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MASTER OF MILITARY STUDIES

**HOMELAND SECURITY:
A PRIORITY FOR THE NATION;
A PRIMARY MISSION FOR THE NATIONAL GUARD**

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Homeland Security: A Priority for the Nation: A Primary Mission for the National Guard
Command and Staff College 2001-2002
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EXECUTIVE SUMMARY

Title: Homeland Security: A Priority for the Nation; A Primary Mission for the National Guard

Author: Major Tracey L. Hale, United States Air National Guard

Thesis: On September 11th, 2001, the United States was struck with multiple horrific events. Terrorists were successful at infiltrating the U.S. and attacking American symbols of strength. These events sent a message that the United States was not postured or organized to defend its homeland. The National Guard, with its state and federal missions, is ready to step up to the plate and fulfill its historic and Constitutional mission of providing homeland security.

Discussion: America was not only unsuspecting, it was unprepared for the events of September 11th, 2001. Within minutes of each other, terrorist flew American commercial airliners into the Pentagon and both towers of the World Trade Center. These horrific events brought to the forefront an immediate awareness within the Department of Defense (DOD) for the need of a Homeland Security Mission within the continental U. S. Since those events, DOD has established a National Homeland Security Agency (NHSA). Director Tom Ridge, head of Homeland Security, has been tasked to create a unified federal plan to combat terrorism within the U.S. As of January 2002, many of the existing government organizations have an assortment of responsibilities and offer several needed capabilities that can enhance the Homeland Defense Mission. Each can play a vital role within this new mission, but each is at present operating independently. NHSA is presently hard at work identifying the organizations that will have a role in the evolving mission. However, there is one organization that already exists that is perfectly postured to take a lead role. The National Guard, with its federal mission and deep roots within the communities, would be a valuable asset and is prepared to take the lead making this one of its primary missions.

Recommendation: It is crucial that the U.S. Government leverage the capabilities of the many organizations that can assist in our security and defense. The National Guard, consisting of both Army and Air Force assets, has many needed capabilities that are available to support the new emerging Homeland Security Mission. At a minimum the National Guard, with their ties to local communities, could use their existing capabilities to support the emergency responders at local, State and Federal agencies. The National Guard is postured to quickly reinforce local capabilities with military units trained, organized, equipped, and positioned to deal with an attack while simultaneously mobilizing the response capabilities (engineering, medical, communications, etc.) within the civilian community. From augmenting first responders to providing services directly, the National Guard is well suited to take on Homeland Security as (a) primary mission. It is prepared to play instrumental, if not lead, roles in training and providing exercises to enhance this mission. The National Guard has always been and will always be committed to supporting the American people in times of need and would be the natural choice to play the military role in the emerging Homeland Defense Mission.

INTRODUCTION

On September 11th, 2001, America received a wake-up call. Millions watched a scene so horrible it appeared like a special effects stunt in a movie. With the destruction of the World Trade Center in New York City and the crash of a hijacked airliner in to the Pentagon in Washington D.C., terrorism not only knocked on America's door - it literally blew down the door.

The government had been forewarned, however the American people had almost forgotten about February 26, 1993, the day terrorists first attempted to bring down the World Trade Center by exploding a bomb in the underground garage. The American public may have put this event in the back of their minds or perhaps have totally forgotten about it. What ever the case may be, these events are but only one of many incidents that had prompted the U. S. government to identify an urgent need for tightened security.

America after September 11th is an America under siege. Terrorism on American soil had become all too real. It not only knocked at our door, it barged right in. There is now, more than ever an urgency to establish a homeland defense mission within the continental United States. The United States Commission on National Security in the 21st Century concluded,

"America will become increasingly vulnerable to hostile attack on our homeland, and our military superiority will not entirely protect us."¹ Who will take a part in this mission? What organizations both political and military will be involved, and what authority and span of control will they exercise? These questions have yet to be answered.

America is accustomed to facing traditional threats, using conventional forces to protect our society. But, in this emerging 21st century, we find ourselves facing unconventional threats including terrorism, the proliferation of weapons of mass destruction (WMD), economic espionage, drug trafficking, internal threats and the growing transnational challenge to the whole idea of national sovereignty.

The U.S. Commission on National Security in the 21st Century (Hart-Rudman Commission) reported:

*In light of the new dangers arising from the proliferation of weapons of mass destruction and terrorism, the United States must focus anew on how to maintain a robust and powerful deterrent to all forms of attack on its territory and its critical assets. Non-proliferation weapon of mass destruction is of the highest priority in U.S. national security policy in the next quarter century.*²

¹U.S. Congress, The United States Commission on National Security/21st Century, New World Coming: American Security in the 21st Century, Phase I Report on the Emerging Global Security Environment for the 21st Century – Major Themes & Implications, September 15, 1999, 4. <<http://www.nssg.gov/Reports/reports.htm>> (13 November 2001).

²U.S. Congress, The United States Commission on National Security/21st Century, Seeking a National Strategy: A Concept for Preserving Security and Promoting Freedom Phase II Report, April 15, 2000, 8. <<http://www.nssg.gov/Reports/reports.htm>> (13 November 2001).

Just as new political realities have led Congress to assert a greater role on national defense policy, they have at the same time prevented a straightforward return to the days of executive dominance.³ The reasons are numerous and complex; however, during the first session of the 106th Congress, the House Armed Services Committee (HASC) conducted numerous hearings on Capitol Hill. They predicted that it was only a matter of time before terrorists employed tactics involving WMD against the American public. Americans are going to die from terrorist attacks on American soil, possibly in large numbers. They asserted that Nation States, terrorists, and other discontented groups would actively seek to acquire weapons of mass destruction and would be willing to use them for more than deterrence. The possibility of a chemical or biological attack is increasingly portrayed as "not if, but when." In that light, the recent anthrax attack (whether a domestic act or not) would seem to indicate that the potential has become a reality.

Although the events on September 11th have lead to increased security in and around our cities, Americans have become increasingly less secure. Threats to America have significantly changed, not only in terms of their physical characteristics but also psychological effects. Future threats to American security

³ Barry M Blechman and W. Philip Ellis, The Politics of National Security: Congress and U.S. Defense Policy (London: Oxford University Press, 1990), 80.

will be diffuse, harder to anticipate, and more difficult to neutralize. The United States cannot afford to be so nearsighted as to blind us to the very real threat looming on the horizon.

