

USAWC STRATEGY RESEARCH PROJECT

HOMELAND SECURITY AND THE NATIONAL GUARD'S ROLE

by

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The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

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ABSTRACT

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The September 11, 2001 attacks caused Americans to realize terrorism was no longer remote televised images from foreign lands. Terrorism in the United States has become part of the fabric of American life and will likely remain for decades to come. With over half the Army's combat units in the National Guard, maintaining readiness for the National Guard's federal mission is crucial for national defense.

The purpose of this study is to analyze the Army National Guard's current mission in Homeland Security to see what short- and long-term impacts will be to the Army National Guard's Federal mission. Appropriate National Guard Homeland Security roles and capabilities will be explored. This paper will include review of the legal and historical roles the National Guard plays for the State; consider the linkage among and between state agencies, state emergency operations, and the National Guard; identify the federal resources that can be called upon if needed; and enumerate the steps civil authorities can take to carry out their homeland security responsibilities.

This study will not focus on the roles and mission of the FBI, the Department of Homeland Security and other outside agencies.

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HOMELAND SECURITY AND THE NATIONAL GUARD'S ROLE

The September 11, 2001 terrorist attack was not the first attack on the United States homeland in recent times, but it inflicted the most casualties. The United State's decisive defensive actions also sent a message to terrorists that future attempts would be more difficult and their capture more likely. Much of the reaction was more appearance than substance, but the visibility of soldiers in uniform presented lethal images to would-be terrorists and, therefore, became an effective deterrent. For 18 months following the September 11, 2001 attack, 17,000 National Guard soldiers were used to for airport security alone. Periodically, other homeland support missions ballooned this number to over 30,000.¹ This research paper will show that historically and legally the National Guard is the most appropriate military component to provide this type of surge protection. But the protracted pace at which the civil bureaucracy was able to provide relief hampered planned collective training needed to maintain readiness. This is even more critical due to the current military force structure. With over 50 percent of the Army's combat units in the National Guard, a large-scale traditional effort would be difficult without the National Guard.

The role the National Guard should play in Homeland Security (HLS) is the central theme of this document. This will be accomplished through analysis of the National Guards current HLS missions and by showing capabilities that may be particularly useful during the aftermath of a terrorist attack. The way civilian authorities interlink with the National Guard and federal authorities will be reviewed. Recommendations will be provided to enhance the National Guard's role in Homeland Security. This paper will draw attention to some of the most appropriate federal military resources available for Homeland Security and tell how they can be provided. In order to minimize the military's role in Homeland Security, the civilian authorities and industry must act responsible and do their share. A review of their actions and recommendations for tighter security will be presented.

NATIONAL GUARD—HISTORY AND LAW

Consequence management after an incident usually starts local (e.g., police and fire departments) and ends local. The National Guard's history and mission makes it the primary military candidate for support to local agencies. Normally, states needing military support would initially look at their National Guard's capabilities before requesting federal military assistance.

NATIONAL GUARD'S HISTORY AND LAW

The National Guard was founded in 1636 with the Massachusetts Bay Colony Articles of Confederation's call for a well-organized militia for each state. In his "Sentiments on a Peace Establishment," George Washington called for a national militia and the appointments of adjutant generals. He thought the militia and the military should be complimentary instead of competitive.² Article I, Section 8 of the U.S. Constitution allows "for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress" to provide a force if needed "to execute the Laws of the Union, suppress Insurrections and repel Invasions." Article I, Section 8 also reserves to the States "the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress." As written, this clause sought to limit the federal government's control over the state militia during peacetime.³ Article I, Section 2 grants the "President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States." Article 4 Section 4 states that the federal government "shall protect each of them [states] against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence." To insure that the federal government could not disarm the state militias, Article I, Section 10 of the Second Amendment provided that "a well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." After the Civil War, Congress suspended all Southern states' right to have an organized militia until an acceptable state government was formed. The U.S. Army was used to invoke martial law in the South during reconstruction. This caused much debate throughout the country. The Army's use in suppressing labor unrest in the North and voting polls in the South led to the enactment of the Posse Comitatus Act of 1878. This act provided that it "shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress." Concern over this new law led states to reconsider the needs and form of their militias. Between 1881 and 1892 all states provided for a militia and most states followed New York in naming their militia the "National Guard." The 1903 Dick Act replaced the 1792 Militia Act and made the National Guard the Army's primary organized reserve. The Act created the Militia Bureau, standardization to federal standards, required regular Army instructors, and mandated standard

equipment. The 1916 National Defense Act further expanded the Guard's role and guaranteed the State militias' status as the Army's primary reserve force. Furthermore, the law mandated use of the term "National Guard" for that force. Moreover, the President was given authority, in case of war or national emergency, to mobilize the National Guard for the duration of the emergency. The 1933 National Guard Mobilization Act made the National Guard of the United States a component of the Army at all times, which could be ordered into active federal service by the President whenever Congress declared a national emergency. The 1933 National Guard Mobilization Act also granted federal recognition of state commissions.⁴ This was very important in strengthening the federal government. Use of the militias was very limited by the federal government under the Constitution but there were no such limits to the federal reserve components.

