

**STRATEGY
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**THE ROLE OF NATIONAL GUARD IN DEFENDING THE
HOMELAND**

BY

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USAWC STRATEGY RESEARCH PROJECT

THE ROLE OF THE NATIONAL GUARD IN DEFENDING THE HOMELAND

by

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ABSTRACT

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The intent of this paper is to review the role of the National Guard in defending the homeland. This paper will stress the fact that in order to defeat a threat you must rapidly respond to the threat with forward deployed units. It will focus on the National Guard's State mission(s) in relation to homeland security, and will highlight the significance of the Guard's federal responsibilities in relation to the security of the nation. The National Guard is an integral part of the Army and Air Force and will play a key role to the security of the 21st Century. Identify existing threats inside state borders and address what local leaders or governors are doing to combat these threats.

The research report addresses the many programmatic, and practical issues associated with protecting the homeland.

At the most basic level, the report seeks to provide the Department of Defense audiences with an overview of homeland defense, and the various organizations at the local, state, and federal level that the Department of Defense may need to interface with under different circumstances.

This report was initiated post September 11, 2001, when terrorist attacks occurred against the American homeland, and after the President George Bush, appointed former Governor Tom Ridge to direct and stand-up the first Office of Homeland Security.

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PREFACE

The purpose of this research project was to show how the National Guard is a forward deployed organization that can respond to asymmetric threats inside the American borders. The obvious challenges are insuring the organization is properly equipped, and trained, to plan, prepare and respond to asymmetric threats.

What motivated me to choose this topic was the impact September 11, 2001 (911), had on America, and how well the Mayor of New York City and America responded to 911. The lessons we learned from the September 11 attacks are for the most part America does an amazingly outstanding job when it comes to consequence management, but we do poorly in sharing intelligence across the different government agencies to prevent an asymmetric attack. My research does not go into an extensive search on intelligence capabilities within the National Guard, or does it suggest the Guard is the conduit for future intelligence sharing. But, what it demonstrates to the Department of Defense is that the Guard's forward deployed units are potentially the best available military force to integrate with first responders in state and local communities.

The Hart-Rudman Commission identified homeland security as a national security priority and the 2001 Quadrennial Defense Review addressed it as well. Unfortunately, it took the 911 incident to get America's attention and for the President to activate the Homeland Security Agency. This agency will publish a national strategy on homeland security and this strategy will provide the Secretary of Defense with recommendations on how to prepare, prevent and respond to asymmetric threats.

The National Guard provides each State with the flexibility to prepare and respond with a military force immediately and decisively in the event of an asymmetric attack. Most communities know the National Guard from their contribution in response to natural disasters and in some states the Adjutant General is in charge of the state's disaster emergency preparedness mission. The Guard routinely works with local firemen, police and emergency medical personnel during disasters, and these soldiers and airmen are sometimes one of the first to arrive and one of the last to leave a disaster scene. These soldiers and airmen are citizens of the local communities and are perceived as a lesser threat than regular forces to the community in times of crises. The Guard has also worked extensively with local law enforcement, the Federal Bureau of Investigation, the U.S. Coast Guard, and the Drug Enforcement Agency in counter-drug operations. The Guard's contribution to disasters and to counterdrug operations has always been in a support role to the civilian agency in charge of the situation. The Air Guard has provided air defense over the American borders for years and during the September 11 attacks the Massachusetts Air Guard scrambled fighter aircraft from Otis airfield under the direction of the North American Aerospace Defense (NORAD) Command. These F-15 aircraft were just a couple of minutes from intercepting United Flight 175 over New York City, when Flight 175 struck the second tower. The National Guard has the Constitutional mandate to provide homeland defense for the United States, and has in the past carried out the mission through manning of anti-aircraft defense sites during the Cold War.

In 1996 The Nunn-Lugar and Domenici Act established requirements for the military to develop a force capability to respond to weapons of mass destruction, and the National Guard was initially funded to field 10 teams, which were to match-up with the 10 Federal Emergency Management Agency (FEMA) regions. Since 911 the push is to have a team in every state but the last count was that Congress had only approved 32 teams. These 22 person teams are fulltime U.S. Code Title 10 guardsmen and today these teams are referred to as Weapons of

Mass Destruction-Civil Support Teams (WMD-CST). These WMD-CST provide a well trained assessment team to support the State response as a lead element for the National Guard in the event of a chemical, biological, radiological, nuclear or high yield explosive (CBRNE) incident. Their knowledge of the emergency management system, expertise in emergency response operations, and technical capabilities may provide tremendous assistance to the local incident commander. Chemical, biological, radiological, nuclear or high yield explosive terrorism requires rapid response to a suspected or actual terrorist attack. The WMD-CSTs provide assessment of the damage, consultation on logistics, medical, chemical and biological defense and transmission of the situation to higher headquarters to facilitate follow-on military forces. The WMD-CST's are available for rapid deployment for CBRNE response operations.

The recent events have brought the issue of homeland defense to national attention, and it's not a new mission for the National Guard. Constitutionally chartered to "execute the laws of the union, suppress insurrections and repel invasions" (U.S. Constitution, Article 1, Section 8, Clause 16), the Guard has been performing the mission of homeland defense for 365 years.

This paper was completed just weeks prior to the announcement of North Command and it will be very exciting times in the near future to see how the Guard is called to duty to protect the American homeland.

THE ROLE OF THE NATIONAL GUARD IN DEFENDING THE HOMELAND

In December 1636 a group of American colonist consisting of farmers, teachers, politicians and merchants gathered their weapons to protect their homeland. These individuals were volunteers and would eventually be known as the militia or citizen-soldiers and in today's terms they are the National Guard. They were unique individuals in the sense that they were not full-time soldiers, but were true patriots who believed in doing what was right at all cost to protect their homeland in a time of need. These citizen-soldiers were forward deployed and could provide immediate response to the threat. Once the threat had been deterred or defeated, these individuals or volunteer citizen-soldiers would return to their full-time responsibilities within their respective communities. The United States had not been established as a country and did not have the appropriate resources to budget for a regular military force, therefore, the American colony leaders had no choice but to rely on the militia to protect the homeland.¹

America was a fledgling democracy in the 1700's and the militia was used extensively to combat terrorism within their borders. As the American colonies developed into a prosperous democratic nation and their national security was at risk, there was a need for a professional military. The U.S. Army was founded on June 14, 1775, when the Continental Congress authorized enlistment of riflemen to serve the United Colonies for one year.² Since 1775 the U.S. Army and the militia have fought side by side to protect America and its' national interest.³

Over the past decade, the U.S. national security environment has seen a great change while the organizations that comprise the Nation's security have remained relatively unchanged.⁴ Even before the attacks of September 11, 2001, senior leaders in the defense department had been developing a new strategy for America. This new defense will embrace uncertainty and contend with surprise. This 21st century strategy will focus on the idea of being effective globally, but simultaneously protecting the American homeland. America's 21st century strategy will seek to extend America's influence and preserve America's security. The 2001 Quadrennial Defense Review shifted the basis of defense planning from a "threat based" model that has dominated thinking in the past to a "capabilities based" model for the future. This capabilities based model focuses on how an adversary may fight rather than specifically whom the adversary might be or where a war may occur. The United States must identify the capabilities required to deter and defeat adversaries who will rely on surprise, deception, and asymmetric warfare to achieve their objective. The threat of asymmetric attack on critical

United States infrastructure and on the nation's ability to execute its war plans is credible.⁵ America's ability to adapt effectively to the threats from the air, land, maritime, cyber and space domains will be critical to maintaining U.S. military preeminence in the 21st century.⁶

The protection of the homeland has become a "Major Theater of War", says Admiral James Loy, Commander, U.S. Coast Guard, during a speaking engagement with the Heritage Foundation.⁷

September 11, 2001 is receiving unprecedented attention throughout the United States government, because of complex policy, operational, and even constitutional issues concerning how we organize and prepare to defend Americans. Homeland security responsibilities span an array of federal, state, and local organizations, which will require enhanced interagency processes and capabilities to effectively defend the United States against attacks. The recent establishment of the President's Office of Homeland Security will galvanize this vital effort.