As part of a federal interagency effort, the Department of Defense, (DOD) is doing its part to prepare the nation for the catastrophic consequences of a WMD attack on the United States. In that regard, the training that the National Guard receives for the battlefield gives them unique capabilities in the domestic arena as well.

The purpose of this paper is to examine these unique capabilities that the National Guard can provide in the area of national and domestic security. I will also argue that the National Guard, with its federal mission and deep roots within each of the individual states, is a natural choice to take the lead in coordinating any homeland defense operation. Although the emerging homeland security mission poses significant political and operational challenges, I will highlight how the National Guard's potential to successfully accomplish this mission.

DEFINITIONS

There are many terms being used throughout the interagency in terms of the Homeland Defense Mission. For the purpose of clarity I will employ the definitions below.

Homeland Security: The preparation for, prevention of, deterrence of, preemption of, defense against, and response to threats and aggressions directed towards US territory, sovereignty, domestic population, and infrastructure; as well as crisis management, consequence management, and other domestic civil support. Also called HLS.⁴

Homeland Defense: The protection of U.S. territory, sovereignty, domestic population, and critical infrastructure against external threats and aggression. Also called HLD.⁵

Military Support to Civil Authorities (MSCA): (DoD) Those activities and measures taken by the Department of Defense Components to foster mutual assistance and support between the Department of Defense and any civil government agency in planning or preparedness for, or in the application of resources for response to, the consequences of civil emergencies or attacks, including national security emergencies.⁶

Military Assistance to Civil Authorities (MACA): Those DoD activities and measures covered under MSCA (natural and man-made disasters plus DoD assistance for civil disturbances, counterdrug, sensitive support, terrorism, and law enforcement.⁷

⁴ Richard B. Myers, Chairman, Joint Chiefs of Staff, Memorandum for all CINCs, Chiefs of Staff and Commandants, subject: Terms of Reference (TOR) for Establishing US Northern Command, 7 March 2002, Enclosure, 4.

⁵ Ibid.

⁶ Department of Defense Directive 3025.1, January 15, 1993, Enclosure 2 (E2.1.21), 25.
<http://www.dtic.mil/whs/directives/corres/pdf/d30251_011593/d30251p.pdf> (7 February 2001).

⁷ Department of Defense Directive 3025.15, February, 18, 1997 Enclosure 2 (E2.1.9), 17.
<http://www.dtic.mil/whs/directives/corres/pdf/d302515_021897/d302515p.pdf> (7 February 2001).

**THE NATIONAL GUARD'S EXISTING ROLE
IN HOMELAND SECURITY**

Prior to the attacks of September 11th, the National Guard has always considered Homeland Security as one of its primary missions. American colonial leaders recognized the need for a homeland defense capability and established the colonial militias to fight both internal and external threats. The state of Massachusetts formed the first militia in the colonies in 1636, when the Massachusetts Bay Colony formed a militia of citizen soldiers to defend themselves. Homeland security was their first priority. For almost 365 years, the citizen-soldiers of the National Guard have served in every one of America's wars.⁸ For the first two and a half centuries, those wars were fought on or near American soil. The present day National Guard is made up of citizen-soldiers and airmen who proudly serve their nation with unmatched professionalism. The National Guard is the historical shield for defending America at home.

Today men and women of the National Guard, operating in either state or federal status, have been called up to secure

⁸ U.S. Congress, Senate Judiciary Committee Hearing, Lieutenant General Russell C. Davis, Chief, National Guard Bureau, October 17, 2001, 2. Lt Gen Davis' testimony was provided by his speechwriter, Col G. Wiggins, National Guard Bureau.

their homeland. With its state disaster response mission (in which the National Guard works closely with public safety and medical agencies), its close ties to communities throughout the country, and members who work in the civilian economy, the National Guard is already well prepared to take on this mission in addition supplementing active component forces for war.

The National Guard's unique federal-state status has enabled it to be the DoD's primary provider of Military Support to Civilian Authorities (MSCA) for natural and man-made disasters, civil disturbances, and other homeland security events requiring military assistance. Between 1997 and 2000, the National Guard conducted over 1,100 Homeland Security missions: 598 were in response to natural disasters, 133 in support of law enforcement agencies, and 174 in response to civil emergencies. Almost 1.2 million man-days were devoted to Homeland Security missions during this period.⁹

The National Guard is in over 3,200 communities around the United States, including Guam, the Virgin Islands, Puerto Rico, and Washington D.C. The Guard is the force already "forward deployed" in this new battle area. When the enemy attacks in the homeland, it is not a battlefield, but somebody's backyard. The National Guard's community presence and existing ties to

⁹ National Guard Bureau Website <<http://www.ngb.dtic.mil>> (25 September 2001).

local, state, and federal levels of government, enable members to establish continuous working relationships with first responders, state authorities, and local authorities prior to any potential attacks. The National Guard's integration with the Nation's communities and constant readiness to support wartime missions gives them the needed capability for rapid response. In that light, the Guard has the ability to link local and national assets and organizations in addition to civil and military ones.

WHY THE NATIONAL GUARD IS UNIQUE

Unlike other agencies that might respond to an attack on our homeland, the National Guard has the flexibility to serve at the federal or state level and under different commanders. The writers of the Constitution gave Congress the ability to "provide for organizing, arming and disciplining the militia." Even today with the National Guard's Federal reserve role having greatly increased, the Guard still remains a State-administrated force. When called to duty to support civilian authorities, the National Guard can accomplish its mission in one of two capacities.

U.S. Code Title 32, (State Status)

On August 10th, 1956, Congress enacted Title 32 of the U.S. Code (USC). This code gave state governors control of the individual state military, the National Guard, in time of peace. This code also allowed the Guard to operate without the restraints placed on the active duty military by the Posse Comitatus Act of 1878.¹⁰ When not mobilized or called to federal duty by the President, the Guard reports to the governor of its respective state or territory, or in the case of the District of Columbia, the Commanding General. Each of the 54 National Guard organizations is supervised by The Adjutant General (TAG), of the state or territory. The National Guard is in fact the only military force that the Governor has under his command in time of disaster or emergency.¹¹

U.S. Code Title 10 (Federal Status)

Title 10 of the USC was set up to provide guidance on the handling of the military in time of war and national crisis.

¹⁰ The 1878 Posse Comitatus Act restricts the participation of federal military forces in domestic law enforcement activities such as the arrest and detention of criminal suspects, search and seizure activities, and gathering evidence for use in court. National Guard troops in Title 32 status under the control of the Governor are not restricted in this manner.