A National Guard soldier enlists in two organizations: a state militia unit (TXARNG, CAARNG, etc.) and the Army or Air Force Reserve Component (ARNGUS or ANGUS). Guard officers hold two commissions: one appointed by the Governor (ARNG or ANG) and the other federally recognized as officers of an Army or Air Force Reserve component. It is important to note that a National Guard soldier can only be in one of these roles at a time. The federal role would be under Title 10 USC (under command of the Commander-in-Chief [President]) and the state role (under command of the Governor) would be under title 32. Under title 32 USC 502(f) the Commander-in-Chief can request and authorize (at federal expense), the use of National Guard troops for national emergencies like airport checkpoint security. NGR (AR) 350-1 further explains: "Federal/State. To provide units organized, equipped, and trained in the protection of life and property and the preservation of peace, order, and public safety, under the competent orders of Federal or State Authorities." By doing this, the President could avoid Posse Comitatus and the Guard soldiers would retain the arrest powers.⁵

The Total Force Concept and Policy was formulated from 1970 through 1973 and implemented by the military service secretaries in 1995. Precipitated by fighting an unpopular war, it was designed to involve a large cross-section of the American public by mobilizing the National Guard, when needed, from its thousands of locations nationwide. This policy treated all active and reserve military organizations as a single, integrated force and offered elected officials feedback on the popularity of a military operation through the use of citizen soldiers. This policy enforced the founding fathers, desire to have the militias complement a small standing army.⁶

MILITARY SUPPORT TO CIVILIAN AUTHORITIES

Under title 32, the National Guard has habitually supported state and local agencies and is ingrained as part of the emergency response system. In 26 states and two territories, the Adjutant General (TAG) is the State Emergency Management Officer (SEMO), and in 22 States the TAG is a cabinet level official equal to the SEMO. In 14 states and two territories the TAG is the State Homeland Security Point of Contact. "Homeland Security" in a National Guard's perspective has three primary elements. The first is Homeland Defense, the Title 10 role that includes Air Defense, Nike Hercules, and Land Defense of the United States. Homeland Defense is the protection of U.S. sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression. The other two elements have to do with the National Guard's state mission: Civil Support and Emergency Preparedness. The Department of Defense (DoD) defines Civil Support as "DoD support to U.S. civil authorities for domestic emergencies and for designated law enforcement and other activities." Emergency Preparedness is defined as "those planning activities undertaken to ensure DoD processes, procedures, and resources are in place to support the President and the Secretary of Defense in a designated National Security Emergency."⁷

Presidential Decision Directive-39 validates and reaffirms the Department of Justice, in delegating the Federal Bureau of Investigation as the Federal Lead Agency for counter terrorism activities in the United States. Therefore, PDD-39 assigns the FBI as the lead agency for crisis management. PDD-39 defines both crisis and consequence management as follows:

"Crisis Management includes 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."

"Consequence Management includes 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."

This directive further affirms that the Federal Emergency Management Agency (FEMA), supported by the agencies of the Federal Response Plan, will support the FBI until the Attorney General transfers the Lead Agency responsibility to FEMA. FEMA will then retain the responsibility for Consequence Management throughout the federal response.⁸

Following the event of a major disaster or emergency, State and local governments may no longer be able to respond effectively to save lives, restore communities, and protect public health, safety, and property. If this happens, the Federal Response Plan explains how (upon the President's declaration of a major disaster or emergency) the Federal Government implements the Stafford Disaster Relief and Emergency Assistance Act to assist State and local governments. PDD-39 directs that the Department of Defense, in response to threats or acts of WMD terrorism, will activate technical operation's capability to support the Federal response to threats or acts of WMD terrorism. DoD will coordinate these technical operations with the appropriate civilian lead agency.

The regulation governing the use of the National Guard's support to Civil Authorities is NGR 500-1/ANGI 10-8101, enacted 1 February 1996. It provides that the Governor is the Commander in Chief of all National Guard units within the state, not on active Federal service. The National Guard's assistance is provided when the situation is so severe that effective response and support is beyond the capacity of the local and state governments and civil resources have been exhausted. The regulation defines Terrorism Counteraction (TC/A) as "those actions taken to counter the terrorist threat." Whereas, anti-terrorism is the "defensive measures taken to reduce vulnerability to terrorist attack." Both are defined as major areas of the National Guard's role in Terrorism counteraction. The primary responsibility for counter-terrorist operations within a state belongs to the civil authorities, except on military installations. The role of the National Guard in TC/A activities is, upon request, to support federal and state law enforcement agencies with personnel, equipment, and facilities.⁹

NATIONAL GUARD'S HOMELAND SECURITY ROLE

Typically when threat of war is viewed as remote, the military budget is reduced. Prior to the attacks of September 11, budgetary constraints forced a draw down of the active military with more combat strength being transferred to the National Guard (principally due to cost). Defense spending declined dramatically from 6.2 percent of the Gross Domestic Product (GNP) since Fiscal Year (FY) 1986 to 3.0 percent for FY 2001.¹⁰ The accompanying effect on manpower reduced the National Guard's personnel strength from 299,000 in FY 1990 to 205,000 in FY 2001.¹¹ Currently, the Army National Guard has 55 percent of the Army combat units¹² (e.g., Infantry, Armor) with the Air National Guard being fully integrated into the Air Expeditionary Force.¹³ The U.S. response to the September 11 terrorist attack caused an added strain on the National Guard's readiness, retention, and recruiting.¹⁴ Readiness has

become even more critical for the National Guard units since the Army has adopted a policy of a seamless force between the active and reserve components. "One team, one fight, one future" is the Army's motto for its interrelationship between these components. The National Guard's primary mission is to serve as a federal reserve force.¹⁵ Until mobilized for a federal mission, National Guard units are commanded by the state Governor.¹⁶

