

WHAT DOD HOMELAND SECURITY ROLES SHOULD THE NATIONAL GUARD  
FULFILL DURING THIS TIME OF PERSISTENT CONFLICT?

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MASTER OF MILITARY ART AND SCIENCE  
Homeland Security

by

DANNY KEVIN COX, MAJ, AR ARNG  
B.S., Arkansas State University, Fort Smith, Arkansas, 1994

Fort Leavenworth, Kansas  
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Name of Candidate: Major Danny Kevin Cox

Thesis Title: What DOD Homeland Security Roles Should the National Guard Fulfill  
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Approved by:

\_\_\_\_\_, Thesis Committee Chair  
David W. Christie, M.A.

\_\_\_\_\_, Member  
LTC Daniel E. Longwell, M.S.

\_\_\_\_\_, Member  
Bill J. McCollum, Ed.D.

Accepted this 11th day of June 2010 by:

\_\_\_\_\_, Director, Graduate Degree Programs  
Robert F. Baumann, Ph.D.

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## ABSTRACT

WHAT DOD HOMELAND SECURITY ROLES SHOULD THE NATIONAL GUARD FULFILL DURING THIS TIME OF PERSISTENT CONFLICT? by Major Danny Kevin Cox, 121 pages.

Initially, this research addresses the Department of Defense's doctrine that separates the Homeland Security mission into two distinct but interrelated mission areas, Homeland Defense and Defense Support for Civil Authorities. Subsequently, it reviews the creation of US Northern Command, and its responsibilities toward Homeland Security.

Afterward, the focus of the research turns to the National Guard (NG). An in-depth review of the legal implications of utilizing the NG for Homeland Security is conducted, with a particular focus on the Posse Comitatus Act. Next, the NG's capabilities are analyzed to determine what capabilities that it possesses which could be used for Homeland Security missions. The capabilities analysis addresses the NG's doctrine, organization, training, materiel, leadership, personnel, and facilities. Subsequently, the affects of the NG's repeated deployment during this period of persistent conflict are studied. The research concludes while utilizing the Hurricane Katrina case study to analyze the NG's response during that disaster. The case study analyzes the previously addressed criteria: legal implications, capabilities, and impacts resulting from the NG's repeated deployments.

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## ACRONYMS

|          |                                                                                               |
|----------|-----------------------------------------------------------------------------------------------|
| 9/11     | 11 September 2001                                                                             |
| ARGORGEN | Army Force Generation                                                                         |
| CDU      | Critical Dual Use                                                                             |
| CBRNE    | Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive                         |
| CERFP    | CBRNE-Enhanced Response Force Packages                                                        |
| CIP-MAA  | Critical Infrastructure Protection-Mission Assurance Assessment                               |
| CNGB     | Chief of National Guard Bureau                                                                |
| CNGR     | Commission on the National Guard and Reserves                                                 |
| CS       | Civil Support                                                                                 |
| DA       | Department of Army                                                                            |
| DHS      | US Department of Homeland Security                                                            |
| DMOSQ    | Duty Military Occupational Skill Qualification                                                |
| DOD      | Department of Defense                                                                         |
| DOTMLPF  | Doctrine, Organization, Training, Materiel, Leadership & Education, Personnel, and Facilities |
| DSCA     | Defense Support of Civil Authorities                                                          |
| EMAC     | Emergency Management Assistance Compact                                                       |
| EMEDS    | Expeditionary Medical Support                                                                 |
| FEMA     | Federal Emergency Management Agency                                                           |
| GAO      | Government Accountability Office                                                              |
| HD       | Homeland Defense                                                                              |
| HS       | Homeland Security                                                                             |
| ISR      | Intelligence, Surveillance, and Reconnaissance                                                |

|             |                                                 |
|-------------|-------------------------------------------------|
| JFCOM       | United States Joint Forces Command              |
| JFHQ        | Joint Forces Headquarters                       |
| JFHQ-State  | Joint Forces Headquarters-State                 |
| JTF         | Joint Task Force                                |
| MACA        | Military Assistance for Civil Authorities       |
| NGDO        | National Guard Domestic Operations              |
| NORTHCOM    | US Northern Command                             |
| <i>NSHS</i> | National Strategy for Homeland Security         |
| PCA         | Posse Comitatus Act                             |
| PHA         | Periodic Health Assessment                      |
| SAD         | State Active Duty                               |
| TAG         | The Adjutant General                            |
| Title 10    | Federal Military Forces                         |
| Title 32    | State National Guard Forces                     |
| US          | United States                                   |
| WMD         | Weapons of Mass Destruction                     |
| WMD-CST     | Weapons of Mass Destruction-Civil Support Teams |