¹¹ The entire U.S. Code Title 32 and its restrictions can be found at http://uscode.house.gov/title_32.htm, (13 November 2001).

During this time the President can activate the National Guard by way of Presidential call-up and it becomes part of the regular forces under his command. If they are acting in a federal status, the state Governor relinquishes control over the National Guard forces in his/her state. While in state status the main mission of the National Guard is to maintain well-trained, well-equipped units available for prompt mobilization during war and provides assistance during national emergencies.

SPECTRUM OF OPERATIONS

Figure #1 below illustrates the National Guard’s spectrum of operations. The National Guard reacts to varying threats in a flexible and scalable way, ranging from routine peacetime operations such as support of law enforcement, to combat

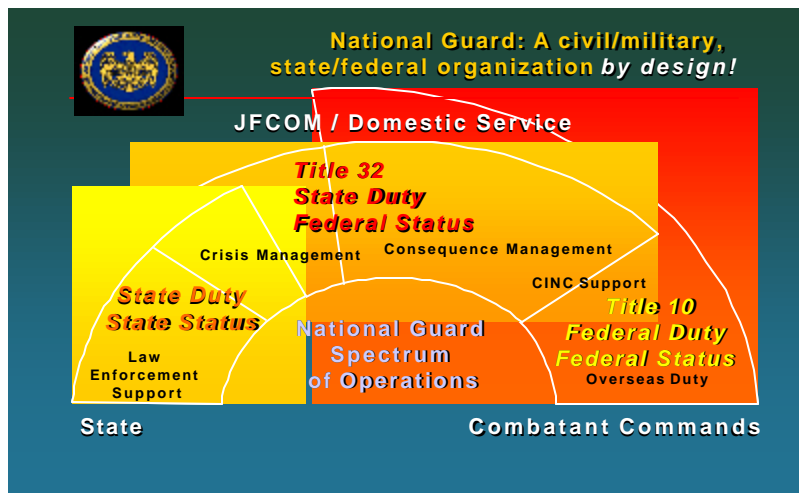


Figure 1: The National Guard Spectrum of Operations
 Source: Chief National Guard Bureau 's
 " National Guard 101 Brief"

capabilities employed overseas. The National Guard, with its part in the "Total Force," is now a significant force provider for various commanders-in-chief (CINC). The keystone of the arch illustrates the Guard's state duty and federal status (Title 32).

The militia clause of the U.S. Constitution, which describes the National Guard's mission, reads: "*To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.*"¹² Clause 16 puts the National Guard in each state under state control with the governor as commander-in-chief. Use of the National Guard in state active-duty status and in federal pay status under Title 32 permits military forces under the control of the Governor to assist civil authorities in executing all laws - federal, state and local - without violating the Posse Comitatus Act. Although there is talk about repealing this Act so that the active forces can play a larger role in homeland defense, any attempt to repeal or substantially amend the Posse Comitatus Act would most likely meet significant resistance from the Nation's governors and state and local civil authorities. Hence, the Guard is currently the *only* military force that can be called on by the states to perform a wide range of domestic operations.

¹² The Constitution of the United States, Article 1, Section 8, Clause 15.

U.S. VULNERABILITY REQUIRES ACTION

Concern about the nation's vulnerability to WMD was building among political and military leaders for some time prior to September 11th. On May 9th 2001, President George W. Bush announced plans to create a new Office of National Preparedness at the Federal Emergency Management Agency (FEMA). The role of this office will be to counter threats made against the United States to include WMD. They will accomplish this by coordinating all federal programs dealing with terrorist threats and incidents involving WMD. The Vice President is charged with overseeing the effort.¹³

The Phase III Report of the Hart-Rudman Commission, released in January 2001, forcefully argued that the overriding objective of the United States foreign and national security policy is *"to defend the United States and ensure that it is safe from dangers of a new era."*¹⁴ Within the Phase III Report, the Commission provided its vision for the National Guard role in homeland security. The report recommends that, *"the Secretary of Defense, at the President's direction, should make homeland security a primary mission of the National Guard, and*

¹³ GovExec.com, <<http://www.govexec.com/dailyfed/0501/051001t1.htm>>, 10 May 2001.

¹⁴ U.S. Congress, The United States Commission on National Security/21st Century, Road Map for National Security: Imperative for Change, Phase III Report, February 15, 2001, 5, <<http://www.nssg.gov/Phase III.pdf>> (13 November 2001). Further references to The United States Commission on National Security/21st Century will be listed as the Hart-Rudman Commission, Phase I, II or III.

the Guard should be reorganized, properly trained, and adequately equipped to undertake that mission.”¹⁵ 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.”¹⁶

Many observers regard this statement as tasking the National Guard to take on the Homeland Security Mission as its primary mission. This idea caused much concern for the senior leaders in the National Guard. The National Guard consistently stresses that its wartime mission will always remain their priority. However, in testimony before the House Government Reform Subcommittee on National Security, Veteran’s 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

¹⁵ Ibid, 25.

¹⁶ Ibid.

*to support the regular forces in time of national emergency particularly in time of war.*¹⁷

The original report never intended that Homeland Security would be made the primary mission, only a primary mission of the Guard. It intended to convey that the homeland security role is as important as the Guards' other, overseas combat roles. With this clarification, the National Guard's senior leadership is now in full support of Senator Rudman's position.

Lieutenant General Russell C. Davis, Chief, National Guard Bureau (CNGB), recently testified to the Senate Armed Services Subcommittee on Emerging Threats that, "*while the National Guard may lead on certain homeland security mission areas, we must not separate the National Guard from our traditional war-fighting missions.*"¹⁸ The Air National Guard Quadrennial Defense Review (QDR) 2001 White Paper on Homeland Security further stressed this position by stating the following:

*To ensure that decision-makers recognize that Air National Guard (ANG) capabilities for the Homeland Security mission derive from its wartime tasking as well as the Guard's position with the local communities and that future Homeland Security force structure deliberations account for this dual-mission role for the ANG.*¹⁹

¹⁷ U.S. Congress, House Government Reform Subcommittee on National Security, Veterans' Affairs, and International Relations, Hearings, Commission Co-Chair Warren Rudman, March 27, 2001.