The National Guard Bureau maintains that the 18 months call-up should not have seriously affected readiness, as only 17,000 Guardsmen (5 percent of the total strength) were used for airport security. Further, NGB revealed that in the 1960s all units were required to devote a full weekend to train on Military Support to Civilian Authorities.¹⁷ Ultimately, over 30,000 National Guard soldiers¹⁸ were called up under various statuses (e.g., mobilized, state active duty, ADT, etc.) to secure United States airspace and protect borders, airports, and other vital transportation nodes. Logically, this surge in National Guard support could not continue in the long-term without effecting readiness due to deterioration of collective training, retention, recruitment, and equipment. As a general rule, National Guard personnel actively participating in homeland security after the September 11 attacks did not drill with their units. As many National Guard units normally have difficulty maintaining strength, the addition of airport or other post September 11, 2001 security duties severely hampered collective training. Retention in some units suffered, as soldiers want to train in their chosen field rather than eighteen months of "guard duty."¹⁹ Fortunately, the poor economy has helped erode some of the retention and recruitment effects of using the National Guard for a prolonged period on Homeland Security "guard duty" missions. But when the economy rebounds, the National Guard will have difficulty retaining soldiers that are not serving in the way they envisioned when they enlisted.

In the months following September 11, 2001, Reserve Air units (Air National Guard and Air Force, USMC, and Naval Reserve), averaged 2,500 sorties a month. Since the military maintains only four squadrons of air defense interceptors (about 75 aircraft), this level of activity has put a heavy strain on these units.²⁰ This cannot be maintained for long periods due to the deteriorating effect on equipment and manpower. These soldiers and other soldiers called to duty after September 11, 2001 enlisted in the reserves believing that they could balance the part-time commitment of the reserves with their civilian careers and family life. A significant increase in demand of their time will cause a serious degradation in retention and recruiting. The bureaucratic budgetary system hampered the expediency to respond, thus burdening the reserves to a sizable role of the homeland security for eighteen months.

The National Guard's State mission is "to provide trained and disciplined forces for the domestic emergencies or as otherwise required by State laws."²¹ This State mission must be balanced by the National Guard's federal mission as a reserve force for the active military component. Since the Army National Guard has 55 percent of the combat forces of the active Army, the proper management of these resources at the state level is crucial to the military readiness of National Guard units. This paradoxical situation rests with the states' Adjutant Generals.

ENSURING VIABLE HLS ROLES FOR THE NATIONAL GUARD

There are numerous ways the National Guard can provide support for Homeland Security. Leaders need to ensure that they be used in the long-term in areas where the National Guard's expertise provides benefits that civilian organizations do not have or are scarce resources. Filling "bodies" of a civilian organization with National Guard soldiers who do not necessarily bring something extra to the table diminishes the ability to respond to National Guard's primary federal mission. On a short-term basis, it makes sense to use the National Guard for a personnel and equipment surge when the civilian agency has been overwhelmed by the incident. Although these short-term missions may impact collective training, they do not have the devastating effect of longer-term missions where collective training is impacted for greater periods. In missions where the whole unit or large sections are needed, there may be an enhancement in collective training as the mission may require the unit to exercise METL tasks.

Regional compacts exist between State National Guards to respond to other states emergencies if the affected state does not have appropriate resources. A problem lies with larger states with more robust and diverse National Guard structure that envision themselves as being a provider rather than a user, and therefore, they do not become members of these regional compacts. This could be a potential problem in smaller states, as they would have to go through the NGB, and thus the Pentagon, to task a certain capability of a non-member state. The additional bureaucratic layers cause a timing delay that could be avoided if the larger states were encouraged to belong to compacts dealing with Homeland Security issues.

ANALYSIS OF ROLES AND CAPABILITIES FOR THE NATIONAL GUARD'S HLS ROLE

The National Guard offers some unique capabilities in support of homeland security. In 1999 DoD funded 10 Weapons of Mass Destruction-Civil Support Teams (WMD-CST). The

number of these teams has increased each year, whereby there will soon be a team in each state and territory (except California has two). Unlike the Army's Technical Escort Units and the Marine Corps Chemical and Biological Incident Response Force, the WMD-CST's evaluations and evidence they collect can be used to prosecute perpetrators. The WMD-CST is a state National Guard asset; therefore, it is not affected by Posse Comitatus. They are highly trained and include chemical, biological, and radiological weapons specialists, medical staff, a physician's assistant, emergency medical technicians, hazardous materials (HAZMAT) specialists, and a nuclear medical science officer. These 22 soldier units are manned by full-time AGRs commanded by a Lieutenant Colonel. Either the Commanding Officer or executive officer must be on call at all times. They are highly mobile and are usually located near Air Guard units to decrease their reaction time. Wheeled assets include a Unified Command Suite and a Mobile Analytical Lab System.²² They have outreach programs with communities to include lectures at hospitals on treating victims, and helping law enforcement officers, HAZMAT (hazardous materials) teams, and other first responders.²³ These units also evaluate new technological breakthroughs in WMD detection and identification equipment and train agencies on the proper use of that equipment. The WMD-CST units are not allowed to leave the United States and, therefore, currently cannot be deployed overseas. CST teams are authorized too many positions in the lower ranks and do not have incentive pay to counter their employment opportunities. Retention for the CST teams has been a challenge due to civilian agencies and private companies enticing them with high paying jobs for their unique and highly technical skills.²⁴

Although the larger medical and chemical units are now in the Reserves, the National Guard does have significant divisional medical and chemical resources to include medivac support. National Guard CH-47 units are capable of masse-evac but lack the medical qualified personnel in the medevac units. Many of the aviation National Guard units do not have aviation gas masks that may be needed in WMD evacuations. The Border Patrol prefers using the National Guard's OH-58 helicopters for border surveillance over their noisier UH-60s.²⁵ The transformation plan is to drop the OH-58 from the inventory within the next two years.

