet the strategic requirements that the active components are unable to fill themselves."⁵⁵ The Guard's operational tempo (OPTEMPO) bears

out this interpretation. Data compiled by the National Guard Bureau for FY00 shows, "54 National Guard states and territories provided support in 64 countries; 38,168 Soldiers, 22,663 Airmen; 1,368,534 workdays/3742 work-years."⁵⁶

The National Guard has deployed overseas just like the active force with significant contributions to SSCs and Theater Engagement Plans. They have greatly reduced the OPTEMPO of the active Army by executing these missions. For instance, the 49th Armored Division, Texas ARNG, provided a division headquarters and headquarters company for Task Force Eagle in Bosnia (Task Force Eagle is the U.S. contribution to the NATO task force in Bosnia) from March to October 2000, relieving an active duty headquarters from pulling this duty. Since August 2001, the 29 Infantry Division (Light), Virginia Army National Guard, has assumed this mission and all future division headquarters for this mission will come from the National Guard.⁵⁷

While serving in a state status, the Guard provides military support to civil authorities, when required. This support is derived from the Guard's warfighting capabilities, which is completely consistent with FM 3-0's doctrinal guidance. The Adjutant General of Florida, MG Harrison recently testified that governors activate their state's Guard when local first responders cannot manage a crisis. The states may also go to other states for assistance before asking for federal support. He testified that,

The National Guard's unique federal-state status enables the Guard to be the U.S. armed forces' primary provider of Military Support to Civil Authorities (MSCA) for natural and man-made disasters, civil disturbances, and other events requiring military assistance. ...The National Guard may be employed in support of the lead federal agency after a hostile event to save lives, to prevent human suffering, and to mitigate property loss. In unusual circumstances, the National Guard may assist with civil order in conjunction with state and local law-enforcement authorities.⁵⁸

Does this dual status still make sense given today's threat and homeland security requirements? Should the Guard still focus on warfighting and serve as the Active Force's strategic reserve?

During the Cold War, the nation required a completely devoted active and reserve force to deter the massive Soviet ground forces. Therefore, the Guard had to expand beyond its militia mission to prepare for overseas combat much as it did in World Wars I and II. Following the end of the Cold War, the National Guard did not return to a militia posture. Facing unanticipated commitments to smaller-scale contingencies and maintaining readiness to fight the two Major Theater of War (MTW) strategy, the Army called on the National Guard and the U.S. Army Reserve to sustain its high OPTEMPO.⁵⁹

Some critics believe because of new emerging requirements for homeland security, it is time to focus the Guard on its traditional militia mission. They believe sustained terrorist attacks on the U.S. homeland would quickly overwhelm first responders and require unique military skills, such as logistics, physical security, chemical units, and population control that only the Army could provide. Because of this anticipated increase in requirements, they write, "The United States should restore the militia to its original, constitutional role of homeland security to provide the large numbers of trained, armed, and disciplined military units that are needed to deal with terrorist attacks on America."⁶⁰ "But the National Guard is no longer the militia. In accordance with the Total Force policy, the National Guard is funded, organized, trained and equipped by the Federal Government to wage war overseas."⁶¹ Governors will need substantial numbers of soldiers and military capabilities for state homeland security missions. These Guard forces may therefore be unavailable either to the regional CINC or the Governor, depending on who mobilizes and employs them first.⁶²

But, there are other critics who are warning against a return to the militia mission as the exclusive focus of the National Guard. One critic states, "We cannot afford to devote the amount of combat power represented by Guard units solely to the homeland security mission. The point is we need to retain the Guard's full capability for overseas missions while adding to it the capability to perform the homeland security mission to meet the full range of emerging strategic threats."⁶³

On May 1, 2001, the Chief, National Guard Bureau, LTG Davis, testified before Congress and clearly addressed the importance of the National Guard balancing the federal mission with the Guard's role in homeland security. He asked Congress to consider two issues:

The first is that while the National Guard may lead on certain homeland security mission areas, we must not separate the National Guard from our traditional warfighting missions. Second, from its inception, the National Guard has always had a federal and state mission. We have always accepted and executed our responsibilities for either of these missions, but we must grant the same stature to the defense of the homeland, as the support we provide to combatant commanders.⁶⁴

However, identifying the need to balance these missions and actually getting them in balance are two different tasks. Achieving this balance may still be the toughest task facing the Nation, given the current high SSC-related OPTEMPO, the Army transformation, and new functions that will emerge for homeland security.