The President of the United States has tasked the Office of Homeland Security with coordinating a National Security Strategy against terrorism.⁸ This strategy will influence the future roles and missions of the Nation's military and will have a profound impact on the National Guard. The National Guard's unique federal and state mission capabilities will provide ready and forward deployed units in the protection of the homeland.⁹

RESPONSIBILITIES

Homeland defense will involve extensive coordination and liaison among interagency, joint, multi-jurisdictional (state and local), and federalized military forces entities. Some clear but relatively unknown distinctions are important in terms of federal and state control and the differing roles of the key agencies involved in crisis and consequence management.¹⁰

Crisis management—Measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism. The laws of the United States assign primary authority to the Federal Government to prevent and respond to acts of terrorism; State and local governments provide assistance as required. Crisis management is - predominantly a law enforcement response. Based on the situation, a Federal crisis

management response may be supported by technical operations, and by Federal consequence management, which may operate concurrently.¹¹ The FBI is the lead agency for crisis management in response to a domestic terrorist threat or incident.¹²

Consequence management— Measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses and individuals affected by the consequences of terrorism —is primarily a state and local responsibility.¹³

When state authorities request federal help, regardless of whether the disaster is natural or man-made, the Federal Emergency Management Agency (FEMA) is usually the lead agency and Department of Defense (DOD) is in a supporting role. The military's role, as part of DOD, will also be one of support. The Secretary of the Army is the executive agent for consequence management and the Director Of Military Support is the action agent for coordinating DOD support. These distinctions are embedded in federal law, the Federal Response Plan and its Terrorism Incident annex, other federal plans, and in our military services, and joint doctrine and directives.¹⁴

Joint Task Force Civil Support, is a newly-established joint task force assigned to U.S. Joint Forces Command that provides command and control over DOD forces in support of a lead federal agency managing the consequences of a chemical, biological, radiological, nuclear or high-yield explosive (CBRNE) in the United States, its territories and possessions.¹⁵

Joint Task Force Civil Support's mission is part of the DOD's overall effort to support a presidential directive regarding terrorism. Joint Task Force Civil Support ensures that DOD assets are prepared to respond to requests from a lead federal agency in a time of national crisis following a weapon of mass destruction (WMD) incident. Joint Task Force Civil Support's consequence management responsibilities are performed under existing federal law, which provides for specified and limited military involvement in states as well as U.S. territories. In general, federal military participation in a WMD incident must be in accordance with U.S. law, at the request of the governor of the state or U.S. territory, or authorized by the President or Congress.¹⁶

Joint Task Force Civil Support is under the operational control of U.S. Joint Forces Headquarters Homeland Security directorate, who reports to the Commander-in-Chief, U.S. Joint Forces Command, who reports to the Secretary of Defense, and to the President. A one-star general commands the Joint Task Force Civil Support, which began operations on October 1, 1999.¹⁷

Within the United States, terrorism, sabotage and other physical threats perpetrated by U.S. persons are considered law-enforcement matters and are not within the purview of military intelligence. Foreign intelligence, international terrorism, subversion, espionage and other Nation's militaries or paramilitary organizations are threats that military intelligence can monitor, exploit or neutralize.¹⁸

When used in homeland defense operations, military intelligence assets will follow many routine procedures in support of the operational commander. These include determining and prioritizing information requirements and requesting information from other intelligence organizations.¹⁹

When operating under appropriate DOD procedures, intelligence may be processed, collected, collated, and correlated into prepared intelligence products. These products may be retained and shared with other DOD agencies on a need-to-know basis, and the information can be shared if the information indicates a violation of the law with federal, state, and local law enforcement. Under certain restrictions, it may also be shared with other members of the intelligence community.²⁰

Military intelligence assets will prepare time-sensitive intelligence on developments within their purview that could threaten the United States and its population. Routine intelligence estimates, assessments, briefings, and reports will be prepared for the operational commander. Included are databases on known and potential enemy force capabilities. This is especially important to assist installation commanders maintaining the proper level of security for force protection.²¹

Intelligence activities will constantly review the adequacy of their efforts to ensure that they are meeting their consumer's requirements and that necessary adjustments are made. An active and close relationship with intelligence and law-enforcement agencies is key to

appropriate and successful intelligence operations within the United States. Essential is a routine review of intelligence activities with DOD's Staff Judge Advocate and Intelligence Oversight Officers.²²

Domestic preparedness. The pillars of domestic preparedness include training, exercises, expert assistance, and response. The DOD's role in facilitating domestic preparedness at the local level is perhaps the most important engagement function. An interagency agreement establishes the Department of Justice as "one-stop shopping" for equipment and training resources, and it has a National Domestic Preparedness Office, manned by officials from a variety of agencies to orchestrate this effort.²³

Military Assistance to Civil Authorities (MACA) to include, Military Support to Civilian Authorities (MSCA), and Military Assistance to Civil Disturbances (MACDIS) are critical programs when discussing domestic preparedness and support. These programs are designed to support the civil government, local, state and federal interagency, in response to natural or man-made disasters and law enforcement. Specifically, these can include counter-drug, sensitive support, support to law enforcement, and counter-terrorism. The military's actions entail planning, preparing for, and applying resources to civil emergencies or attacks and national security emergencies.²⁴

The National Guard's dual mission capability has enabled them to be the Department of Defense's primary provider of Military Support to Civilian Authorities (MSCA) for natural and man-made disaster, civil disturbances and other homeland defense events requiring military assistance.

The U.S. military provides domestic support to the nation primarily through Military Assistance to Civil Authorities (MACA). The MACA is a broad program that addresses responses to both natural and man-made disasters, including Department of Defense assistance to civil disturbances, counter-drug activities, sensitive support, counterterrorism, and law enforcement. In a broad sense, all of these missions are homeland defense. Support to homeland defense includes actions that deter, prevent, and defeat hostile actions and post-attack response. Also included are internal actions to protect the military's freedom of action and its own assets, which are inseparable from the homeland.²⁵

Civilian agencies at the federal level are the primary agents for the coordination and employment of federal support to homeland security. With the exception of protecting the nation from missile, air, naval, and ground assault, and the protection of military facilities and installations, the military will play a supporting role. The Department of Defense will be guided by civilian law and led by the principle that the federal government assists state agencies, except in terrorism and Weapons of Mass Destruction (WMD) incidents where the Federal government has primary jurisdiction. The provision of the Posse Comitatus Act restricts the circumstances under which military personnel may be used for civilian law-enforcement activities. When supporting state and local authorities, the Department of Defense usually does so through other federal agencies according to established agreements and plans. Its support will encompass all the capabilities of the joint community, and interagency cooperation is critical to success.²⁶

The Critical Asset Assurance Program (CAAP) replaces the Key Asset Protection Program, and its purpose is to identify critical assets and to assure their integrity, availability, survivability, and capability to support vital DOD missions across the full range of military operations.²⁷

Within DOD, assurance is a responsibility of the owning or controlling DOD component. However, the Secretary of the Army is DOD's executive agent for the CAAP; the Director of Military Support is the Secretary's action agent.²⁸

An emerging and evolving program, the CAAP must complement and leverage related national programs and activities in an interagency context. Examples are the National Infrastructure Protection Center of the FBI, the Army Computer Emergency Response Team, and the JTF Computer Network Defense, which is currently collocated with Defense Information Security Agency (DISA).²⁹

Governors play a critical role in homeland security. State and local law enforcement and health personnel provide the first line of defense in protecting critical infrastructure and public health and safety. Should an incident occur, state and local personnel are the first to respond to an emergency and the last to leave the scene. Governors, with the support of the federal government, are responsible for coordinating state and local resources to effectively address natural disasters, accidents, and other types of major emergencies, including terrorist incidents.³⁰

There is a continuous debate about the future of all military structures and how quickly they must transform to be a viable force in the 21st century, but in this paper the topic focus will be on the future of homeland security, and the role the National Guard can play to support the homeland security mission.