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## CHAPTER 1

### INTRODUCTION

Nowhere is specified the role that the National Guard and Reserves should play in providing homeland civil support, up to and including responding to a major catastrophe. . . . While civil support is a responsibility of the total force, it is a mission that the National Guard and Reserves are particularly well-suited to performing. National Guardsmen and Reservists live and work in communities throughout the country. Their nationwide presence give them a unique capability as well as the knowledge, experience, and relationships needed to assist civil authorities effectively in restoring order, protecting the public, mitigating damage, and relieving suffering.

— Commission on the National Guard and Reserves  
*Transforming the NG and Reserves into a 21st-Century Operational Force*

This thesis addresses the question, which Homeland Security (HS) roles should the National Guard (NG) fulfill during this era of persistent conflict? Within chapter 1, the reader will be given a brief history of HS, to include an explanation of how the Department of Defense's (DOD) doctrine has divided the numerous operations within HS into homeland defense (HD) and civil support (CS). In addition, the chapter will offer an introduction of the National Guard (NG), the creation of United States Northern Command (NORTHCOM), and the DOD's current responsibilities toward HS. In closing, this chapter will highlight the primary and secondary research questions, the limitations of this study, some key definitions, the significance of this study, and a conclusion for this chapter.

#### Background

Although HS has always been a concern, after 11 September 2001, the United States placed an entirely new level of importance on the area. The President announced the creation of the Office of Homeland Security only eleven days after the bombing of

the World Trade Centers in 2001. He also announced that he would appoint Tom Ridge, Pennsylvania's governor, as the office's first director. The newly created office was formed to oversee and coordinate a comprehensive national strategy to safeguard the country against terrorism, and respond to any future attacks (Maxwell 2004, 258). Then on the one month anniversary of 9/11, Senator Joseph Lieberman proposed a bill that led to the creation of the Department of Homeland Security (DHS) and its first annual budget of more than \$37 billion (DHS History Office 2008, 5). That significant legislation resulted in the consolidation of more than forty federal agencies and over two thousand separate congressional appropriations.

Originally the DHS's concentration was predominantly focused on terrorism. That focus was a result of the recent disastrous terrorist attacks on the World Trade Centers and Pentagon. Accordingly, the first *National Strategy for Homeland Security (NSHS)* defined HS as "a concerted national effort to prevent terrorist attacks within the US, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur" (DHS 2007, 3). Although the creation of the DHS was initially terrorism focused it continued to evolve to include responses to natural disasters and catastrophic accidents.

In 2005, the US mainland was struck by Hurricane Katrina, the most destructive natural disaster in its history, an enormous Category Three storm. The storm's dangerous hurricane force winds extended 103 miles from its center, while its tropical force winds stretched 230 miles. The results were that the hurricane impacted 93,000 square miles of the US (Cecchine et al. 2007, 1). "In the end, Hurricane Katrina caused over \$96 billion in property damage, destroyed an estimated 300,000 homes, produced 118 million cubic

yards of debris, displaced over 770,000 people, and killed an estimated 1,330 people (Cecchine et al. 2007, 2). The tremendous human suffering and immense property damage caused by Hurricane Katrina assisted the US to recognize that threats to the homeland could come from sources other than just terrorism (DHS 2007, 3). As a result, the *NSHS* issued in 2007 identified that although effective preparation for catastrophic natural disasters and man-made disasters was not connected to the previously released HS definition, they did conclusively increase the security of the Homeland (DHS 2007, 3). Therefore, natural and man-made disasters were added to the list of threats within the *NSHS* in 2007. Thus, the most recent *NSHS* listed the following threats within its vision statement: terrorism, catastrophic natural disasters, and catastrophic accidents and other hazards (DHS 2007, 9).