¹⁸ U.S. Congress, Subcommittee on Emerging Threats and Capabilities, Senate Armed Services Committee, Hearing, Lieutenant General Russell C. Davis, Chief, National Guard Bureau, May 1, 2001. Further reference to LtGen Davis' testimony will be listed as Davis, testimony.

¹⁹ Air National Guard, QDR 2001 White Paper on Homeland Security, April 2001.

Hence, the United States Commission on National Security in the 21st Century envisions an enhanced role for the National Guard in homeland security, while at the same time identifies the importance of the National Guard's warfighting mission.

THE NATIONAL GUARD WAS THERE

Within minutes of being notified of the hijacking on September 11th 2001, the National Guard responded. Their response demonstrated their dedication and also provided a good opportunity for the Guard to show their capabilities with respect to the emerging mission of homeland defense in the 21st century.

New York

Over 4,700 soldiers and airmen from both the New York and the New Jersey National Guards supported the 53rd and 42nd National Guard Task Forces. They provided the following support at ground zero, the World Trade Center, and other emergency centers in New York City:

Combat Air Patrols - the 102nd Fighter Wing,

Massachusetts Air National Guard scrambled 2 F-15

Eagle jets to secure the air space over New York.

Civil Support Team (CST) - On Tuesday night, September

11th, the CST arrived in response to a request from the

State of New York Environmental Protection Agency

(EPA). Their mission was to identify if any Nuclear,

Biological or Chemical (NBC), contamination was present.

Security - National Guard Security Forces acted as perimeter security surrounding the World Trade Center site. They were also used to secure other locations for medical care and storage.

Transportation - The National Guard provided transportation of cargo, equipment, and medical supplies to the World Trade Center site and other emergency centers.

Aid-station Support - Qualified National Guard medical specialists provided medical care to injured civilians at Bedford Avenue and Park Avenue Armory.

Morgue Details - National Guard services personnel provided mortuary affairs support at Marcy Avenue Armory.

Traffic Control Points - The National Guard provided traffic control at the Jacob Javits Center, Marcy Avenue, and Park Avenue Armories.

Family Support - The National Guard set up stations at their Park Avenue and Lexington Armories to provide sleeping, feeding, and living space to dislocated families from the apartment buildings adjacent to the World Trade Center.

Washington, DC

Approximately 650 Army Guardsmen and 250 Air Guardsmen provided the following support in the District of Columbia, including at the crash site at the Pentagon.

Roving Patrols - The National Guard mounted patrols to provide security throughout the Washington, D.C., area.

Monument Security - The National Guard secured the Nation's national monuments.

Traffic Control Points - The National Guard set up 41 traffic control sites in areas where additional security was needed or where access was limited.

Quick Response Forces - National Guard forces remained on stand-by to respond to any civil disturbance that might occur.

Air Defense - The Air National Guard provided air defense of the Metropolitan Washington DC area.

In Washington, D.C., and New Your City, the National Guard provided chaplains and other spiritual workers, who helped the family support centers, and disaster stress management. They also facilitated in the movement of thousands of tons of cargo

including blood, body bags, FBI/FEMA assets, and DoD personnel/equipment.

National Guardsmen train continuously for wartime and peacetime contingencies. In these two disasters and the many that the Guard has responded to prior to September 11th, the members of the National Guard more than proved their ability to quickly shift gears from citizen soldiers/airmen to capable warriors and protectors of American sovereignty.

NATIONAL GUARD'S CONTINUING ROLE IN HOMELAND SECURITY

The National Guard should assume new homeland security missions where they can provide the services of their unique units, capabilities, and equipment. This will require adequate funding to properly resource these new missions. The Adjutants General Association of the United States (AGAUS) and the National Guard Association of the United States (NGAUS) are urging the President to direct the Secretary of Defense, and request that the Congress where necessary, authorize, support, equip, and fund the National Guard to assume a primary homeland security mission.²⁰

Who will play a Role?

The Guard will no doubt be only one contributor of many in this emerging mission of homeland security. Certainly, the police, fire, and medical units will always be the first to respond, regardless of who perpetrates an attack. "Friction" can occur when different agencies and departments attempt to do their best in the confusing "fog" of the moment. Somehow we need to fuse the strengths and capabilities of these various

²⁰Detailed information regarding the legislative issues presented to congress by NGAUS and AGAUS can be found within their individual web sites <<http://www.ngaus.org>> and <<http://www.agaus.org>> (24 October, 2001).

organizations so that synergy rather than confusion is the outcome.

There are many government organizations that have some responsibility for Homeland Security (See Figure 2).



Figure 2: The Current Homeland Security Players
 Source: NGB Homeland Security White Paper

Notably, no single federal agency owns this mission completely. Many of the above agencies have a vested interest in combating terrorism and act independently in what they deem to be a coherent response. This may be the single greatest obstacle to coordinated, effective, and efficient homeland security.

Restructuring Federal Organizations

Prior to September 11th, the Hart-Rudman Commission recommended restructuring federal government organizations to provide a more focused approach to Homeland Security, including the establishment of a National Homeland Security Agency (NHSA) with responsibility for planning, coordinating, and integrating various US government activities involved in the Homeland Security missions. The events of September 11th served as a catalyst to bring the NHSA together. On October 8th President Bush appointed Pennsylvania Governor Tom Ridge to the position of the federal Director of Homeland Security. Governor Ridge now has a huge task before him; creating a unified federal plan to combat domestic terrorism.

Just how the National Guard will fit into this new plan is still being worked out. General Davis at the National Guard Bureau (NGB) believes it is vital that the NGB have strong representation within the Director's office and plans on connecting with that office on a priority basis.²¹

Civil Support Teams

In 1998, the National Guard established specialized teams to respond to catastrophic terrorist attacks. Congress has

²¹ Davis, Testimony.

authorized the National Guard to establish 32 of these teams, to be called Weapons of Mass Destruction - Civil Support Teams (WMD-CSTs). There will eventually be a team in 31 states, with California having two. As of January 2002, DoD has certified ten of the teams. All the teams will be federally funded and trained, but will remain under the control of the state Governors. Since September 11th, these existing teams have been employed for a variety of tasks, including Governor Pataki's team in New York.

The CSTs are organized in 6 functional areas:

- Command
- Administration and Logistics
- Communications
- Medical
- Operations
- Survey

Each team has 22 personnel.