The Army Vision

The current Chief of Staff of the Army, General Shinseki, has articulated the following vision for the Army to help guide its transformation:

"While aspiring to be the most esteemed institution in the Nation, we will remain the most respected Army in the world and the most feared ground force to those who would threaten the interests of the United States. Our commitment to meeting these challenges compels comprehensive transformation of The Army."⁶⁵

FIGURE 2. CURRENT ARMY VISION

General Sullivan was the Army's Chief of Staff from 1991 to 1995. Like General Shinseki, General Sullivan transformed the Army after OPERATION DESERT STORM in response to a changed post-Cold War strategic environment. He developed a vision to guide the Army's change and to give it a clear sense of purpose. He crafted his vision as an expression of what he saw as the Army's most basic competency--service to the nation. His vision follows:

"America's Army,
Trained and Ready to Fight,
Serving the Nation at Home and Abroad,
A Strategic Force, Capable of Decisive Victory--
into the 21st Century."⁶⁶

FIGURE 3. GENERAL SULLIVAN'S VISION FOR THE ARMY, 1993

General Sullivan clearly articulated service to the nation at home and abroad as a goal for his transformed Army. The current vision also captures this goal but does so indirectly in the lead sentence, " While aspiring to be the most esteemed institution in the Nation, we will remain the most respected Army in the world and the most feared ground force to those who would threaten the interests of the United States." Perhaps, the current vision should evolve to clearly tell the Army that we would instill fear in those who would threaten the homeland by adding "both at home and abroad" to the end of the lead sentence.

LEGAL LIMITS TO DOD'S SUPPORT

Many believe there are significant legal restrictions to the Army's role in homeland security. At an Army War College Conference in April 2000, Deputy Secretary of Defense John

Hamre stated, "After all, since 1873, when the Posse Comitatus law was put in place, DoD has been forbidden from undertaking law enforcement actions inside the United States."⁶⁷ Is this correct? In a 1999 CSIS study, the former Undersecretary of Defense for Policy Fred Iklé acknowledged the existence of questions about the legal authority of U.S. military operations within the U.S. homeland and indicated a follow-on study would clarify existing authorities. However, he added, "What DoD mainly lacks for the defense of the U.S. homeland is not the legal authority but the necessary equipment and training."⁶⁸ Paul Schott Stevens, the NSC's first legal advisor, wrote the follow-on CSIS Report in October 2001 and supports Iklé's position. He writes, "Neither the Posse Comitatus Act (PCA), nor apparently, any other statute purports to deny, limit, or condition the president's use of the armed forces in response to a catastrophic terrorist attack on the U.S....Moreover, even where the PCA statute does apply, only certain kinds of military activity involving the exercise of police powers fall within the prohibition of the act."⁶⁹ He states that existing statutes, including the Insurrection Act and the Stafford Act, give the President broad powers in the event of a domestic emergency, including a terrorist WMD attack, and that outside the area of law enforcement, PCA would not impede a wide range of domestic military activities. He is confident that as long as constitutionally guaranteed civil liberties are not violated, absent compelling reasons, "the [Posse Comitatus] Act would not limit the President's options in using the armed forces in response to a catastrophic terrorist attack on the U.S."⁷⁰

Congress has also authorized the armed forces a role in the area of domestic law enforcement, including the following:

- To respond to domestic disturbances in accordance with the Insurrection Act,
- To assist in the protection of the president, vice president, members of Congress, and other government officers, as well as foreign officials and international guests.
- To conduct law enforcement in emergency situations involving biological and chemical or nuclear weapons of mass destruction, where civilian law enforcement is incapable of taking action
- To execute quarantine and health laws, and
- To protect or advance a variety of compelling federal interests.⁷¹

To clarify Mr. Hamre's comments, there are no insurmountable limits to employing the Army in homeland security, especially during an emergency situation. The President has the authority to employ armed forces in a WMD disaster, to include in a law enforcement role, should that be required. This action may not be the recommended course of action, but it needs to be one of his options if the first responders and state authorities become overwhelmed in a

WMD emergency. More importantly, this course of action needs to be captured in an approved plan so that when the need for such a response emerges, the Army is not participating in a "pick-up game."