The *NSHS* identified al-Qaida as the most serious and dangerous terrorism threat to the US. It described the group's ambition to place operatives in the Homeland in order to attack innocents at home. In addition, it discussed al-Qaida's desire to gain weapons of mass destruction (WMD) for use against the US, and emphasized the threat from the Lebanese Hizballah and the emergence of homegrown radicalization and violent Islamic extremism within the US borders (DHS 2007, 9). Its terrorism section also underscored that the terrorist threat to the US was not limited to only violent Islamic extremist groups. Instead, it also described numerous domestic terrorist groups such as: white supremacist groups, animal rights extremists, and eco-terrorist groups (DHS 2007, 10).

The *NSHS* also described the numerous threats related to catastrophic natural disasters. It stated, "Our *National Strategy for Homeland Security* recognizes that the lives and livelihoods of the American people also are at risk from natural catastrophes.

Our vast Nation, with its varied population, geography, and landscape, will continue to endure a range of natural hazards and disasters” (DHS 2007, 10). It described the threat of naturally occurring infectious diseases, and discussed that history and science suggested the nation would face at least one pandemic during this century. It also explained that seven of the ten most costly disasters in US history were hurricanes, and the US was certainly going to receive additional large hurricanes in the future (DHS 2007, 10). In addition, the *NSHS* declared that Americans in thirty-nine states face significant risk from earthquakes. The *NSHS* section on catastrophic natural disasters concluded by discussing the continued threat posed to the Homeland by floods, tornadoes, and wildfires.

The final category of threats that was discussed within the *NSHS* was catastrophic accidents and other hazards. This area concerned domestic accidents involving industrial hazards and infrastructure failures (DHS 2007, 10). It stated there are thousands of chemical spills annually, and many of them could pose a threat to the public’s health and the environment. In addition, it discussed how incidents related to the Nation’s critical infrastructure could cascade into a major incident. One example it mentioned was the “Northeast Blackout of 2003,” which occurred when an electric utility in Ohio malfunctioned and started a chain reaction of power failures across eight other states and Ontario. The incident impacted 265 interlinked power plants resulting in a financial loss of roughly \$6 billion and the loss of power for 50 million people (DHS 2007, 11).

Although the DHS primarily focused on threats from terrorism in its early days, the DOD’s focal point for achieving HS was always much more extensive. “The Armed Forces of the United States support the *National Strategy for Homeland Security (NSHS)*

through two distinct but interrelated mission areas—homeland defense (HD) and civil support (CS)” (DOD 2005, II-3). The DOD serves as the lead federal agency for HD, while it usually serves in a supporting role to other agencies within CS.

“Homeland Defense is the protection of US sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression, or other threats as directed by the President. DOD is responsible for the HD mission, and therefore leads the HD response, with other departments and agencies in support of DOD efforts” (DOD 2007a, vii). Defense of the homeland is the DOD’s highest priority according to the military’s Joint Publication 3-27, *Homeland Defense*. It also states that its goal is to identify and defeat threats at a safe distance from the homeland. Its purpose is to protect against and mitigate the impact of incursions or attacks on its territories, domestic populations, and defense critical infrastructures (DOD 2007b, viii). The DOD’s objectives related to HD are listed below (DOD 2007a, I-6):

1. Identify the threat.
2. Dissuade adversaries from undertaking programs or conducting actions that could pose a threat to the US homeland.
3. Ensure defense of the homeland and deny an adversary’s access to the nation’s sovereign airspace, territory, and territorial seas.
4. Ensure access to space and information.
5. Protect defense critical infrastructure.
6. Deter aggression and coercion by conducting global operations.
7. Decisively defeat any adversary if deterrence fails.
8. Recover from any attack or incident.

*“The Strategy for Homeland Defense and Civil Support* calls for securing the United States from attack through an active, layered, defense in depth. This active, layered defense seamlessly integrates US capabilities in the forward regions of the world, in the geographic approaches to US territory, and within the US homeland” (DOD 2007a, I-5). As part of its layered defense, the DOD executes HD missions outside of the US (regions and approaches) to detect, deter, prevent, and if necessary defeat adversaries that try to access the homeland (DOD 2007a, viii). In contrast, the DOD operations within the homeland consist of tasks such as air interdiction, land operations, maritime interceptions, and the defense of critical infrastructure executed in the airspace, land, and territorial water of the US. The subsequent paragraphs will further describe the DOD’s HD framework, which is comprised of the following operations: air, land, maritime, space, and other supporting or enabling activities.