In December 2000, the National Intelligence Council (NIC) provided its forecasts of future threat trends through 2015. In this report the NIC identified narcotics traffickers as a major tool to gain capital to feed the criminal and ideological terrorist threats. National Guard missions like the full-time National Guard tasking for the War on Drugs could continue into the War on Terrorism, as they are really one and the same. It is an excellent mission for the National Guard as it compliments and enhances their military skills. The drawback to this

mission is the tendency of commands to overlook those full-time National Guard personnel for federal missions because of the impact such assignment might have on the War on Drugs. Many times these are the soldiers who have built up their skills by full-time duty (e.g., aviators get more flight time than their M-day counterparts) and would be better qualified for a federal deployment than their M-day counterparts. This tendency not to activate the War on Drugs full-timers has the added problem of companies employing National Guard soldiers have to bear more of the burden of federal activations. Also, if units are needed instead of parts of units, then the War on Drugs will suffer the effect. Although these are serious drawbacks they are outweighed by the experience gained and the visibility the National Guard receives in support of this noble cause.

Border missions, like the National Guard's Corps of Engineers building the fence along the U.S./Mexican border, is an enhancement of their skills as well as a visible accomplishment that will help in retention and recruitment. A plot was just uncovered that well-funded terrorists were trying to get smugglers to smuggle them into Texas through the Mexican border to attack the President's home in Crawford, Texas.²⁶ The fact that they needed third parties to enter the United States provides a prime example that the measures taken to protect the borders have a significant impact on terrorists' ability to enter the United States.

The Air Guard maintains interceptors that are used to thwart terrorist air attacks. Although this mission is important, long-term coverage may be better served by using a standby system between active and reserve units with more effective early warning through increased and improved radar sites. Air Guards have robust medical and aeromedical evacuation capabilities. For example, California has Military Medical Assistance Teams (MILMAT) that can provide triage and stabilization of patients, patient decontamination, inspection of food and water supply, and medical support to military members deployed in the same mission. They can be deployed as a stand-alone team or augment civilian medical assets such as the Disaster Medical Assistance Team (DMAT) and to support an Aeromedical Evacuation Squadron (AES) operation including its Mobile Aeromedical Stage Facility (MASF). Composed of 2 physicians, 2 Nurses, 6 Medics, 2 public health/bioenvironmental engineering personnel, 1 biomedical technician, and 2 medical administrative personnel, this unit deploys with enough equipment and supplies to support 800 casualties.²⁷ The Air Guard can provide general airlift support as well as various logistical support capabilities. They can also offer photoreconnaissance and explosive ordinance disposal technical advice.

CIVILIAN AUTHORITIES LINK TO MILITARY SUPPORT

Regardless of size, attacks on the homeland are local with respect consequence management. After the September 11 attack, the New York Port Authority and Mayor Giuliani were in charge at the World Trade Center site. While federal agencies (e.g., the Federal Bureau of Investigation and Federal Emergency Management Agency) were on hand to provide assistance, the local government and related agencies had primary responsibility for consequence management coordination. However, due to being overwhelmed, federal authorities may be called upon to take primary responsibility (e.g., Florida's Hurricane Andrew in 1992). This is rare, however, and such management usually starts local and finishes local.

Each state has an emergency services office (similar to the Office of Emergency Services [OES] in California) that coordinates the resources available for assistance. These offices are linked to the Federal Emergency Management Agency (FEMA) in case federal support is required. FEMA coordinates through the Department of Homeland Security for any military support that is required at the federal level. In the event of a crisis, U.S. Northern Command (NORTHCOM) would get the request and work through the Pentagon on tasking.

One of the most powerful tools in the consequence management phase of an attack on the homeland is the command-and-control linkages the National Guard provides to its state. Most states' National Guards have an emergency response situation room at the state level that would link up with a ground command and control unit. This situation room would provide the link between the state emergency services office and the needed National Guard units.

The California Office of Emergency Services (OES, California's equivalent to FEMA) has broken the state down to three regions, each with an OES center. The California National Guard has recently formulated a plan where a Ready Reaction Force (RRF) would be able to deploy within 24 hours in response to an emergency or incident. Three RRF teams would be organized for one year of duty and one team assigned to each OES region. The CST teams would be the first military unit on site with a four-hour response time. When the RRF arrives, command of the military response would be given to the O-6 commander of the RRF. This force would be robust. It will include command and control, a military police company, a medical company, a transportation company, and an infantry company, a decontamination platoon, maintenance and fuel support teams, and helicopter lift assets.²⁸ New York State has a similar program and other states are considering it. Currently, these RRFs are being formed without all the equipment (e.g., gas masks, other NBC equipment) to perform their mission with undue risks. Currently, the federal government is not funding RRFs and, due to the poor economy, states are hesitant to fund these programs.