ARMY REQUIREMENTS--HOMELAND DEFENSE

What are the homeland security requirements that the Army, active and reserve, must meet? MG Ronald O. Harrison, The Adjutant General for Florida, testified before Congress that, "As a new appreciation of today's threat environment takes hold, new strategic concepts, force structure, and resources will be committed to homeland security."⁷² He stated the Army must be postured to execute the following eight missions that would fall under homeland defense:⁷³

1) **Air/Land Defense of the Territorial United States**. MG Harrison stated the paramount importance of this mission to the National Guard by testifying that, "The National Guard's fundamental mission under Air/land Defense is to be prepared to participate as part of the joint force in the defense of the United States and its Territories."⁷⁴

2) **Airspace Sovereignty**. He proposed a broad concept that would include both Army and Air Force National Guard capabilities. He stated, "Safeguarding the sovereign skies of the U.S. through tactical warning and attack assessment, peacetime air sovereignty to include detection and monitoring of suspected drug aircraft, and the air defense of the U.S. during all phases of conflict."⁷⁵ This mission would complement National Missile Defense and would be focused on aircraft and perhaps cruise missile threats.

3) **Assistance to Customs Authorities, Border Patrol, and other Agencies**. He sees the Guard assisting these agencies with securing air and seaports, cargo inspection, and contraband interdiction.

4) **National Missile Defense (NMD)**. The Army National Guard could support any ground-based components of a fielded system.

5) **Identification/Protection of Critical Assets**. Identify and protect, as required, facilities and infrastructure essential to the operation of society, government, and the military.

6) **Force Protection**. Protection of active and reserve military installations during national emergencies.

7) **Information Operations**. The Guard could provide personnel and capabilities to assist with the defense of and response to attacks on of key information, computer networks and communications systems -- information assurance.

8) **Staff Support/Staff Integration**. Integration is assigning National Guard experts and liaison officers to appropriate homeland security agencies from the local to federal levels.

To expand on MG Harrison's points, the airspace sovereignty and NMD could demand a significant amount of resources and forces, depending on the evolution of the threat. "Ideally, NMD would include a robust multi-layered defensive system consisting of space, air, sea, and land weapons capable of long-range--strategic--defense as well as shorter-range--theater--defense."⁷⁶ A system defending against a wide range of threats from ballistic to cruise missiles and protecting key infrastructure and military facilities could become significant. "The defense of only critical ports and airfields along the east, west, and Gulf coasts, and the Great Lakes would still require a large number of systems. For example, some 147 Nike-Ajax and Nike-Hercules air-defense sites were constructed in the United States during the Cold War."⁷⁷ During the Cold War, "The New York City metropolitan area was at one time defended by no less than 19 Nike missile batteries and radar sites. From 1959-1963, these sites were manned by National Guard soldiers."⁷⁸

Intelligence fusion may also be key to defeating a coordinated terrorist campaign against the homeland. "Specialized intelligence and defense capabilities must be developed for warning, detection, characterization, and defense. This is not only a task for the national intelligence, security, and law-enforcement community, but also for federal, state, and local law enforcement and state National Guard units."⁷⁹ Perhaps MG Harrison offers a way to solve this problem? Staff support by Guard personnel working in a Title 32 status at intelligence and law enforcement agencies could serve to close the seam that currently exists between law enforcement and the military. Assuming a Commander-in-Chief (CINC), Homeland Defense or Northern Command is established or this function is assigned to an existing CINC, National Guardsmen could man this command's Joint Intelligence Center (JIC) along with liaison officers from other homeland security-related agencies. This organization could be a way to preclude the active military from collecting on U.S. citizens but allow the Homeland Defense CINC to collect the intelligence necessary to pre-empt or defend against terrorist attacks in the homeland.