The DOD HD missions related to the airspace focus on its ability to defeat air threats of the US. The DOD must be prepared to defend against traditional military air threats such as: aircraft, ballistic missiles, and cruise missiles. In addition, it must be ready to intercept nontraditional air threats (DOD 2007a, III-1). Some potential types of nontraditional air threats include: unmanned aerial vehicles, radio controlled aircraft, balloons, civilian aircraft, chartered aircraft, ultra light aerial vehicles, and unmanned aerial vehicles. The DOD’s airspace HD operations are comprised of active and passive air and missile defenses (DOD 2007a, III-3). The DOD’s active air and missile defenses employ limited offensive actions to deny area or position to potential threats (DOD 2007a, I-9). These active defenses are designed to reduce the effectiveness of or stop attacks on US sovereign territory, domestic population, and infrastructure (DOD 2007a,

I-9). The DOD's passive defenses include force protection and critical infrastructure risk mitigation actions to reduce the effectiveness of potential threats' targeting systems (DOD 2007a, I-9). Examples of the DOD's passive defense measures include: force protection actions, deception, mobility, dispersion, systems hardening and protective construction, strategic, operational, and tactical warning and surveillance, and operations security. "The objective of the HD passive defense is to reduce the probability of and minimize the damage caused by hostile actions" (DOD 2007a, I-9). The DOD's airspace mission is particularly difficult given the large area encompassed in the homeland and the large number of civilian air assets present.

The DOD HD framework's second operation type concentrates on the land. Although the probability of a DOD HD mission as a reaction to a conventional large-scale land attack is remote, nevertheless, there are numerous and wide ranging threats that do exist (DOD 2007a, IV-1). According to Joint Publication 3-27, "HD land defense actions may include forcible entry from the land, sea, or air; decisive fires and maneuver, closing with and destroying a determined enemy; sustaining a joint force; and setting conditions for a return to peace" (DOD 2007a, IV-2). Some examples of specific defensive land operations include defense of critical infrastructure or security operations.

Another key mission within HD is its maritime mission. "Securing the maritime approaches is essential to keeping the homeland safe. DOD maritime assets must be able to detect, identify, localize, evaluate, sort, and when warranted, intercept or interdict to prevent or defeat an attack" (DOD 2007a, V-1). Like the HD airspace mission, this is also difficult to conduct since most adversaries are not easily differentiated from normal maritime activity. Good teamwork and close coordination between the US Navy and the

US Coast Guard will provide a strong foundation for future maritime challenges that may occur.

The forth mission type within DOD's HD spectrum is the space mission. "The region of space above the United States cannot be owned or possessed like territory. It is US government policy, however, that purposeful interference with US space systems will be viewed as an infringement on the Nation's sovereign rights" (DOD 2007a, VI-1). The DOD deters and preempts attacks in the space environment by conducting space operations in support of HD in the following areas: space control, space support, space force enhancement, and space force application areas.

DOD space control operations are comprised of providing freedom of action in space for friendly forces, while being prepared to deny the same freedom of action to any enemies. When successfully completed, these objectives result in space superiority. Thus, space control operations include offensive and defensive actions undertaken to gain and maintain space superiority and situational awareness of events that impact space operations (DOD 2007a, VI-2). In addition, the DOD space mission focuses on surveillance of space and terrestrial areas of interest that impact activities by the US. "Space support operations consist of operations that launch, deploy, augment, maintain, sustain, replenish, de-orbit, and recover space forces, including the C2 network configuration for space operations" (DOD 2007a, VI-2). Space force enhancement operations consist of activities that improve the DOD's effectiveness by promoting its operational awareness and providing additional warfighter support (DOD 2007a, VI-3). The space force enhancement operations are comprised of five force enhancement functions: intelligence-surveillance-reconnaissance (ISR), integrated tactical warning and

attack assessment, environmental monitoring, satellite communication (SATCOM), and position-velocity-time-navigation (GPS). The final space mission area is space force application. DOD activities within this spectrum include the use of military weaponry to attack targets in space. Ballistic missile defense and force projection are the primary resources that the DOD utilizes in conducting this mission. Ballistic missile defense of the homeland focuses on the synchronization and integration of capabilities to destroy or disrupt an adversary's missile in flight or prior to its launch (DOD 2007a, VI-3).