UNDERSTANDING HOMELAND SECURITY

Homeland security is a continuation of the Constitutional requirement to protect United States population and territory, a task in which the U.S. military forces, either regulars, or militia have always had a key role. The fundamental justification and broader context of homeland security activities can be found in the Preamble; Article I, Section 8; and Article IV, Section 4, of the Constitution of the United States.³¹ The Preamble includes the basic “insure domestic tranquility” and “provide for the common defense” justifications:

[In] Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promotes, the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.

Article I, Section 8, elaborates on the circumstances in which the military might be domestically employed:

Congress shall have Power...to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections, and repel Invasions.³²

And Article IV, Section 4, expands on this authority:

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them... against domestic Violence.³³

There are also federal laws that provide the specific mechanisms for federal (including military) support to civil authorities, particularly in the context of “civil emergencies”.

In 1988, Public Law 93-288 was amended by Public Law 100-707 and retitled as the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended). The Stafford Act provides the authority for the Federal government to respond to disasters and emergencies to provide assistance to save lives and protect public health, safety, and property.³⁴

The Federal Response Plan (for Public Law 93-288, as amended), hereafter referred to as the Plan, is designed to address the consequences of any disaster or emergency situation in which there is a need for Federal response assistance under the authorities of the Stafford Act. It is applicable to natural disasters such as earthquakes, hurricanes, typhoons, tornadoes and volcanic eruptions; technological emergencies involving radiological or hazardous material releases, and other incidents requiring Federal assistance under the Act.³⁵

The most controversial law impacting the use of military force today is the "Posse Comitatus Act" (18 USC 1385). This law was a Reconstruction Era (post Civil war) criminal law proscribing use of the regular or federalized Army (later, the Air Force) to "execute the laws" except where expressly authorized by the Constitution or by Congress. The Act limits the use of the military for civilian law enforcement and also applies to Navy by regulation. In December of 1981 additional laws were enacted (Title 10 United States Code 371-78) clarifying permissible military assistance to civilian law enforcement agencies—including the Coast Guard—especially in combating drug smuggling into the United States. Posse Comitatus clarifications emphasize supportive and technical assistance (e.g., use of facilities, vessels, aircraft, intelligence, tech aid, surveillance, etc.) while generally prohibiting direct participation of Department of Defense personnel in law enforcement (e.g., search, seizure, and arrests). For example, Coast Guard law enforcement detachments serve aboard Navy vessels and perform the actual boarding of interdicted suspect drug smuggling vessels and, if needed, arrest their crews). Positive results have been realized especially from Navy ship/aircraft involvement. Posse Comitatus does not apply to the National Guard when they are mobilized or deployed under State or Title 32 status. However, the act does apply when they are federalized (Title 10 authority).³⁶

The Insurrection Statutes (10 U.S.C. 331 *et seq.*) constitute another specific congressional exception to the Posse Comitatus Act. The Insurrection Statutes authorize the President to use federal military personnel (federalized National Guard) to suppress an insurrection in a state or territory (10 U.S.C. 331), to enforce federal law within a state or territory where an insurrection

in a state or territory prevents the judicial system from operating (10 U.S.C. 332) and where there is an unlawful combination or conspiracy to deprive citizens of their federal constitutional rights (10 U.S.C. 333).³⁷

The Department of Defense has also provided defense directives to its military services and to the Coast Guard in supporting the federal government. These directives are intended to streamline the utilization of military forces in support of civilian authorities. Once such directive is the Military Assistance to Civil Disturbance, DOD Directive 3025.12. The Secretary of the Army is the DOD Executive Agent and acts for the Secretary of Defense for the development of planning guidance, implementation, and procedures as delineated in DOD Directives 3025.12.³⁸

The Directive 3025.12 does not address non-Federalized National Guard assets in support of local and/or State civil agencies approved by the Governor. However, there exists potential for such deployments to result in confrontation, use of lethal force, or national media attention. Therefore, the Director of Military Support (DOMS) shall keep the Chairman of the Joint Chiefs of Staff and the Secretary of Defense informed of such support.³⁹

A PARADIGM IN HOMELAND SECURITY

The military's history is rich in providing support to the nation in a variety of endeavors—from disaster relief, to medical research, to the quelling of rebellion. The homeland has not always been secure, and military support has been necessary to protect civilians in the development of our nation. In Pennsylvania in 1794, for example, President Washington employed the militia, the volunteer force that later became the National Guard, in a show of force to suppress the insurrection known as the Whiskey Rebellion.⁴⁰ In 1992, more than 22,000 federal troops deployed to South Florida to help civilian officials deal with the aftermath of Hurricane Andrew. Also in 1992, all three Army components deployed to Los Angeles to protect the population from riots.⁴¹ Recently, the September 11, terrorist attacks against America brought all branches of the military forces, and including the United States Coast Guard to the response.

What has changed is the architecture of national vulnerabilities, the capabilities of potential enemies to exploit these vulnerabilities to attack our people and assets, and the dedication of

international terrorists to harm the United States. The asymmetric threats of chemical, biological, radiological, nuclear and high yield explosives (CBRNE) are now a major concern and can be used to harm the United States. Reports like the United States Commission on National Security/21st Century's (Hart-Rudman Commission), and National Security Strategy lend emphasis and focus to the role of the U.S. military in adapting to these changes.⁴²

REVIEW OF THE UNITED STATES COMMISSION ON NATIONAL SECURITY/ 21ST CENTURY REPORT

A bipartisan 14-member panel was established in 1998 by then President Bill Clinton, and then House Speaker Newt Gingrich, to make sweeping strategic recommendations on how the United States could ensure its security in the 21st century. On January 31, 2001 seven Democrats and seven Republicans unanimously approved 50 recommendations by the Commission. Many of them addressed the point that, in the words of the commission's executive summary, "the combination of unconventional weapons proliferation with the persistence of international terrorism will end the relative invulnerability of the U.S. homeland to catastrophic attack." According to the report, "A direct attack against American citizens on American soil is likely over the next quarter century."⁴³

The United States Commission on National Security/21st Century was co-chaired by Senators Gary Hart and Warren Rudman. In the road map for National Security, the Commission completed three phases of work, moving from analysis to strategy to the redesign of the structures and processes of the United States national security system. For example, in Phase I the commission stressed that mass casualty terrorism directed against the United States homeland was a serious and growing concern. The Commission therefore proposed in Phase II a strategy that prioritizes deterring, defending against, and responding effectively to such dangers. Thus in Phase III, the Commission recommended a new National Homeland Security Agency to consolidate and refine the missions of the nearly two dozen disparate departments and agencies that have a role in United States homeland security today.⁴⁴ The National Homeland Security Agency became active post September 11, 2001.