ARMY REQUIREMENTS--CIVIL SUPPORT

As discussed earlier, the Army's military assistance to civil authorities is well defined doctrinally as support operations. The Army supports the LFA when military support is requested and after being approved by the Secretary of Defense or his designated executive agent. According to MG Harrison, "The National Guard's unique federal-state status enables the Guard to be the U.S. armed forces' primary provider of Military Support to Civil Authorities for natural and man-made disasters, civil disturbances, and other events [such as the Olympics

and presidential inaugurations] requiring military assistance." ⁸⁰ Governors activate their state's Guard when local first responders cannot manage a crisis. The states may also go to other states for assistance before asking for federal support. MG Harrison listed the following standard support the Army provides civil authorities, ⁸¹

Food Delivery	Air and Ground Transportation
Recovery of Contaminated Areas	Construction of Temporary Shelters
Testing and Water Purification	Demolition
Heavy Construction	Communications
Shelter Management	Security
Medical	Evacuation
Search and Rescue	Emergency Power
Linguist Support	Law Enforcement Support

TABLE 1. CIVIL SUPPORT TASKS

FORCE SIZING METRIC -- RESPONSE TO WEAPONS OF MASS DESTRUCTION

Army forces would perform all the tasks listed above plus specialized WMD-related ones after a WMD attack. For instance, the National Guard currently fields 32 Civil Support Teams (CST) to state governors for assessing CBRNE incidents. Each team consists of 22 highly trained National Guardsmen. "The CST Mission is: to assess a suspected WMD event in support of a local incident commander, to advise civilian responders regarding appropriate actions, and to facilitate the arrival of additional state and federal military forces to support validated requests for assistance." ⁸² For consequence management, one estimate is a division-sized force (around 15 thousand troops) would be needed to respond to one such attack:

The resources required to respond to the detonation of a 10KT nuclear device include: four (light) infantry battalions, five medical companies; three chemical battalions; three engineer construction battalions; three military police companies; four ground transportation battalions; an aviation group; three direct support maintenance battalions; and two general support maintenance battalions. Resources required to respond to a persistent chemical strike or to an incident involving the detonation of high-yield explosive would amount to some 30 percent of those required for a 10KT nuclear event. ⁸³

As the worst-case planning scenario, the Army should assume the threat would conduct a coordinated attack like that occurring on September 11, 2001 involving two nuclear incidents. In addition to forces required for consequence management, such an attack would likely lead to demands for increased security nation-wide in areas such as border security, key infrastructure protection, computer network defense, air defense, and cargo inspections. Planners should plan to sustain this presence, requiring more than one division-equivalent per incident. These

CM requirements combined with force structure to man emerging pre-incident homeland security requirements could easily end up demanding four to six division equivalents. The Army can best refine these requirements through the Total Army Analysis (TAA) process where requirements can be translated into actual forces.

APPORTION FORCES

If the Homeland Defense CINC is designated, the Army should apportion forces to this CINC for homeland security. "Apportioned forces and capabilities are those made available for deliberate planning as of a given date. They may include assigned, those expected through mobilization, and those programmed."⁸⁴ This action would give these units a homeland security planning and training focus and allow them to define their METL, training, and equipment--a significant change from most units' regional MTW focus. Basically, this apportionment would "[a]dd homeland security as a "third MTW" to the current two [overlapping] MTW force-sizing metric and assign high-end missions to an appropriate number of Army National Guard (ARNG) divisions (along with full-time soldiers as necessary)."⁸⁵

The Army should use the TAA process to determine the "appropriate" number of Army National Guard, U.S. Army Reserve and active units to apportion to homeland security. This requirement could conceivably require six division equivalents. Does the Army National Guard (ARNG) have the force structure to execute these tasks? Yes.

The ARNG structure is as follows: 15 enhanced Separate Brigades, eight divisions, and three strategic brigades (31st SAB, 92nd SIB, and the 207th Scout Group). The ARNG also maintains two Special Forces groups (19th and 20th). The force composition of the ARNG is 52 percent combat, 17 percent Combat Support (CS), 22 percent Combat Service Support (CSS), and 9 percent table of distribution and allowances (TDA) units, typically state headquarters units.⁸⁶

CREATE ROBUST AC/RC DIVISIONS

If six National Guard division equivalents are apportioned to homeland security and are not available to the regional CINCs for planning, how could the U.S. offset the increased risk in our response to regional crises caused by diverting these units to homeland security? One suggestion for reducing this risk is to create two hybrid active/reserve component (AC/RC) divisions out of the 24th Infantry Division at Ft. Riley and the 7th Infantry Division at Ft. Carson using the National Guard's enhanced brigades.