FEDERAL RESOURCES AVAILABLE FOR HLS

NORTHCOM does not have assigned units but may draw on military units stationed in the U.S. Prime examples of units that may get such a request are the Marine Corps' Chemical-Biological Incident Response Force (CBIRF) or the Army's Technical Escort Unit (EU). The CBIRF consist of approximately 375 Marines and sailors of a variety of Military Occupational Specialties. This unit is capable of chemical/biological agent detection and identification, hazard prediction, advanced life saving and triage, evacuation of victims from contaminated areas, security, decontamination, and incident site management.²⁹ The Army's Technical Escort Unit's missions include "worldwide response for escorting, packaging, detection, and monitoring, rendering-safe, disposing, sampling, mitigating hazards, and identifying weaponized and non-weaponized chemical, biological and hazardous material." There are five EU companies stationed throughout the United States.³⁰

Active military units are not the only source that NORTHCOM has at their disposal as Reserve and National Guard units may also be called upon. Requests are usually given in terms of capabilities rather than identifying specific units. NORTHCOM's request goes through the Pentagon. If the Pentagon wants to fill the request with a Guard unit, the request goes to the National Guard Bureau (NGB). The NGB then has to consider whether the units being considered are being used on a state mission or another federal mission before they make a final decision. Although the federal tasking would overrule the State's, such political quagmires may be avoided by selecting another unit. The Pentagon usually (95 percent of the time)³¹ deploys the unit nominated by the NGB.

The Reserve component has the major hospital capabilities, as the medical brigades are now in the Active Army or Reserves. The Reserve component also has the large non-divisional chemical units, but much of their wide area decontamination capability has been removed. The Reserve component is a federal force; therefore, the selection process does not have the same problems involved with selecting National Guard units. But the Reserves do not have the flexibility of the National Guard for state duty. Although they can respond quickly in a training capacity, long-term commitments require federal mobilization.

Since September 11, 2001, reserve aviation units (including the Air Guard) have been protecting the skies with only 75 air defense interceptors. The high-intensity flying program these reservists had to endure has detrimental effects on manpower and equipment. The military has roughly 2,000 planes stationed in the U.S. Consideration should be made to

relocate aircraft and set-up a standby system combined with better early warning coverage. This would necessitate upgrading communications of some of the aircraft, like the F-15s, to be compatible with the air defense mode.³² Within the U.S., there are generally about two-dozen Airborne Warning and Control Systems (AWACS) available at any one time.³³ Being based out of Tinker AFB, Oklahoma causes concerns about the AWACS response time in event of attacks near the U.S. borders.

Cruise missile defense poses another serious problem as they can fly as low as 50 feet above the terrain to avoid radar detection until they are very close. Many of the United States coastal radars sites are located on 100 to 200-foot hills. Due to the curvature of the earth, a cruise missile could come very close to a coastal target before it is discovered, making interception improbable. Aerostat balloon radar site technology exists where the site would hover several thousand feet greatly increasing the reaction time to intercept a cruise or ballistic missile.³⁴ NORTHCOM and NORAD recognize that homeland surveillance radar needs to be updated to meet the latest threat technology.³⁵

As the United States receives over 1,000 foreign-flag ships to her ports every week, the daunting task of protecting the coastline falls to the Coast Guard. Additionally, they do so with an aging fleet, third oldest of the world's 40 main naval powers. Maritime security is one of many missions assigned to the Coast Guard. Other missions include maritime safety, protection of natural resources, maritime mobility, and national defense.³⁶ The Coast Guard fleet consists of 90 cutters (larger vessels able to conduct operations up to 50 miles out), 300 smaller boats, 90 special boats (i.e., icebreakers) and 200 aircraft.³⁷ Given the increase in OPTEMPO and technology, the Coast Guard is currently modernizing.³⁸ Most of the smaller boats are under-armed for the current threat. The Coast Guard has inadequate Nuclear, Biological, Chemical, and Radiological (NBCR) capabilities. Local port security committees could devise security plans for their own ports. Improved procedures for forward screening of ships, using remote sensors, unmanned aerial vehicles, and fixed impediments to ship movement will take a significant workload off the Coast Guard. With these efficiencies in place, it is estimated that homeland security should only be 25 percent of the Coast Guard's effort.³⁹

RECOMMENDATIONS FOR CIVIL RESPONSIBILITY TO LESSEN THE GUARD'S ROLE

This section of the paper will highlight other research findings that emphasize civil authorities efforts that have reduced the military's Homeland Security role. It will also provide

recommendations that the civil authorities and private industry can do to improve Homeland Security. Homeland Security should be a responsibility shared by both the civil authorities and military. The greater role industry and government agencies take in HLS the more time the National Guard will be able to devote to their primary mission, as part of the federal reserve force.

Governmental agencies need to understand the threat and possible nature of an attack on the United States' homeland. They must identify the most likely targets, determine the assets available, devise plans to prevent attacks, and provide excellent consequence management if attacked. Since nearly all crises management start and end locally, this type of planning is important for all levels:⁴⁰ from the local police or fire station to the Department of Homeland Security. The military is just a piece of the overall homeland security puzzle. Civilian agencies and industry must play a large role in protecting the U.S. homeland and their participation can reduce the necessary level of military involvement. Effective civil and military preparation by will reduce vulnerability.

State and local government agencies have received, and will continue to receive over the next few years, federal homeland security funds to be spread throughout the local and state agencies. Determining where this money and other resources should go should be based on three variables. First, each state, city, and county government needs to prioritize terrorist targets and likelihood of attack. Second, the federal government needs to keep the state and local governments informed of the probability and severity of possible types of terrorist attacks. There is much speculation in this area and the evaluations are extremely different depending on the source. The CIA and FBI should formulate and distribute these evaluations based on current controls in the homeland security environment and the worldwide intelligence information they have at their disposal. The third variable is a current list of assets and capabilities that could be provided if the need arose. Jeffrey L. Rubin, Division Chief, Emergency Medical Services Authority, State of California, stated that he used to get visits from various military medical units periodically but they had stopped visiting several years ago.⁴¹ Liaison officers should be assigned or, at a minimum, information papers should be distributed to let state and local governments know what capabilities they may request. If they do not know something exists, they do not know to ask for it when needed. State and local governments should use these three variables together in a matrix to determine the communities needing support and the compatibility of the support being requested with the State's overall Homeland Security Plan.