With ten of the members, including all survey team members, holding a military

occupational specialty in

Nuclear, Biological, and Chemical warfare. The bulk of the CST mission lies with the survey team members. These personnel would enter a contaminated area to gather soil, air, and other samples for either on-site evaluation by the nuclear science medical officer, or evaluation at various laboratories. These

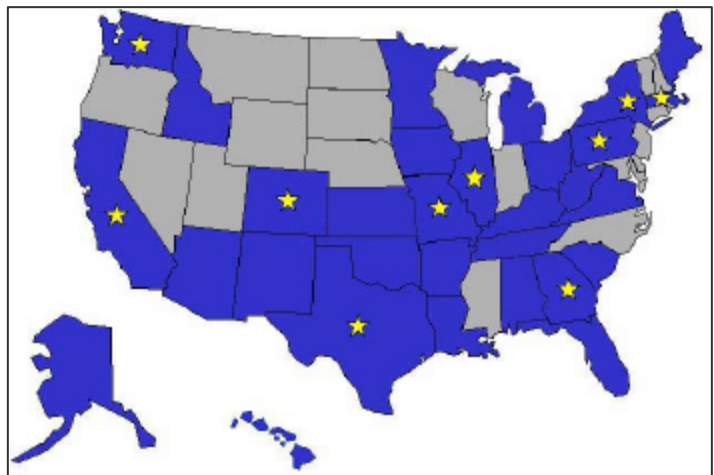


Figure 3. National Guard CSTs

Source: NGB Homeland Security White Paper

teams support the local incident commander, advise civilian responders regarding appropriate actions, and facilitate requests for assistance to expedite the arrival of additional state and federal assets. The remainder of the 32 teams that have been approved are still being staffed and equipped, although all teams should be certified within the next sixteen months.²² General Davis would like to see each state Governor have at his/her disposal an established CST in his/her state. This would be a total of 55 in the United States and the territories. Until then, the National Guard will establish CST (Light) units, with limited chemical/biological capabilities, in each of the states and territories not receiving CSTs.

First Air Force as AFFOR

In 1999, the Joint Chiefs Unified Command Plan established the United States Joint Forces Command (USJFCOM) as the supported CINC providing military assistance to civil authorities within the continental United States. In response, JFCOM established a standing Joint Task Force for Civil Support (JTF-Civil Support.) Commander, Air Combat Command (ACC), as the Air Force provider to JFC, has selected First Air Force to serve as the Air Force Component Commander (COMAFFOR) to JTF-Civil Support.

²² Ibid.

First Air Force is the only numbered Air Force composed of primarily Air National Guard members. First Air Force is already involved in the Homeland Security mission through its ACC-assigned role within North American Air Defense (NORAD), and as the commander to the continental "Air Defense Region." First Air Force provides aerospace warning as it surveys the approaches to the U.S. and is prepared to control sovereign airspace from identification to direct action.

The aerospace warning portion of the First Air Force Homeland Defense mission comprises several sensor systems to detect airborne threats to the continental United States, including forty-six joint surveillance radars that ring the border of the U.S. These Joint Surveillance System sites are supplemented by up to ten radars suspended from aerostat balloons along the southern approaches. The aerostats are currently used in the National Guard's counter-drug mission and are critical to maintaining low altitude coverage in the south, as shown in figure 4.

Current NORAD Mission

- Detect Airborne Threats to Homeland
 - Joint Surveillance System
 - Aerostat
 - AWACS (when assigned)
 - GTACS (when assigned)
 - JBECC (in development)

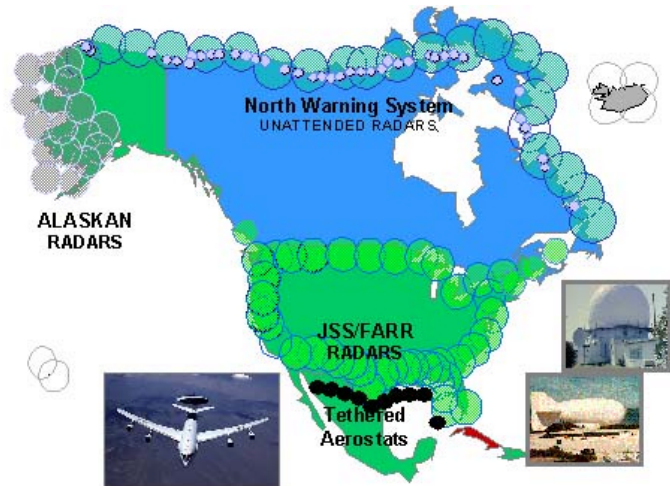


Figure 4, First Air Force Aerospace Warning Mission
Source: "First Air Force & Homeland Security" Brief

For the past two years, First Air Force has exercised against cruise missile scenarios involving potential WMD threats. During the past year First Air Force has also begun to explore the complexities of post-attack consequence management using state emergency operations centers and other law enforcement contacts. Through its established national connectivity, involvement in the homeland defense mission and unique relationship and experience with the National Guard, First Air Force is uniquely qualified to assume the planning and execution role as commander of air forces in support of JTF-CS.

During the 107th Congress, Lieutenant General Frank G. Libutti, USMC (retired), Special Assistant for Homeland Security, stressed that *"it is critical that we review the Unified Command Plan that is under way now . . . part of that*

will examine the wisdom of standing up a CINC for homeland security. This is critical to decisions relative to the future role of the Guard."²³ In addition, Lieutenant General Davis stated that DoD Reserve Affairs was conducting a study into the balance of the apportionment of forces from the DoD assets that may be needed for this expanding mission. *"If there were to be a change, we need to be careful so that we don't eviscerate, or destroy, the current standard which is fight the fight at home and fight the fight abroad."*²⁴ This study should be complete and reported to Congress by the late spring of 2002.

Sovereignty of U. S. Air Space

Since October 1997, The Air National Guard (ANG) has maintained sole responsibility for the air sovereignty mission in the United States. The ANG is charged with planning, conducting, controlling and coordinating the continent-wide air defense of the United States, and conducts this mission via the First Air Force. Six wings, (four F-16 wings of 60 aircraft each and two F-15 wings of 30 aircraft), as well as aircraft from four detachments are committed to the air sovereignty mission. On continuous alert, ANG fighter aircraft monitor and

²³ U.S. Congress, Senate Subcommittee on Technology, Terrorism, and Government Information, Hearing, 107th Cong., 1st sess., Lieutenant General Frank G. Libutti, USMC (retired) Special Assistant for Homeland Security, OSD, 13 Dec 2001.