There are 15 enhanced brigades in the Army National Guard. These units are the Army National Guard's most ready and resourced units with formal active Army support relationships. Six of the 15 enhanced brigades serve in the 7th and 24th Infantry Divisions. These divisions are

unique integrated units with active duty division headquarters providing training and readiness oversight of pre- and post-mobilization training of their assigned enhanced brigades. They are not structured to fight as a division and are not counted against the 8 National Guard or 10 active Divisions listed in the 2001 QDR. For instance, the 7th Infantry Division was reactivated on June 4, 1999, at Fort Carson, Colorado, as the first AC/RC division. The Guard units that make up the 7th Infantry Division are the 39th Enhanced Separate Brigade of the Arkansas National Guard, the 41st Enhanced Separate Brigade of the Oregon National Guard and the 45th Enhanced Separate Brigade of the Oklahoma National Guard⁸⁷. The 24th Infantry Division has a similar structure. Neither division has any of the units normally found in a division besides the three maneuver brigades (i.e., no artillery, signal, forward support, engineer battalions). This missing structure could come from the other enhanced brigades or from elsewhere within the National Guard.

RECOMMENDATIONS.

This paper has reviewed many of the issues, ideas, and concepts surrounding potential new Army homeland security requirements and missions. To conclude, the following is a review of the key recommendations for meeting these new missions and functions:

Define Homeland Security Requirements/Force Structure. Refine force structure requirements for homeland security through the TAA process. In the interim, work to meet the following missions for homeland defense: Air/Land Defense of Territorial United States, Airspace Sovereignty, Border/Port Security, National Missile Defense, Critical Infrastructure Protection, Force Protection, Information Operations, Staff Support/Staff Integration.⁸⁸

Support establishing a Homeland Security CINC and Apportion the Required National Guard Divisions and Other Army units to that Command for Homeland Security.

This reorganization proposal supports DoD's primary mission and re-focuses a portion of the nation's "militia" on its traditional role--defending their communities. These apportioned Army units should then be postured to fight a sustained land war against terrorism in the homeland. As a minimum, the Army should apportion the forces required to respond to two simultaneous terrorist WMD attacks on the homeland. Modify units apportioned to homeland security as required by the functions they will perform. These apportioned units will likely need robust military police, security, logistics, CBRNE, engineer, aviation, and medical capabilities.⁸⁹ Mothball unnecessary legacy equipment or transfer it to the two AC/RC divisions. However, retain sufficient structure and capability in these units so they can conduct sustained land

combat, if the strategic environment changes and these forces are required to reinforce active and reserve forces deployed to a regional contingency.

Revise Doctrine. Update capstone manuals to convey the warfighting nature and importance of homeland security. By continuing to emphasize the Army's traditional values of service to the nation in our doctrine, a soldier will know that preparing for homeland defense and civil support missions are as important as preparing to deploy to Southwest Asia. Write new doctrine as required so a soldier guarding an airport, patrolling the border, assisting law enforcement agencies, or manning checkpoints at a federal installation could turn to that doctrine for help. Retain the well-proven doctrine and procedures for military assistance to civil authorities (MACA). Quash the myth of the Posse Comitatus Act and develop doctrine and plans that give the President options for employing the Nation's armed forces in a law enforcement role, if a national emergency demands it.

Create two AC/RC Hybrid Divisions. Modify then apportion the 24th and 7th Infantry Divisions to regional CINCS to offset the risk caused by apportioning some traditional National Guard Divisions to homeland security. Give these AC/RC divisions a combat mission and retain their current high level of active support. Assign them the combat, CS, and CSS units normally found in a division from elsewhere within the Guard (e.g., Division Support Command, Division Artillery, signal, cavalry, intelligence battalions, etc.). Fill the division commander positions with National Guard officers to eliminate any potential command conflicts. Make the 24th and 7th "AC/RC" Infantry Divisions the Army National Guard's most ready units.