Civilian leaders should be given security clearances that will enable leaders at lower levels to assess the threat information they receive. Thankfully, none of the threat alerts received since September 11, 2001 resulted in attacks. But this can be a double-edged sword, as local leaders do not know if plans were thwarted or the intelligent community is just “calling wolf.” With proper clearances, lower level leaders may be entrusted with enough of the intelligence information to let them assess the degree of preparedness for their particular community.

Some of the federal funding should go to setting up annual Homeland Security conferences put on by the Department of Homeland Security and attended by National Guard Homeland Security leaders and their civilian counterparts. These conferences would educate all parties on requirements, capabilities, technology, and the terrorist threat. “Best Practices” could be compared and evaluated by peers. Vendors would help absorb some of the cost to get their products in front of prospective buyers. Vendor participation will allow the consumer to compare various options that do similar jobs and allow a forum to talk amongst their peers providing a synergy for consumers.

Government Accounting Office (GAO) auditors need to provide an audit plan that can not only determine if the federal funds for Homeland Security are being spent properly but can also force standardization of many of the technological purchases to obtain economies of scale. Auditors will also be able to spread “best practice” ideas among the community leaders. State auditors can use the GAO audit template to certify compliance and avoid fraud. Some funding may be needed to hire more auditors but this could be kept at a minimum using statistical sampling of communities to determine trends.

PROTECTING THE PERIMETER

AIR—Procedural changes have improved security at airports, but an increased effort should be considered. For example, only allowing carry-on baggage to people willing to undergo security background checks and carry a special “EZ-pass” counterfeit-proof ID.⁴² It is recommended this be done in concert with an improved baggage handling system to prevent unnecessary passenger delays. It is further recommended the number of guards be increased at security checkpoints. On February 6, 2003, San Francisco International Airport shut down Terminal 3 because a woman breached airport security. Fearing this to be a diversion, the security guard did not leave his station and the woman escaped. It is believed she was late for her flight and boarded the aircraft before she could be apprehended. This caused a four-hour

delay of flights. When the massive crowds were finally allowed to enter the terminal, they were processed through security stations very swiftly, raising concerns about their thoroughness.

GROUND AND SEA—Preventing the immigration of illegal aliens into the United States by land or sea is an impossible task. To help stem the flow, the National Guard Corps of Engineers constructed a fence between the U.S./Mexican border (built of landing mat material used by the military to make temporary runways). Shortly thereafter, a series of doors were discovered at various points along the fence. The engineers returned and built a similar fence some distance from the original, equipped with lights and cameras. Recently, sophisticated tunnels 60 feet deep have been discovered terminating inside warehouses several hundred yards inside the United States.⁴³ Despite best efforts to prevent illegal aliens from crossing the borders, the smugglers seem to get creative and find a way.

Intelligence sharing between the U.S. and other countries should be improved to enable them to identify undesirables and prohibit their entry. The new “EZ-pass” biometric reader system that the Department of Homeland Security is developing for the U.S./Canadian border⁴⁴ needs to be extended to the U.S./Mexican border. For both borders, a database needs to be developed to work in conjunction with biometric identifiers to confirm identity. Multi-agency information must be resolved in developing such a database. Some of this has already been done. The Patriot Act (October 2001) directs the FBI to share the National Crime Center’s Interstate Identification Index with the State Department and the Immigration and Naturalization Service.

There has been terrorist abuse of the Visa Waiver Program (VWP). Under this program citizens from 28 different countries can enter the United States for under 90 days without a visa. New requirements in 2003 forced these countries to adopt machine-readable passports. That requirement should be expanded requiring countries to issue fraud-proof passports with digitized photos and biometric identifiers. With more than 500 million people entering U.S. borders each year, it is imperative that machine-readable passports and biometric readers be linked to a comprehensive database.⁴⁵

The Customs Service also needs to expand. Prior to the September 11 attacks, only two percent of the annual 20 million plus import shipments that arrived in the United States were inspected. Overland shipments from Mexico were inspected at a higher rate (five percent), due to the war on drugs. After September 11, 2001, nearly 10 percent of the shipments were inspected⁴⁶ but this increased rate could not be maintained without appropriate organizational increases. Stephen Flynn, a former Coast Guard officer and scholar on the Council on Foreign

Relations proposed the development of a real-time database for tracking containers and complete much of the inspection of the goods prior to reaching U.S. ports. Shipping and trucking companies could go through background checks to give them the ability to get their goods through customs faster.⁴⁷ Out of the 500,000 firms that import products into the U.S., 1,000 importers account for two-thirds of the imports.⁴⁸ Tamper-proof security locks could be used to secure the equipment and allow for constant tracking using Global Positioning Satellites (GPS). Potentially dangerous ships should not be allowed to approach the coast until they are inspected. Non-metal containers should be required of some importers to enable x-raying of contents.⁴⁹