²⁴ Ibid.

interdict threats as varied as foreign military aircraft incursions, illegal immigration, and drug trafficking. As a by-product of the air sovereignty mission, the ANG is the Air Force source of expertise in the cruise missile defense arena.

Border Security; Not a New Mission

During a session of the 107th Congress held on December 13th 2001, the Senate Judiciary Committee's Subcommittee on Technology, Terrorism, and Government Information, declared that the National Guard would be involved in United States Border Security. Guardsmen assigned to this mission will be federalized, and receive their orders from the lead federal agency for whom they work, e.g., Border Patrol, Customs, or Immigration & Naturalization Service (INS). This permits the National Guard to legally exercise their law enforcement capabilities in support of security at the U.S. border.²⁵ The Department of Justice requested for assistance from DoD in terms of securing the northern border of the United States. The request is under review by the DoD and it will more than likely become a mission for the National Guard.

Lieutenant General Davis has since stated that this new mission would be a "*continuation of what the Guard [is] already*

²⁵ U.S. Congress, Protecting our Homeland Against Terror: Building a New National Guard for the 21st Century, Hearings, 107th Cong., 1st sess., 13 Dec 2001.

doing."²⁶ When the Soviet threat was the primary concern, the Guard manned air defense sites along both coasts with guardsmen on duty twenty-four hours a day and seven days a week. The Guard has also contributed to the counter-drug mission for the last ten years, actively patrolling the U.S. borders.

The above are just a few of the missions that Congress has already given to the National Guard in terms of their role in the Homeland Security mission. There are many other assets the National Guard can bring to bear; these will be addressed later in this paper. Due to the uniqueness of the National Guard's dual mission, the most pressing issue remains how to configure command and control.

²⁶ U.S. Congress, Protecting our Homeland Against Terror: Building a New National Guard for the 21st Century, Hearings, 107th Cong., 1st sess., 13 Dec 2001. State made by Lt Gen Russell C. Davis.

THE ISSUE OF COMMAND

The National Guard has always been a supporting agency within their traditional homeland security roles of crisis management and counter-drug operations. In developing the mission of Homeland Security, there are advocates for a much stronger leadership role for the National Guard. The Hart-Rudman Report recommends

...that the Defense Department broaden and strengthen the existing Joint Forces Command/Joint Task Force-Civil Support (JTF-CS) to coordinate military planning, doctrine, and command and control for the military support for all hazards and disasters. This task force should be directed by a senior National Guard general with additional headquarters personnel. JTF-CS should contain several rapid reaction task forces, composed largely of rapidly mobilizable National Guard units.²⁷

The Commission also recommended that a National Crisis Action Center (NCAC) be established. The NCAC would primarily monitor emergencies and coordinate federal support to state and local governments along with any support required by the private sector. The report recommended that a two-star National Guard general direct this center. Representation from other federal agencies involved in Homeland Security would make up the remainder of the full-time staff. The organizational

²⁷ Hart-Rudman Commission, Phase III Report.

relationships proposed by the Commission for this center are shown in figure #5.

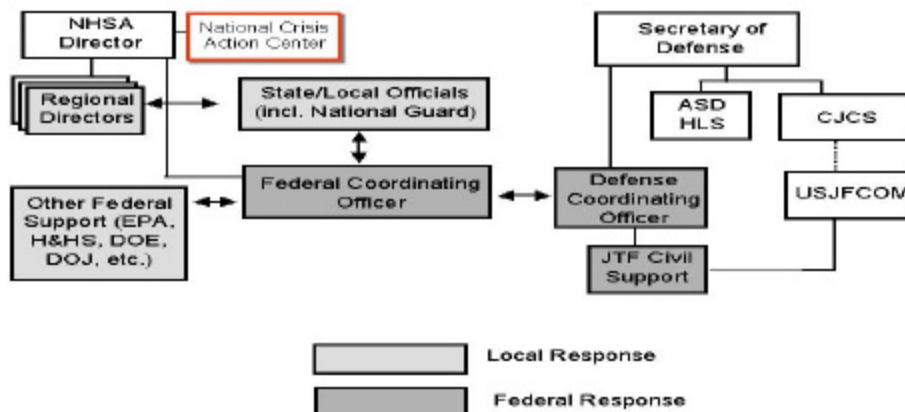


Figure 5. USCNS/21 Recommended Structure
 Source: NGB Homeland Security White Paper

Increasing the strength of the JTF-CS with additional National Guard resources leverages the Guard's unique experience and capabilities. The National Guard currently has the expertise to lead the JTF-CS. The Guard also already has well established command and control systems that will fit into some aspects of the Homeland Security mission. If DoD acts upon this recommendation, the National Guard can provide significant manpower resources for the mission. But if a senior National Guard general were to command this task force, there would be issues to be worked out.

First, if a Guard officer directs JTF-CS, this would necessarily be in a Title 10 status. In this capacity he would be like his active duty counter part. As it stands now, this individual can only command National Guard troops that have been

federalized by the President. As a result, he would have no authority over National Guard troops in Title 32 status unless current law is changed.

Next, command and control of the proposed National Guard rapid reaction task force would be complicated. If any of the individuals that make up the rapid reaction forces remain in a non-federal status, the states would have to pay for them and try to get federal reimbursement. If in non-federal status, being controlled by JTF-CS, a Title 10 entity, would be questionable. If these same individuals were federalized to perform the rapid response mission, the Governors and Adjutants General would no longer retain the authority to direct them. A full review of the law regarding the use of state full-time (Active Guard and Reserve [AGR]) Title 32 personnel needs to be accomplished. As it is written, the law limits the use of state full-time personnel in several areas that would apply to the Homeland Security role.

Law and doctrine that create a command authority authorizing a Title 10 commander to direct Title 32 forces is needed. This law should also afford governors tactical control of federal troops that are deployed to their state for a domestic emergency, allowing the governors to obtain federal military assistance without relinquishing control of state assets.

Lastly, although the National Guard would provide an excellent source of equipment and manpower, the ability to rapidly react may be an obstacle to overcome. Currently, the Guard can perform all the necessary requirements prior to a deployment within a 12 to 24 hour time frame. Unless the event can be predicted, a call for the Guard to activate their units and deploy to the designated area in less than 24 hours is unrealistic and most likely will not be necessary.