The U.S. Army was transforming prior to the terrorist attacks September 11, 2001. The need for transformation remains valid. However, given the changed threats and the emergence of new requirements, a new homeland security transformation vector needs to be added. By adding this fourth vector of transformation to the vectors already underway—the legacy force, interim brigade combat teams, and the objective force—the Army should remain the Nation's valued and loyal servant. This new vector would make homeland security and land warfare the Army's primary functions.

Word count: 8,527

ENDNOTES

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¹⁸ Ibid., 5.

¹⁹ Ibid., 5.

²⁰ Ibid., 5.

²¹ Ibid., 6.

²² Collins, Joseph J. and Mich Horowitz, Homeland Defense: A Strategic Approach (Washington, D.C.: Center for Strategic and International Studies, 2001) 15.

²³ Edwards, Major General (Retired) Donald E. and Colonel (Retired) Richard J. Dunn, "The National Guard's Enhanced Role in Homeland Security," ANSER Homeland Security Journal; available at <http://www.homelandsecurity.org/journal/Articles/Edwards_Dunn.htm>; Internet; accessed 11 Nov 2001, 3.

²⁴ Wilkening, Dean A., 'BCW [Biological and Chemical Weapons] Attack Scenarios,' in The New Terror, ed. Sidney D. Drell, Abraham D. Sofaer, George D. Wilson (Stanford, California: Hoover Institute Press. 1999) 105.

²⁵ Wilkening, 105.

²⁶ Cordesman, 11.

²⁷ Ibid., 11.

²⁸ Howard, 103-104.

²⁹ Wilkening, 85-93. The author uses the example of the Japanese terrorist group Aum Shinrikyo's attempt to employ biological and chemical weapons for the purposes of inflicting mass murder to show achieving this end can be a motive for terrorists. He also identifies the difficulties with a terrorist group weaponizing biological agents on their own. However, they were able to produce and employ chemical agents without any state-sponsored assistance.

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³¹ Echevarria II, Antullio J., The Army and Homeland Security: A Strategic Perspective (Carlisle, PA: Strategic Studies Institute, 2001), 5.

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⁵¹ Ibid., 2-9.

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⁵³ "About Us," Army National Guard Homepage; available at <http://www.arng.army.mil/About_Us/>; Internet; accessed 8 January 2002.

⁵⁴ National Guard, Title 32. U.S. Code, Section 102 (1999).

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⁵⁶ Fleming, COL Michael P., "National Security Roles for the National Guard," ANSER Homeland Defense Journal; available at <<http://homelanddefense.org/journal/Articles/Fleming.htm>>; Internet; accessed October 31, 2001, 3.

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⁶⁰ Brinkerhof, John R., "Restore the Militia for Homeland Security," ANSER Homeland Security Journal; available at <http://homelandsecurity.org/journal/Articles/Brinkerhoff_Nov01.htm>; Internet; accessed 11 November 2001, 1.

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⁶² Brinkerhof, 2.

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⁶⁴ Ibid., 6.

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⁶⁷ Hamre, 15-16.

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⁷¹ Ibid., 25. According to Stevens, the Insurrection Act generally empowers the President to use the military, either at a state government's request or at the President's own initiative, to address a variety of civil disturbances that impede the enforcement of the laws. Authority dates back to 1792 and the Whisky Rebellion. Specifically, "Whenever there is insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection." 10 USC Sect 331 (1994).

⁷² Harrison, 4.

⁷³ Ibid., 4-6. MG Harrison summarized these eight homeland security related Army tasks. He also identified Space Operations, aerospace control and strategic response, but indicated these tasks would most likely be assigned to the Air National Guard with a concept of operations approved by the Air Combat Command Commander.

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⁷⁵ Ibid., 4.

⁷⁶ Echiavarria, 12.

⁷⁷ Ibid., 14.

⁷⁸ Bender, Donald E., Defending Gotham: Nike Missile Defenses of the New York Metro Area, 1954-1974; available at <<http://alpha.fdu.edu/~bender/Nysplash.html>>; Internet; accessed January 27, 2002.

⁷⁹ Cordesman, 14.

⁸⁰ Harrison, 6.

⁸¹ Harrison, 6. MG Harrison listed these tasks in a discussion of Military Support to Civilian Authorities (MSCA) for natural and man-made disasters, civil disturbances, and other emergencies requiring military support.

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