PROTECTING THE INTERIOR

As the United States is an open society with a diverse population, it is important to defend against terrorist acts internally by subversive individuals or groups as well as from international terrorist organizations. Examples of these groups include the Nation of Islam, Aryan Nations, Aryan Brotherhood, the Black Liberation Army, and subversive organizations that call themselves "Militia," to name a few.⁵⁰ Since September 11, 2001, the FBI has been forced to shift their focus from incident investigation to prevention. However, because investigative requirements have not decreased, it is recommended that the force be expanded accordingly. Information sharing has increased significantly since September 11, 2001 between the various intelligence-gathering agencies. The newly formed Terrorist Threat Integrations Center under control of the Director of Central Intelligence coordinates information and channels that information to the appropriate levels of government. The information then flows to the state's Information Sharing Analysis Centers, where they disseminate it to the lower levels of government as appropriate. The state may declassify the information through editing prior to sending it local communities. For example, the state's message might indicate how the information was obtained to let the reader assess the validity of the threat. When the verbiage on how the information was obtained is omitted, it may reduce the classification enough to provide it to local police and fire stations.⁵¹

Currently, federal funds are being supplied to local agencies for prevention and consequence management. The responsibility for prevention and consequence management needs to be shared by the private sector. Protecting their employees and assets should be an added cost of doing business. Governmental requirements should dictate minimum responsibilities. For example, there are about 800,000 hazardous truck and rail material

shipments each day. An explosion on a 90-ton rail tank car full of chlorine could affect a population 14 miles away.⁵² The potential for calamitous damage to communities necessitates governmental control to the industries handling hazardous materials. Each level of government needs to assess possible targets and rank them in order of importance to the nation and its citizens. Vulnerability to the threat of an attack should be determined. Then, limited resources could be allocated to the appropriate degree and when need arises. Some of these resources will shift as intelligence dictates.

It is further recommended that state and local governments review the adequacy of their procedures. Seven of the eleven September 11, 2001 terrorists were able to obtain Virginia driver's licenses without having lived in the state.⁵³ Fire ordinances should be expanded to add a terrorism section in the fire safety classes required by companies with many employees.

Federal regulation should also expand to more effectively contain post-September 11, 2001 threat. The 1996 Antiterrorist and Effective Death Penalty Act improved the security involving the handling of dangerous pathogens, but it applies to less than half of the laboratories that handle dangerous pathogens and does not require background checks on these labs. Control of delivery means (e.g., crop dusters and large fans) needs to be tightened. The nuclear reactor industry needs to beef up security in light of the heightened risk. The Department of Energy needs to accelerate plans to provide secure storage of spent fuel from nuclear reactors.⁵⁴

SUMMARY OF HOMELAND SECURITY & THE NATIONAL GUARD'S ROLE

The September 11, 2001 attacks prompted the United State to spend considerable funds and resources to protect the U.S. homeland. Due to the bureaucratic governmental process these resources did not start flowing immediately. As a stopgap measure to provide for homeland security, over 30,000 National Guard soldiers were called upon to protect American airports and infrastructure until federal programs evolved. This lasted for nearly 18 months causing a detrimental effect to National Guard units' ability to conduct collective training, which ultimately affected readiness. Military budget cuts in previous years had resulted in assigning over half the Army's combat units in the National Guard. The Air Guard had become an integral part of the Air Force's force structure. The United States could not launch a major traditional military operation without the National Guard. Therefore, it is imperative that civilian authorities understand the National Guard's importance to our National Defense prior to the commitment of a long-term homeland security mission.

Since nearly all consequence management starts and ends with local civil authorities, the National Guard is the ideal military component to be called upon if the emergency extends beyond the capacity of the local or state civil infrastructure. A state's National Guard has a habitual working relationship with the state's emergency services office. The National Guard's history and laws provide for these citizen soldiers to be part of the state's structure to deal with emergencies. This relationship with state governments has to be one of trust that the state will not saddle the National Guard with responsibilities that do not demand capabilities that can easily be obtained through civilian sources.

There are several homeland security roles that are beneficial for the National Guard and the supported agencies. An example is the building and maintenance of fences on the U.S./Mexican border by the National Guard's Corps of Engineers. The Border Patrol gets a structure to reduce the flow of illegal aliens and the engineers perform missions that increase their collective and individual skills. The War on Drugs program may soon develop into the War on Terrorism as government funding transfers. These missions are really the same, since drug money provides terrorists with a significant portion of their income. The full-time National Guard staffing to the War on Drugs should continue on to the War on Terrorism, as it enhances soldier METL skills and is great visibility for the National Guard.

The newly formed Weapons of Mass Destruction-Civil Support Teams (WMD-CST) provide an early response capability for WMD attacks as well as a source of information for hospitals and civil agencies. The Army National Guard has helicopter airlift capabilities to include medevac units. The Air Guard not only has Air Interceptors to keep our skies safe, but it also has disaster medical, aeromedical evacuation, engineer, ordinance disposal, photoreconnaissance, and explosive ordinance disposal assets that are available for state emergencies.

California and New York have each developed a Ready Reaction Force (RRF) that would respond to attacks within 24 hours with a robust multi-capability task force. This unit, commanded by a colonel, will work through the state's National Guard operation center, which is interconnected with the state's office of emergency services. Other states have considered these RRFs but with the poor economy, funding has been the major issue.

The state's office of emergency services communicates with the Federal Emergency Management Agency when the recovery effort is beyond the state's capabilities. FEMA will task NORTHCOM if federal military support is required. NORTHCOM in turn requests capabilities required to the Pentagon, which tasks units within the United States.