The commission realized the entire range of U.S. National Security policies and processes required reexamination in light of new circumstances. Those circumstances encompass not only the changed geopolitical reality after the Cold War, but also the significant technological, social, and intellectual changes that are occurring. Despite the end of the Cold War threat,

America faces distinctly new dangers, particularly to the homeland. Within the Phase III Report, the Commission provides its vision for the National Guard's role in homeland security.⁴⁵

The Commission's Phase III Report 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 reorganized, properly trained, and adequately equipped to undertake that mission." In this context, the National Guard would redirect "resources that are currently allocated predominantly to preparing for conventional wars overseas to provide greater support to civil authorities in preparing for and responding to disasters, especially emergencies involving weapons of mass destruction." ⁴⁶

This report could be interpreted as a call for homeland security to become the primary mission of the Guard. However, in testimony before the House Government Reform Subcommittee on National Security, Veterans' Affairs, and International Relations, Commission Co-Chair Warren Rudman stated:

One of our recommendations that has been vastly misunderstood is, we talk about forward deployment of U.S. forces, the United States 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.⁴⁷

The National Guard has always been a valuable asset to the United States in both war and peace and the American people must not lose sight of the Guard's war fighting mission capabilities. Since, September 11, 2001 there have been several debates in reference to what the National Guard's contributions should be to homeland security or should the National Guard be completely be restructured to solely protect or primarily focus their mission essential task on the homeland.⁴⁸ The National Guard's primary mission is to provide combat ready forces to the Army and Air Force in support of any federal mission, and this requirement must continue throughout the 21st century.⁴⁹

The National Guard has the responsibility to support world wide military missions, and in 2001 they were deployed in over 64 different countries throughout the world.⁵⁰ The National Guard's traditional State missions under Title 32 authority will provide the homeland with the first response capability, and if the President needs federal troops to respond to a threat the Guard will provide support under United States Code, Title 10 authority as well.

The Guard can and will contribute significantly to the homeland security mission if resourced properly. The Hart-Rudman Commission supports the National Guard's federal responsibilities, and recognizes the enhanced role of the Guard in homeland security. The Hart-Rudman Commission recommendations will be presented and analyzed below.

The Commission recommends that the National Guard be directed to fulfill its historic and Constitutional mission of homeland security.

The Guard is the forward deployed units with the first response capability. The Commission is addressing the fact that currently, the Army National Guard with 350,000⁵¹ soldiers strong—makes up more than one-half of the Total Army's ground combat forces and one-third of its support forces. The Army National Guard has units in 2,700 communities in all 50 states, the District of Columbia, Guam, Puerto Rico and the Virgin Islands. The Air National Guard has 88 flying units and more than 170 installations nationwide. National Guard units are organized, trained and equipped to the same standards as the U.S. Army and the U.S. Air Force. There are National Guard organizations in every congressional district. These units - always closely connected to a hometown and state - have evolved into first-rate military forces. They serve with active duty Army and Air Force units at installations in the United States and overseas.⁵²

The National Guard is the organized militia reserved to the states by the Constitution of the United States under Article 1, Section 8. In peacetime, the governor of each respective state or territory commands the National Guard. When ordered to active duty for mobilization or called into federal service for emergencies, units of the Guard are under the control of the appropriate service secretary.

The militia clause in the Constitution reserves the appointment of officers and the authority of training the militia (according to congressionally prescribed standards) to the states. In 1903,

Congress officially designated the organized militia as the National Guard and established procedures for training and equipping the Guard to the active duty standards.⁵³

The National Guard has two roles — one as part of the nation's entire military force, and the other to the respective states for emergency response and community support missions. This dual state/federal role for the National Guard is based on a Constitutional mandate. The relationship is unique and sets the National Guard apart from other military reserve forces.⁵⁴

In a testimony before Congress in July 2001 the Adjutant General of Connecticut the National Guard Bureau, provided a recommendation of the role the National Guard during state emergencies.⁵⁵

General Cugno's recommendation was to allow governor's to use their existing military forces to solve the problem at the lowest possible level. The mission should be given to the State Adjutant General. He or she is in the best position to determine how to use effectively and efficiently the manpower of his or her state National Guard.⁵⁶

HART-RUDMAN COMMISSION'S RECOMMENDATION ON THE ROLES OF THE NATIONAL GUARD IN HOMELAND SECURITY

PARTICIPATE IN AND INITIATE, WHERE NECESSARY, STATE, LOCAL, AND REGIONAL PLANNING FOR RESPONDING TO WEAPONS OF MASS DESTRUCTION (WMD) INCIDENT.⁵⁷

At the State level, each National Guard State Area Command is responsible for ensuring that the National Guard is well integrated into the state's emergency response plan. The State Area Command (STARC) may also have the responsibility of preparing the consequence management portion of the State's emergency response plan. The STARC is responsible for supporting community based readiness exercises and these exercises may cover the different phases of planning, preparation, mitigation, response and/or recovery of natural or man made disasters. There are some states that have their National Guard units involved in the planning of regional cooperation through interstate emergency compacts. There are three regional, general, humanitarian compacts in effect: The Mutual Aid Compact (1952); the Southwestern Governors Compact (1992, amended); and the Emergency Management Assistance Compact ("EMAC, 1995). These agreements include more than 30 states and territories. The EMAC

emerged out of the Southern Governors' Conference as a result of the efforts of Governor Lawton Chiles of Florida. He was not happy with his own state's response to Hurricane Andrew nor was he happy with other states' assistance provided to Florida. The EMAC is a mutual aid agreement and partnership between states. Approved by Congress in 1996 as Public Law 104-321 with 13 states and required that states must legislate EMAC as law in order to be a member. The EMAC is intended to become the single, nationwide agreement for all States. A governor, for example, cannot simply issue an executive order making a state a part of the compact. These compacts enable the National Guard to provide rapid deployable capability and support assets across state boundaries during disasters. The National Guard has been participating in the planning of the Federal Response Plan and in the planning of WMD incidents. The National Guard Bureau is fully integrated in the national planning level with the Department of Defense WMD initiatives.⁵⁸

In the late 1990s the National Guard fielded the Weapons of Mass Destruction Civil Support Teams (WMD-CSTs). These teams are currently being trained and certified, and are involved in national, state and local planning. The WMD-CSTs are currently based in Alaska, Arkansas, Arizona, California, Colorado, Georgia, Florida, Hawaii, Idaho, Illinois, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Missouri, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Washington, and Virginia. The WMD-CST are state assets that are controlled by the governor, and their mission is to assess a suspected WMD⁵⁹ event in support of local incident commander, advise civilian responders regarding appropriate actions, and work to both facilitate and expedite the arrival of additional military forces if needed.⁶⁰ These teams are different from and are not the Joint Task Force Civil Support teams as discussed earlier in the report.

TRAIN AND HELP ORGANIZE FIRST RESPONDERS.

The National Guard has established one of the best Web-based distance learning programs throughout the country. The Army Guard in particular has provided fiber optic communications architecture to several National Guard installations, and has a goal of providing a distance learning classroom within 60 minutes travel time of every soldier. The existing architecture is in place to support the classroom environments for the first responder, but that's it. The National Guard is currently not funded or equipped to train first responders. The National Guard has a limited role in training first responders in their technical skills.⁶¹ Accrediting organizations, educational institutions, and internal training professionals are better equipped to train first

responders. The National Guard should only be the trainer in unique situations that require military training, specialized training that the Guard can best provide or by specific request of the first responders. The National Guard participates with the Department of Defense, and federal, state and local organizations in the emergency response planning process, as outlined above.

MAINTAIN INVENTORIES OF MILITARY RESOURCES AND EQUIPMENT AVAILABLE IN THE AREA ON SHORT NOTICE.

If properly resourced, the National Guard can maintain an inventory of the military resources within its state to provide state and federal officials a comprehensive list of such resources. As each state National Guard maintains a current listing of its own resources, this inventory would entail surveying other military services to determine the resources that would or could be used in emergency situations. Department of Defense guidance would be required to designate the National Guard as the lead agency on such a project.⁶²

PLAN FOR RAPID INTER-STATE SUPPORT AND REINFORCEMENT.

Each National Guard has a rapid response contingency plan for emergency operations. Such a response capability can be reoriented toward inter-state support and reinforcement, as currently exists through the Emergency Management Assistance Compact system and other agreements. The key aspect of this response, however, is that the decision to request and ultimately provide National Guard support is made by the individual states. The National Guard should support regional councils that coordinate plans for inter-state support and reinforcement.⁶³

DEVELOP AN OVERSEAS CAPABILITY FOR INTERNATIONAL DISASTER RELIEF AND HUMANITARIAN ASSISTANCE.