FUTURE ROLES

Weapons of Mass Destruction (WMD)

The National Guard is very active in response planning for WMD incident. The National Guard Bureau is involved at the national planning level, staying in line with DoD WMD initiatives. Each Guard unit is integrated into the respective state emergency response plan. They have the responsibility for consequence management preparations and support of community readiness exercises to test local planning. The National Guard is involved in regional planning through the Emergency Management Assistance Compact (EMAC). As Congress identifies additional organizations to aid in WMD planning, National Guard liaisons integrate into the staffs of these organizations. The Guard should also support regional councils that coordinate plans for inter-state support and reinforcement.

Assistance to Local First Responders

General Davis brought to the attention of the Senate Judiciary Committee, Subcommittee on Technology, Terrorism and Government Information, that the National Guard accomplishes a lot of it's training *"through communications and classroom systems that we have put together over the past 8 years called*

distance training programs. We use it to train and work with our first responders and it has a capability as a backup communications network."²⁸ The National Guard has many training facilities at their various bases around the United States. These facilities, along with the Guard's already established Distance Learning network, should be made available to state and local first responders to enhance their training for the Homeland Security mission. Under a "shared use" approach, these military facilities should be made available to non-military organizations with a fee or service charge attached to them.

The Availability of Military Resources

There are Guard units and facilities in every state. These facilities could be used to maintain an inventory of resources that would be vital during emergency situations. Each state task force should be equipped with modern National Guard communication and transportation assets. Each state and territory should have self-contained National Guard aviation assets capable of airlifting civilian and military homeland security personnel and equipment both in and outside the state or territory, although this would require the National Guard to be adequately resourced. The DoD should provide guidance designating the National Guard as the lead on such a project.

²⁸ Davis, 107th Cong, Testimony.

Preventing Future Terrorist Attacks

Deterrence is the most effective means of preventing any further attacks on American soil and we must accomplish this deterrence with the use of military force. To this end the United States Commission on National Security in the 21st Century noted:

Preventing attacks on the American homeland also requires that the United States maintain long-range strike capabilities. The United States must bolster deterrence by making clear its determination to use military force in a preemptive fashion if necessary. Even the most hostile state sponsors of terrorism, or terrorist themselves, will think twice about harming Americans and American allies and interests if they fear direct and severe U.S. attack after -or before- the fact.²⁹

The Air National Guard is a full partner in the Expeditionary Air Force concept with the active Air Force and the Air Force Reserve. Together, all three organizations play critical roles in deterring possible enemies and there by preventing aggression against the United States.

It is obvious that antiterrorism and counter terrorism efforts must include activities abroad. The National Guard has been involved in preventing aggression at the international level for many years now. With a program called National Guard State Partnerships, it has created friendly partnerships with

²⁹ Hart-Rudman Commission, Phase III Report, 13.

many countries around the world. Cooperating with other nations, the National Guard plays a critical role in helping to shape the international environment in support of the national security strategy.³⁰ Numerous National Guard state units are partnered with countries in need of assistance. The National Guard's presence in these countries promotes a better understanding of the role of the military in democracy, and helps to promote regional cooperation and stability. By the very nature of this work and by presence and interaction worldwide, the Guard contributes to the development of friendly and trusting relationships between the U.S. and foreign governments.

As of September 11th 2001, the State Partnership Program had no relationships established with the current nation states in the Middle East that harbor terrorist. They have had great success with the relationships that have been establish in the South and Central American countries, which could have fostered the same activity towards the U.S. in an earlier time. The National Guards relationship with these other governments can be considered a deterrence to prevent future terrorist attacks. Figure #6 shows the many National Guard state-to-state partnerships that currently exist.

³⁰ National Guard Bureau International Affairs Website, <<http://www.ngb.dtic.mil/international/int.shtml>> (25 September 2001).