Homeland security capabilities cannot be examined without considering the responsibilities of the civil authorities down to the local level, including private industry. Civil agencies must partner with the military to provide the most cost effective homeland security program. Federal funding is trickling down to the local agencies but programs must be in place to ensure those funds are being properly utilized.

CONCLUSIONS

Defending the homeland against possible terrorist attacks is a daunting task. The United States is one of the most open societies on earth. Civil liberties and protection of privacy are cornerstones of the U.S. legal structure. The United States has among the most diverse, liberated, and wealthiest societies on earth. The history and laws forming the National Guard make it the military component best suited for homeland security. These “citizen soldiers” have a habitual support relationship and history with their state’s civilian authorities. The National Guard has abundant capabilities to support this mission, but if the emergency extends beyond the state’s capacity, federal resources may be available.

The United States has thousands of miles of border and coastline with over 500 million people entering each year. Thorough inspection of everything and everyone entering the United States would not only be cost prohibitive, but it would also cause massive delays that would have a serious economic effect. All levels of government need to determine which assets are most critical and the means they have to protect them. Although the government cannot ensure absolute safety from terrorist attacks against the U.S. homeland, there is much that can be done to deter those inclined.

This paper has provided many recommendations for civil authorities to strengthen the security of the homeland of the United States. Responsible action by government and private industry will reduce the National Guard's role in homeland security. Technological advances provide new opportunities to provide better security for citizens. The Department of Homeland Security now has a centralized control and is concerned to ensure that the state and local governments have the tools they need. The National Guard has had a habitual relationship with the state and local agencies that have such an omnipotent responsibility in homeland security. Leaders must stay energized and focused on their responsibility of preventing terrorist attacks and minimizing the consequences because retrospective concerns could be very grave indeed.

RECOMMENDATIONS

1. Civilian authorities need to be reminded that the National Guard's support should only be requested when they are overcome by events and civil resources and industry cannot provide the services, facilities, and/or equipment required. Many state missions hinder National Guard units' ability to do collective training, thus adversely affecting unit readiness.

2. Serving 18 months of "guard duty" at U.S. airports hampered National Guard units' collective training, impairing readiness. Civilian leaders should be made aware of the National Guard's capabilities and how their requests could impact the mission capability for the National Guard's federal mission.

3. Individual states' National Guards need Ready Reaction Forces that can respond rapidly when needed. These RRFs should have all the equipment (e.g., gas masks, other NBC equipment) to do their jobs without undue risks. Currently, the federal government is not funding RRFs and, due to the poor economy, states are hesitant to fund these programs. States need to use their political clout to encourage federal funding. If military channels cannot supply them with this equipment, State or Federal Homeland Security funding should be considered.

4. WMD-CST teams do not support the rank structure to ward off lucrative employment offers from civilian agencies and private companies. For these teams to maintain their status as the foremost specialists in their fields, they must be compensated appropriately. To retain these soldiers, authorized grades should be raised and soldiers should be provided a strong incentive pay package. The training costs of these soldiers and the experience gained on the job need to be protected by benefits commensurate with the soldiers' abilities.

5. Consideration needs to be given to re-instituting a similar requirement that was utilized in the 1960s riots where a MUTA 4 per year was designated to Mission Support to Civil Authorities. A MUTA 2 may provide the required interplay with civilian counterparts causing less damage to the federal mission's METL. In some instances, it may actually enhance it. This should not be a requirement for all National Guard units but only those identified as units likely to support homeland security (e.g. medevac, divisional chemical units, medical units, etc.) Training with civilian authorities will encourage a seamless interlock when they are called to work together.

6. The four squadrons of reserve component interceptors (approximately 75 aircraft) protecting the U.S. homeland are stretched very thin. The military has over 2,000 aircraft in the United States. Consideration needs to be given to relocating some of these aircraft closer to border and coastal areas to shorten their response time and maintain standby crews. Further, the use of aerostat balloon radar sites hovering several thousand feet would greatly increase the chances of intercepting a cruise or ballistic missile. High priority locations need to be determined to reduce the cost of these measures. These measures would not be needed along coastlines that do not have viable targets, as an enemy probably would not risk such a valuable weapon on a relatively low-payoff target. Despite the fact that the likelihood of an attack from a terrorist launched cruise missile is relatively remote, the potential damage may be worth the investment.

7. Full-time National Guard missions, like the War on Drugs, that enhance collective training, provide retention incentives, and foster positive working relationships with civilian authorities should be continued. If the War on Drugs' funding is transferred to the War on Terrorism, those full-time National Guard soldiers should be transferred also, as the mission is one and the same.

8. Engineer support to border security is a mission that enhances both individual and collective training of the unit. It provides excellent public relations for the National Guard and ensures soldiers a realistic mission that enhances soldier retention. It should continue.

9. The U.S. Border Patrol has been utilizing the National Guard's OH-58 for border surveillance. They do not want to use any of the National Guard's modern aircraft, as they claim they are too noisy. The OH-58 aircraft is a legacy aircraft due to retire in less than two years. A cost/benefit analysis should be done to determine whether this airframe should be maintained for the full-time National Guard soldiers fighting the War on Drugs/Terrorism.

10. The Coast Guard is modernizing, but they need to add another 10 cutters and double their smaller boat fleet. All the smaller boats should receive better armament. Further, the Coast Guard needs to improve their ability to counter the threat of chemical and biological weapons.

11. Local port security committees should be required to develop security plans for their ports. This, combined with improved procedures for forward screening of ships using remote sensors, unmanned aerial vehicles, and fixed impediments to ship movement, will take a significant workload off the Coast Guard.

WORD COUNT = 8,914

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