The National Guard has a long tradition of supporting international disaster relief and humanitarian assistance operations. The same capabilities the National Guard provides to the individual states are available for such operations. With appropriate funding and changes in

statutes, the National Guard could take a more active role in this mission. For example, the Denton Amendment, passed by Congress in 1985, currently restricts humanitarian aid from being transported on military aircraft not already scheduled to destinations in the affected area(s). The appropriate staffing and implementation of guidelines from Regional Commander-in Chief (CINC) would be necessary to ensure over flight protection and the recovery of National Guard aircraft in case of emergencies.⁶⁴

SHOULD THE NATIONAL GUARD TAKE THE LEAD IN HOMELAND SECURITY?

In the National Guard's traditional homeland security roles of crisis/consequence management and counter-drug and drug demand reduction support, the Guard is clearly a supporting agency. The Federal Response Plan as well recognizes the National Guard's contribution as one of support to civilian federal agencies such as to FEMA and the FBI.

The National Guard does not currently have the legal authority, national command structure or mandate to be the lead federal agency for homeland security. The role of the National Guard (and military) has always been one of support and subordinate to civil authorities; a change to the status of lead agency would require a significant change in our national culture and tradition. Civilian agencies would be reluctant to work within a structure that had them subordinate to the National Guard or any military organization. The lead agency will have responsibility for coordinating the prevention, deterrence and consequence management aspects of homeland security. While the military has a role in deterrence and consequence management, prevention is primarily a law enforcement function. Any attempt to have law enforcement agencies subordinate to a military organization would be vigorously opposed by these agencies and, almost assuredly, the American people. The National Guard can, however, have a more significant role in coordination of the military response to domestic emergencies.⁶⁵

The one star general officer position or the commander of the Joint Task Force-Civil Support should be a National Guard officer reporting to the Commander-in-Chief, U.S. Joint Forces Command.

The Hart-Rudman Commission recommended that the Defense Department broaden and strengthen the existing Joint Forces Command's Joint Task Force-Civil Support (JTF-CS) to coordinate military planning, doctrine, and command and control for military support for all

hazards and disasters. This JTF-CS should contain several rapid reaction task forces, composed largely of rapidly mobile National Guard units. The task force should have command and control capabilities for multiple incidents. This recommendation appears to strengthen the case for Joint Forces Command to have primacy over military assets in a homeland security event; however, this would not give any power to Joint Forces Command outside military channels.⁶⁶

Strengthening JTF-CS with additional National Guard resources leverages the Guard's unique experience and capabilities. The National Guard has developed leaders and personnel with the experience and expertise to lead the JTF-CS. Implementation of this recommendation would provide significant manpower resources for homeland security missions. There are, however, several issues that must be addressed.

Although a National Guard general would direct JTF-CS, this officer would almost certainly be in a Title 10 status, similar to that of active duty personnel. Thus the ability of this officer or JTF-CS (as a Title 10 organization) to command and control National Guard troops in any status other than presidential federalization (such as State Active Duty, Title 32, etc.) is questionable.

Command and control of the proposed National Guard rapid reaction task forces in a homeland security event may be complicated. If these rapid reaction forces remain in a non-federal status, the states would have to pay for them (with some federal reimbursement), and command and control by JTF-CS as a Title 10 entity would be questionable. If the rapid reaction forces were federalized, JTF-CS would have clear command and control of these forces; however, the Governors and Adjutants General of the affected states would lose their authority to direct and control these National Guard forces.

While the National Guard is an excellent source of manpower and equipment during emergency events, the ability to meet "rapid reaction" criteria may prove difficult. Upon activation for emergency events, National Guard units are normally given 12-36 hours to contact their personnel, report to their units, check equipment, conduct briefings and prepare for movement to the affected area. This time can be reduced if the magnitude and timing of an event can be predicted with some certainty (for example, the time, place, landfall and expected damage of hurricanes can normally be foreseen). However, the types of homeland security events envisioned by the Commission would come with minimal or no warning. National Guard

rapid reaction units could be placed on a ready status to reduce the activation time; however, any standard that would call for less than 24 hours from the initial notification to deployment may be unrealistic.

THE GUARD'S CONTRIBUTION TO THE AIR, LAND, SPACE AND CYBER DOMAINS

A threat assessment of the homeland would reveal that there are five primary domains that must be addressed in defending the homeland. These domains include; maritime, land, air, space and cyber (internet). The U.S. Coast Guard will work closely with the Navy in ensuring the maritime is protected.

In continuing with a threat analysis, the homeland security lead agent or commander would want to maximize available resources to ensure all domains are covered or there are no gaps within the seams of each domain. Let me explain, FEMA has 10 regions, which do not correspond with the U.S. Coast Guard's regions.⁶⁷ Why might this be an issue? Because if the regions do not overlap with each other then who is in charge of the coordination, and command and control and communications of regional assets in a crisis. Command and control training exercises in each region will help in solving the unity of command issue, and these training exercises will assist state and local agencies in identifying and assigning appropriate resources to a situation. The National Guard has the resources to cover four of the domains, but could assist the U.S. Coast Guard in the Air and on Land.

Defense of the Territorial United States. 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.⁶⁸

Air Sovereignty. The Air National Guard will continue the mission of safeguarding the sovereign skies of the United States through tactical warning and attack assessment; peacetime air sovereignty to include detection and monitoring of suspected drug aircraft; and air defense of the United States during all phases of conflict.⁶⁹

Assistance to Customs Authorities, Border Patrol, and other agencies. The National Guard is uniquely positioned to aid United States Custom Service, the Border Patrol and other agencies in securing the nation's air and seaports of entry. The Customs Service does not have

sufficient staffing levels to thoroughly inspect import and export cargo for contraband and illegal drug proceeds. Guardsmen currently enhance Federal law enforcement efforts at entry points on a small scale by providing trained personnel and high-tech equipment in order to interdict contraband importation. With additional resources, National Guard support could be expanded.⁷⁰

National Missile Defense. If the United States deploys a national missile defense system, the Reserve Component can substantially participate in this mission. As elements of this system will likely be ground-based and have regularly programmed activities, staffing such a system with a significant number of Reserve Component personnel appears feasible.⁷¹ The Army and Air National Guard have developed a working group to determine relevant roles and initiatives within this mission area.⁷²

Space Operations, Aerospace Control, and Strategic Response. A draft Concept of Operations (CONOPS) for North American Homeland Defense Command and Control is currently being circulated. The CONOPS, which will require the approval of the Air Combat Command Commander, will synchronize six operational functions - space operations, aerospace control, North American ballistic missile defense, information operations, strategic response, and consequence operations into a "homeland defense" framework. The Air National Guard will be a key player in the final Air Force space operations, aerospace control and strategic response plan.⁷³

Support to consequence management. Military forces 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. The Federal Response Plan will be the key plan for the employment of forces. The military possesses unique capabilities in the case of a WMD event: detection, decontamination, and medical care, including assessment, triage, treatment, transportation, hospitalization, and follow-up on victims of chemical and biological agents. The Reserve Component will provide much of this support. In unusual circumstances, military forces may assist with civil order in conjunction with state and local law-enforcement authorities. This is done under approved rules of engagement and appropriate laws.⁷⁴

Protection of critical assets. Enemy forces may attack facilities that are essential for the operation of society, the government, and the military. These assaults can disrupt civilian

commerce, government operations, and military capabilities. Critical assets include telecommunications, electric power, gas and oil, banking and finance, transportation, water, emergency services, and government continuity. Military equipment and forces may be used to prevent their loss or to restore lost capability.⁷⁵

Support to counterterrorism. When terrorists pose an imminent threat to U.S. territory, its people, and critical assets, the U.S. military may be used to conduct operations to counter these threats, using ground, air, space, special operations or maritime forces. Such use will be a political decision, often made in conjunction with allies, and especially sensitive when the threat is from a transnational group. The demonstrated capability to conduct these operations will assist in keeping U.S. territory from becoming a target. As discussed in Joint Pub 3-07, Joint Doctrine for Military Operations Other Than War, strikes and raids may be conducted to fulfill these objectives.⁷⁶ The National Guard can support this mission through its role in the Federal Response Plan and by providing appropriate military related skills training to law enforcement agencies.