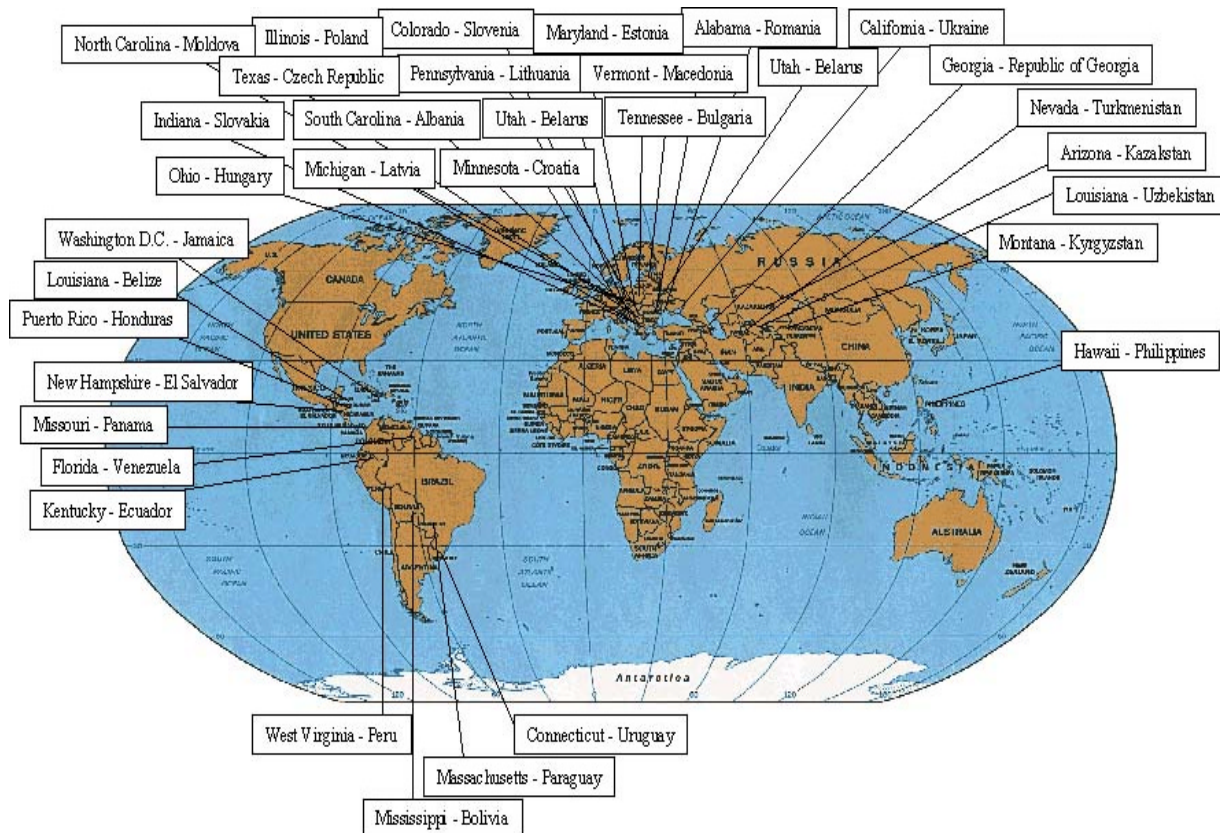


Figure 6 State Partnership Program
 Source: NGB Homeland Security White Paper

Being prepared for an attack is the best way to prevent one from happening. The National Guard is more than able to support the Homeland Security mission in the areas of planning and training. As stated earlier, the National Guard has many large training facilities, available to civil authorities in times of emergency. As part of the Guard's state mission, it already offers support and has the capability to develop training programs targeted at state civil authorities.

Medical Services are Vital

The National Guard has Medical Service capabilities for MSCA. The Guard is currently working on a Concept of Operations (CONOPS), paying particular attention to support for Homeland Security operations. This CONOPS supports DoD, meeting the obligations of The Defense Against Weapons of Mass Destruction Act of 1996, requiring the Secretary of Defense to improve the response of federal, state, and local agencies to emergencies involving biological and chemical weapons.³¹ This will also provide the states with medical forces in times of state emergencies, such as natural disaster, civil unrest, and events like those on September 11th. When local emergency medical personnel become overwhelmed, the Governor may activate elements of or all of the state's National Guard units to support the local responders. They would be tasked to function in support of the State Emergency Management Agency. National Guard Medical Service support to civil authorities will be developed to support the entire spectrum of MSCA.

³¹ The entire Defense Against Weapons of Mass Destruction Act of 1996 can be found at the web site <<http://www.fas.org/spp/starwars/congress/1996/pl104-201-xiv.htm>>, (21 December 2001). This act states that in light of the potential for terrorist use of weapons of mass destruction against the United States, the President shall take immediate action-- to enhance the capability of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction; and to provide enhanced support to improve the capabilities of State and local emergency response agencies to prevent and respond to such incidents at both the national and the local level.

Coordination is Imperative

The best link between the state and federal governments in the Homeland Security arena is The Adjutant General (TAG). In 22 states and two territories the Adjutants General also serve as the directors of emergency services. The Homeland Security mission will require an responsive force with robust command and control throughout the states. The National Guard, with its ties to local communities, can act as a bridge between the state and local governments and the federal military.

In the past, when federal forces tried to provide assistance to state authorities, the mission suffered due to the lack of knowledge and expertise regarding the local area. Due to the expertise of the Adjutants within their states, it seems only natural that when federal assets are deployed in support of state and local authorities that The Adjutant General of that state should become the supported commander. The Adjutants General would be able to conduct planning in their area of operations. Unity of command is fundamental to domestic emergency management and response. Failure to give the Adjutants General tactical control could result in two chains of command, one National Guard and the other the active force. This would complicate civil-military cooperation and cause much duplication of effort.

As Lieutenant General Davis stated in his written testimony to Congress:

The National Guard is the primary provider of immediate military resources, including units and personnel at the local and state level in the combating of terrorism. Again because they are in the community, because they have an immediate command, control and communications capability they can respond quickly to support local and state authorities and when determined necessary in support of the federal combating terrorism mission. Within the area of operations of the Adjutants General, the state National Guard has the highest level of knowledge of the terrain, the assets, the vulnerabilities and the local and state agencies. Useful application of that expertise is paramount in the combating terrorism mission and as such it may be in the best interest of the nation to use this expertise in controlling federal forces when the application of federal military assets are required.³²

³² Davis, 107th Cong, Testimony.

CONCLUSION

The United States is unique in that its forefathers were wise in creating a visionary and timeless document called The Constitution. The U.S. Constitution gave each state the right to have its own armed force to defend and secure the state. The Hart-Rudman Commission recommended, "the National Guard be directed to fulfill its historic and Constitutional mission of homeland security."³³

Although Homeland Security is currently receiving high-level attention, the Nation's Homeland Security structure is still a work in progress and will be for some time to come. The United States was not prepared to respond effectively to the domestic terrorists attacks that occurred on September 11th 2001. It is still unprepared to respond successfully to a domestic chemical or biological WMD attack that might occur on its homeland. It is crucial that the U.S. Government leverage the capabilities of many organizations that can assist in our security and defense. The National Guard, consisting of both Army and Air Force assets, has many needed capabilities that are available to support the new emerging Homeland Security Mission. At a minimum, the National Guard with their ties to local

³³ Hart-Rudman Commission, Phase III Report, 42.

communities could use their existing capabilities to support the emergency responders at local, State and Federal agencies.

National defense of our homeland is nothing new for the National Guard; it's in the Guard's Constitutional charter. There are many elements of the National Guard that can be taken advantage of to help secure the homeland. The National Guard is postured to quickly reinforce local capabilities with military units trained, organized, equipped, and positioned to deal with an attack while simultaneously mobilizing the response capabilities (engineering, medical, communications, etc.) within the civilian community. From augmenting first responders to providing services directly, the National Guard is well suited to take on Homeland Security as (a) primary mission. They are prepared to play instrumental, if not lead, roles in training, and providing exercises to enhance this mission. The National Guard is prepared to augment current responsibilities to federal and state organizations.

The National Guard is prepared to play a key role in the upcoming Homeland Security debates taking place in Congress. As these new missions are realized and the National Guard takes on increased responsibility within this emerging mission, they insist on standing by three of their primary objectives:³⁴

³⁴ National Guard Homeland Security White Paper.

-To ensure decision-makers recognize that National Guard capabilities derive from its wartime tasking as well as the Guard's experience within the local communities.

-To ensure decision-makers recognize the inherent capabilities of the Adjutants General of the States and Territories.

-To ensure that any new Homeland Security responsibilities for the National Guard are accompanied by the necessary resources.

The active military is trained to serve overseas defending the nation. The National Guard is trained to serve both within the active military component and within their individual states. The National Guard has always been and will always be committed to supporting the American people in times of need and would be the natural choice to play the military role in the emerging Homeland Defense mission.

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