Deterrence/defense against strategic attack. The ballistic missile defense (BMD) programs are designed to detect, engage, and destroy mid- to long-range, cruise, and short-range missiles. One planned system will engage fixed- and rotary-wing aircraft. These systems are designed to protect military installations, population centers, and critical assets. The Army is managing the development of dedicated BMD ground-based elements, which include radar and interceptors. The BMD systems are mobile and can protect U.S. territory and assets of overseas Commanders-in-Chief. The U.S. Army and Navy will deploy these capabilities in years 2000 to 2006. WMD can also be delivered by conventional means via sea. U.S. Navy and Coast Guard ships can interdict and counter these dangers. U.S. Special Operations Forces can also assist in neutralizing offshore forces. Army assets may participate in these operations.⁷⁷

Identification of critical assets. Working closely with state and local officials, the National Guard can provide identification of key assets in their home state. The Department of Defense's Critical Asset Assurance Program is evolving and may ultimately direct the National Guard to undertake this mission.⁷⁸

Protection of critical assets. Enemy forces may attack facilities that are essential to the operation of society, the government, and the military. These assaults can disrupt civilian

commerce, government operations, and military capabilities. National Guard equipment and forces may be used to prevent their loss or to restore lost capability.⁷⁹

Support to crisis management. Selected military units in support of the lead agency may operate with the Department of Justice (DOJ) to eliminate identified threats. Assistance may be provided in the areas of transportation, equipment, training, and personnel.⁸⁰

Force Protection. The protection of installations, with their soldiers, equipment, facilities, civilian employees, and family members, is the commander's responsibility. Both passive and active security measures will be used to protect assets. The use of lethal and non-lethal systems ensures adequate protection of on- and off-post personnel. Close liaison with military and civilian law-enforcement authorities and military intelligence is essential.⁸¹

Information Operations. May be used to dissuade hostile movement into the homeland by emphasizing declaratory policy options and the sure knowledge of an overwhelming capability to defend us. A recent example was the official pronouncement that harboring terrorists could result in strong military measures by the U.S. against a nation involved. Assist in the defense of key information, communications, and decision systems. The National Guard can provide personnel, training and equipment in this key communications mission.⁸²

Staff Support/Staff Integration. The National Guard should be integrated into the staffs of appropriate federal, state and local agencies with homeland security responsibilities. As the National Guard has unique capabilities in homeland security, the Guard should provide qualified personnel to serve on the staffs of those organizations that could deploy/involve National Guard forces. This will increase coordination, improve efficiency, and significantly enhance the Guard's ability to effectively complete its homeland security missions.⁸³

Military Support to Civilian Authorities. The National Guard's unique federal-state status enables the Guard to be the United States armed forces' primary provider of Military Support to Civilian Authorities (MSCA) for natural and man-made disasters, civil disturbances, and other events requiring military assistance. These events have the capacity to inflict damage equal to or greater than those caused by devices normally termed "weapons of mass destruction". The National Guard may be employed in support of the lead 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.⁸⁴

National Guard Weapons of Mass Destruction Civil Support Team (WMD-CST)

Program. The Guard has established, trained and equipped National Guard assessment teams to provide the initial military support to attacks using nuclear, chemical, biological, or radiological weapons. These teams, made up of 22 highly trained Army and Air National Guard personnel, originally called Rapid Assessment and Initial Detection or RAID teams are now known as Weapons of Mass Destruction Civil Support Teams to more accurately characterize their mission to assist civil responders in dealing with the potentially overwhelming effects of such an attack. Congress has authorized 32 teams. When responding to the consequences of such an incident, the local incident commander requests assistance through the established emergency management system from county, state, and federal agencies, as required.⁸⁵

The Civil Support Teams' 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. These teams can provide technical expertise and training to other agencies involved in homeland security. The primary focus of the WMD-CSTs is to assist the incident commander and local first responders in managing the effects of a WMD incident.⁸⁶

Reception, Staging, Onward movement and Integration (RSOI) support to forces deploying for homeland security operations. When National Guard resources are inadequate to effectively respond to an emergency or major disaster, Public Law 100-707 allows for federal assistance through a Presidential Disaster Declaration. The Adjutant General, as the senior military representative to the Governor, has an implied responsibility to provide RSOI for disaster relief resources requested through existing compacts, like the Emergency Management Assistance Compacts (EMAC) or by the Governor for Department of Defense assets. The RSOI process provides critical information and guidance that incoming units will require to be successful, leading to unity of effort throughout the affected area.⁸⁷

Facilitate Local, State and Regional Planning. Planning and decision making skills provided by military personnel can be used to facilitate planning and coordination at all levels of emergency operations.⁸⁸

Provide Incident Assessment/Reconnaissance. Military personnel proficiency and equipment availability enable the National Guard to support state and local agencies making their initial assessment after a disaster.⁸⁹

Manage special inventories and stores, and provide these materials to incident site. The National Guard can provide and support pre-positioned sites for the storage and maintenance of material and equipment necessary for responses to homeland security threats. Additional resources would be required.⁹⁰

Counter-drug and Drug Demand Reduction. Illegal drugs are terrorist attacks, and continue to have a devastating effect on the fabric of the American society. Unfortunately, the United States leads the world in the consumption of illicit drugs by virtue of its size, economic status and culture. The consumption and abuse of drugs destroys Americans physically, financially and emotionally. In terms of defending America's borders against foreign invaders who cause concentrated mass destruction, our single greatest challenge with the highest annual mortality rate of any weapon of mass destruction is stopping foreign and domestic importers of illegal drugs.⁹¹

The National Guard provides invaluable assistance to federal, state and local law enforcement agencies, as well as Community Based Organizations to curb the supply of and demand for illegal drugs in the United States. The National Guard support falls into two categories - providing support to help law enforcement stop illegal drugs from being imported, manufactured and distributed; and supporting drug demand reduction programs. The Guard's integration into the drug programs is a perfect model to analyze when considering the role of the Guard against terrorism.⁹²

CONCLUSION

National Guard soldiers and airmen must be trained and ready to defend the security of our nation. They are war fighters who will be ready to deploy across the globe to protect our interest as well as the interest and security our friends and allies. The Guard must continue to play a key role in the strategic reserve of this nation and simultaneously be prepared to be the

first responder in the protection of America's homeland. They must continue to assist the total force in ensuring this nation is secure. Global stability is vital to the economic interest and prosperity of the United States and the National Guard must continue to participate in peacetime engagement through joint exercises and other peacetime engagement programs. The Army and Air National Guard remain an indispensable part of our National Military Strategy.

The National Guard could assume new homeland security missions that may require unique units, capabilities and equipment, if properly resourced. As future unique capabilities are identified for homeland security requirements, the National Guard can build additional structure to respond to evolving needs. These new missions may require units that do not mirror active component units, as was the case with the WMD-CST program.

The National Guard mission of homeland security continues to evolve.⁹³ A perfect starting point or good example of how to understand how the Guard could contribute to combating terrorism would be to analyze the Guard's integration into the U.S. counter-drug and demand reduction program(s). The Guard's participation in the counter drug program is a perfect model to review and homeland security will continue to be a primary mission of the National Guard. Once the Guard's ultimate missions and responsibilities are determined, they must be properly funded, trained and restructured accordingly to secure the homeland.

WORD COUNT = 8521

ENDNOTES

¹ National Guard Bureau website:

<http://www.dtic.mil/armylink/news/Dec1998/a19981207ng362nd.html>. This website establishes the birthday of the National Guard. According to Master Sergeant Bob Haskell The National Guard was born December 13, 1636, in Massachusetts.

² United States Army website: <http://www.army.mil/cmh-pg/faq/branches.htm>

³ Lieutenant General Russell C. Davis; Chief, National Guard Bureau remarks at the Air National Guard senior leadership meeting on December 3, 2001.

⁴ Center for Strategic Leadership Concept Paper 10-01; *Streamlining National Security Workshop and The Homeland Group*; Professor Bert Tussing and Colonel Peter Menk; October 2001.

⁵ Executive summary to the 2001 Quadrennial Defense Review Report; published September 30, 2001.

⁶ Post September 11, 2001, U.S. Joint Forces Command (USJFCOM) was tasked by the Chairman, Joint Chiefs of Staff to provide a draft campaign plan for Homeland Security and in my review of this document USJFCOM identified five critical domains for homeland security.

⁷ On December 17, 2001 The Commandant of the Coast Guard, Admiral Loy presented a speech at the Heritage Foundation on the *Role of The Coast Guard in Homeland Security*.

⁸ http://www.whitehouse.gov/homeland/homeland_security_book.html Page 5 of "Securing the Homeland Strengthening the Nation," President George Bush, Executive Order 13228, Section 2, October 8, 2001.

⁹ For the purpose of discussion, homeland security is defined as: "The prevention, deterrence, preemption of, and defense against, potential destructive acts or events, targeted at the U.S. and its territories, sovereignty, population, and infrastructures as well as the management of consequences of such acts or events creating domestic emergencies." This definition is broad in scope and includes the nation's response to a wide range of domestic threats, including natural and man-made disasters, illegal drug use, and civil disturbances. The Army The Army defined Homeland Defense as: "Protecting our territory, population and infrastructure at home by:

- Deterring and defending against all threats to US Sovereignty
- Supporting civil authorities in crisis and consequence management

- Helping to ensure the availability, integrity, survivability, and adequacy of critical national assets.”

¹⁰ Army Field Manual 3-19.30 Physical Security Homeland Defense is the military's role in the United States (US) government's principal task of protecting its territory and citizens. This manual includes the following in Homeland Defense —

- *Supporting domestic authorities for crisis and consequence management with regard to weapons of mass destruction (WMD).*
- *Protecting national-security assets (such as installations) and deploying forces and ensuring the availability, integrity, and adequacy of other critical assets.*
- *Deterring and defending against strategic attacks while maintaining freedom of action through antiterrorism and force-protection operations.* 8 Jan 01, preface statement

¹¹ Anser Institute of Homeland Security website:

<http://www.homelanddefense.org/bulletin/definitions.htm> A primer on Homeland Security was written by Randy Larson, Dave McIntyre, and Mark DeMier provides a list of key definitions and these are the institute's definitions. Crisis Management is defined as measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism. The laws of the United States assign primary authority to the Federal Government to prevent and respond to acts of terrorism; State and local governments provide assistance as required. Crisis management is -predominantly a law enforcement response. Based on the situation, a Federal crisis management response may be supported by technical operations, and by Federal consequence management, which may operate concurrently. (provided by Presidential Decision Directive 39 (PDD-39), United States Policy on Counterterrorism)

¹² An Army White Paper written by the Training Army Doctrine Command (TRADOC) on *Supporting the Homeland Defense*, May 18, 1999. p.5.

¹³ Anser Institute of Homeland Security website:

<http://www.homelanddefense.org/bulletin/definitions.htm> A primer on Homeland Security was written by Randy Larson, Dave McIntyre, and Mark DeMier provides a list of key definitions. Such as, Consequence management is defined as the measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses and individuals affected by the consequences of terrorism. The laws of the United States assign primary authority to the States to respond to the consequences of terrorism; the Federal Government provides assistance as required. (provided by Presidential Decision Directive 39 (PDD-39), United States Policy on Counterterrorism)

¹⁴ An Army White Paper written by the Training Army Doctrine Command (TRADOC) on *Supporting the Homeland Defense*, May 18, 1999. p.6.

¹⁵ Anser Institute of Homeland Security website: <http://www.homelandsecurty.org/journal> Article on *Joint Task Force Civil Support A New Focus in a New Millennium*, written by Major General Bruce Lawlor, first commander of Joint Task Force Civil Support; article updated in September 2001.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ An Army White Paper written by the Training Army Doctrine Command (TRADOC) on *Supporting the Homeland Defense*, May 18, 1999. p.9.

¹⁹ Ibid., p.9.

²⁰ Ibid., p.10.

²¹ Ibid., p.10.

²² Ibid., p.10.

²³ Ibid., p.10.

²⁴ Ibid., p.8.

²⁵ Ibid., p.3.

²⁶ Ibid., p.3.

²⁷ Ibid., p.12.

²⁸ Ibid., p.12

²⁹ Ibid., p.12

³⁰ http://www.house.gov/reform/ns/107th_testimony/statement_of_cugno.htm The Adjutant General of Connecticut testified before the House Government Reform Subcommittee on National Security, Veterans Affairs and International Relations: *Combating Terrorism: Federal Response to a Biological Weapon Attack*. July 23, 2001.

³¹ *Preparing the U.S. Army for Homeland Security, Concepts, Issues and Options*, written by Eric Larsen and John Peters, published in 2001 by Rand. p.5.

³² See U.S. Constitution, and Robert W. Coakley, *The Role Of Military Forces In Domestic Disorders 1789-1878*, 1988 p.3.

³³ Ibid., p.3.

³⁴ Federal Emergency Management Agency website: <http://www.fema.gov/fema/plan1.html>

³⁵ Federal Emergency Management Agency website: <http://www.fema.gov/library/stafact.htm>

³⁶ Article published in the Homeland Security Journal in February 2002 by John R. Brinkerhoff, As acting associate director for national preparedness of the Federal Emergency Management Agency (FEMA) from 1981 to 1983, Colonel John R. Brinkerhoff, US Army Retired, was responsible for policy formulation and program oversight of the Civil Defense Program, National Mobilization Preparedness Program, Continuity of Government, and the National Defense Stockpile.

³⁷ Anser Institute of Homeland Security website: http://www.homelanddefense.org/bulletin/Primer_ChallengestoPreventionandPreparedness.htm Discusses how the President can use federalized forces to stop civil disturbances. A good example would be the Los Angeles Riots during the Rodney King Incident in the 1990s.

³⁸ The National Interagency Civil Military Institute, a subordinate organization the the National Guard Bureau website: <http://www.nici.org/publications/publications/32%20dod%203025.15.pdf>. Department of Defense DOD Directive 3025.1, Military Support to Civil Authorities (MSCA), 15 January 1993 DOD Directive 3025.12, Military Assistance for Civil Disturbances (MACDIS), 4 Feb 1994. DOD Directive 3025.1M, DOD Manual for Civil Emergencies, June 1994. DOD Directive 3025.15, Military Assistance to Civil Authorities (MACA), 15 January 1997.

³⁹ Ibid.

⁴⁰ Robert Coakley, *The Role of Federal Military Forces in Domestic Disorders, 1789 –1878*, August 14, 1987, p.43.

⁴¹ An Army White Paper written by the Training Army Doctrine Command (TRADOC) on *Supporting the Homeland Defense*, May 18, 1999. p.2.

⁴² Ibid., p.2.

⁴³ Road Map for National Security: *Imperative for Change, The United States Commission on National Security/21st Century*, February 15, 2001, executive summary comments.

⁴⁴ Ibid.

⁴⁵ Ibid. p.25.

⁴⁶ Ibid., p.25.

⁴⁷ Testimony before the House Government Reform Subcommittee on National Security, Veterans Affairs, and International Relations, by Commission Co-Chair Warren Rudman on March 27, 2001.

⁴⁸ The National Guard Bureau website: <http://www.ngb.dtic.mil/chief/speeches/20011117.shtml> Remarks prepared for the National Guard Association US executive council. November 17, 2001.

⁴⁹ The U.S. National Guard Association website: <http://www.ngaus.org/newsroom/guard101.asp>
This website gives the mission statement of the National Guard.

⁵⁰ This information is based on the Chief's of National Guard Bureau weekly updates and also the information is found in the NG101 briefing under Guard programs.

⁵¹ The U.S. National Guard Association website: <http://www.ngaus.org/legislative/tie102.asp>

⁵² National Guard Bureau website: <http://www.ngb.dtic.mil/downloads/ng101/ng101-index.shtml>
NG101_2a presentation on National Guard programs. This presentation also shows the Guard being recently deployed in 64 countries.

⁵³ National Guard Bureau website: http://www.ngb.dtic.mil/about_us/ng_hist.shtml

⁵⁴ The other military reserve forces are federal forces, which are governed under Title 10 authority.

⁵⁵ http://www.house.gov/reform/ns/107th_testimony/statement_of_cugno.htm The Adjutant General of Connecticut testified before the House Government Reform Subcommittee on National Security, Veterans Affairs and International Relations: *Combating Terrorism: Federal Response to a Biological Weapon Attack*. July 23, 2001.

⁵⁶ Ibid.

⁵⁷ Road Map for National Security: *Imperative for Change*, *The United States Commission on National security/21st Century*, February 15, 2001, p.25.

⁵⁸ Anser Institute of Homeland Security website:
<http://www.homelanddefense.org/journal/articles/displayArticle.asp?article=18> Article written by Colonel Michael Fleming, *National Security Roles for the National Guard*, August 2001pp.8-9

⁵⁹ <http://debate.uvm.edu/wmd2002/019.htm> How each state defines Weapons of Mass Destruction will be challenging for their legislatures. For example, a broader definition used by the California State Legislature is as follows: "Weapon of mass destruction" includes chemical warfare agents, biological warfare agents, nuclear agents, or radiological agents, the intentional release of industrial agents as a weapon, or any destructive device or explosive in excess of five pounds or 2.26 kilograms. "Weapon of mass destruction" does not include the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system utilized for prophylactic, protective, or peaceful purposes by any university, research institution, private individual, or hospital which is registered with the Centers for Disease Control and Prevention (CDC) pursuant to Part 113 (commencing with Section 113.1) of Subchapter E of Chapter 1 of Title 9 of the Code of Federal Regulations, or any successor provisions.

⁶⁰ National Guard Bureau website: http://www.ngb.dtic.mil/fact_sheets/wmd_factsheet.shtml
Provides a fact sheet on the WMD-CST. In response to a weapon of mass destruction situation, the WMD-CST provides a well trained assessment team to support State response as a lead element for the National Guard.

⁶¹ Specialized training could include the WMD-CSTs training first responders in preventive measures and operational techniques related to Chemical, Biological, radiological, Nuclear and High-yield explosives (CBRNE) incidents.

⁶² Anser Institute of Homeland Security website:

<http://www.homelanddefense.org/journal/articles/displayArticle.asp?article=18> Article written by Colonel Michael Fleming, *National Security Roles for the National Guard*, August 2001, p.9.

⁶³ Anser Institute of Homeland Security website:

<http://www.homelanddefense.org/journal/articles/displayArticle.asp?article=18> Article written by Colonel Michael Fleming, *National Security Roles for the National Guard*, August 2001p.9.

⁶⁴ Ibid., p.10

⁶⁵ Ibid., pp.12-14

⁶⁶ Road Map for National Security: *Imperative for Change*, *The United States Commission on National security/21st Century*, February 15, 2001, p.24.

⁶⁷ The FEMA regions and Coast Guard units do not match up geographically. For example, FEMA Region10 includes, Washington, Oregon, and Idaho. The U.S Coast Guard's 13th District includes these states and Montana

⁶⁸ Anser Institute of Homeland Security website:

<http://www.homelanddefense.org/journal/articles/displayArticle.asp?article=18> Article written by Colonel Michael Fleming, *National Security Roles for the National Guard*, August 2001, p.16.

⁶⁹ Ibid., p.16.

⁷⁰ Ibid., p.16.

⁷¹ Reserve Component Study 2005, Study Report, Volume 1, January 1999. Stated that within homeland defense, the Reserve Component could participate in manning a national missile defense system if one where to be deployed.

⁷² Ibid., p.16.

⁷³ Ibid., p.16

⁷⁴ An Army White Paper written by the Training Army Doctrine Command (TRADOC) on *Supporting the Homeland Defense*, May 18, 1999. p.5.

⁷⁵ Anser Institute of Homeland Security website:
<http://www.homelanddefense.org/journal/articles/displayArticle.asp?article=18> Article written by Colonel Michael Fleming, *National Security Roles for the National Guard*, August 2001, p.16.

⁷⁶ An Army White Paper written by the Training Army Doctrine Command (TRADOC) on *Supporting the Homeland Defense*, May 18, 1999. p.5.

⁷⁷ Ibid., p.5.

⁷⁸ Anser Institute of Homeland Security website:
<http://www.homelanddefense.org/journal/articles/displayArticle.asp?article=18> Article written by Colonel Michael Fleming, *National Security Roles for the National Guard*, August 2001, p.16.

⁷⁹ Ibid., p.17.

⁸⁰ An Army White Paper written by the Training Army Doctrine Command (TRADOC) on *Supporting the Homeland Defense*, May 18, 1999. p.5.

⁸¹ Ibid., p.5.

⁸² The Army National Guard has dedicated 682 Information Operations positions to support tactical commander's campaign goals, defend Army and National Guard Information Operations systems against compromise, and provide training. These positions will include National Guard Bureau Computer Emergency Response Teams; Division and Enhanced Brigade Information Operation sections; Fire support teams; and Vulnerability Assessment Teams.

⁸³ Anser Institute of Homeland Security website:
<http://www.homelanddefense.org/journal/articles/displayArticle.asp?article=18> Article written by Colonel Michael Fleming, *National Security Roles for the National Guard*, August 2001, p.17.

⁸⁴ Ibid., pp.17-18.

⁸⁵ Center for Defense Information website: <http://www.cdi.org/terrorism/wmdcst.html>

⁸⁶ Lieutenant General Russell C Davis, Chief National Guard Bureau testimony before the Subcommittee on Emerging Threats and Capabilities, Senate Armed Services Committee on May 1, 2001

⁸⁷ Anser Institute of Homeland Security website:
<http://www.homelanddefense.org/journal/articles/displayArticle.asp?article=18> Article written by Colonel Michael Fleming, *National Security Roles for the National Guard*, August 2001, p.18.

⁸⁸ Ibid., p18.

⁸⁹ The two most notable National Guard elements for this are the rapid Impact assessment Teams (RIAT) and Reconnaissance (RECON) Teams employed after a disaster. The RIAT and RECON teams use military resources and skills to transport personnel into devastated areas

and transmit critical information back to the command and control elements to make essential decisions.

⁹⁰ Anser Institute of Homeland Security website:

<http://www.homelanddefense.org/journal/articles/displayArticle.asp?article=18> Article written by Colonel Michael Fleming, *National Security Roles for the National Guard*, August 2001, pp18-19.

⁹¹ Ibid., pp.19-20.

⁹² In fiscal year 2000, the National Guard performed 11,766 counter-drug missions. They also completed over 2,470 drug demand reduction missions in support of parents, community coalitions, and law enforcement agencies serving over 5.7 million people, and 6,180 missions, which directly supported youth prevention programs serving over 7.7 million youth between the ages of 5-18.

⁹³ Journal of Homeland Security, article written by, Colonel Michael Fleming, Florida Army National Guard, "National Security Roles for the National Guard" August 2001

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