The last mission type identified within the DOD HD framework is its supporting or enabling activities. These additional mission types often overlap with other HS activities at every level. Some of the key DOD HD supporting or enabling activities include: information operations, intelligence operations, communications operations, defending critical information infrastructure, combating weapons of mass destruction, and sustainment operations (DOD 2007a, VII-1). As the previous pages have fully discussed the DOD HD framework, the following paragraphs will explain the DOD CS operations.

Civil Support is the DOD's other mission area within HS. The military defines CS as "DOD support to US civil authorities for domestic emergencies, and for designated law enforcement and other activities" (DOD 2005, GL-5). Thus, the military's doctrine characterizes its CS operations into one of the following three broad categories: domestic emergencies, designated law enforcement support, and other activities (DOD 2007b, III-1). Many times all three of the CS categories will be occurring simultaneously or overlapping with one another. The particular response type and its execution will depend entirely upon the particular situation that the DOD is reacting to. Although the three

broad categories are still in use, many prefer to use the four following types instead: disasters and declared emergencies, support or restore public health and services or civil order, national special events, and periodic planned support.

The first type of CS operation focuses on a disaster or declared emergency. This type of mission is suitable for natural disasters; man-made disasters; and chemical, biological, radiological, nuclear, and high-yield explosives (CBRNE). Some examples of natural disasters include: wildland fires, tornadoes, earthquakes, floods, hurricanes, typhoons, cyclones, tidal waves, tsunamis, volcanic eruptions, landslides, mudslides, avalanches, blizzards, drought conditions, et cetera. Man-made disasters are also considered within this type of CS operation. Man-made disasters could include technological disasters that were either intentional or accidental. Some examples of man-made disasters include: nuclear power plant explosions, release of hazardous materials, power grid outages, terrorist attacks on critical infrastructure, et cetera. The final disaster or declared emergency type of CS is the CBRNE incident. Examples of CBRNE incidents include the accidental or intentional use of high-yield explosives, biological agents, chemical agents, or nuclear contaminants.

The second type of CS operation focuses on supporting or restoring public health and services and civil order. This mission type consists of civil disturbance operations, border security and immigration enforcement support, equipment and other support to law enforcement, counterterrorism operations, counterdrug operations, postal services, animal and plant eradication, and assistance to the District of Columbia in combating crime (DOD 2007b, III-5).

The third type of CS operation focuses on National Special Security Events, as categorized by the DHS Special Events Working Group. Events of this type are usually very large events. National Special Security Event is a designation given to certain special events that, by virtue of their political, economic, social, or religious significance, may be the target of terrorism or other criminal activity. The Secretary of Homeland Security is responsible for designating special events as National Special Security Events. Some special events that could be designated as National Special Security events would include the following: World's Fair, Super Bowl, Olympics, World Series, NASCAR events, Presidential inaugurations, State of the Union addresses, Group of Eight summit meetings, World Trade Organization Meetings, United Nations General Assembly meetings, Democratic and Republican Party national conventions, and state funerals (DOD 2007b, III-7).

The final type of CS operation is periodic planned support. These operations are executed to enhance civil military relations with local communities. Some categories of periodic planned supports include: sensitive support operations, military training exchanges, community relations, military laboratory support, military working dog support, US secret service support, civil air patrol support, aerial damage assessment, and civilian critical infrastructure protection. As the previous pages have fully explained the DOD doctrine related to its HD and CS missions, the following pages will address the DOD organization that is responsible for these critical HS missions.

On 1 October 2002, US Northern Command (NORTHCOM) was established to provide command and control of the DOD's HD efforts and to coordinate defense support of civil authorities (DSCA). "NORTHCOM's mission is to conduct operations to

deter, prevent, and defeat threats and aggression aimed at the US, its territories, and interests within the assigned area of responsibility (AOR) and as directed by the President or Secretary of Defense, provide military assistance to civil authorities including civil military operations” (DOD 2005, II-7). Figure 1 and the subsequent description identify the large geographic area that NORTHCOM encompasses.

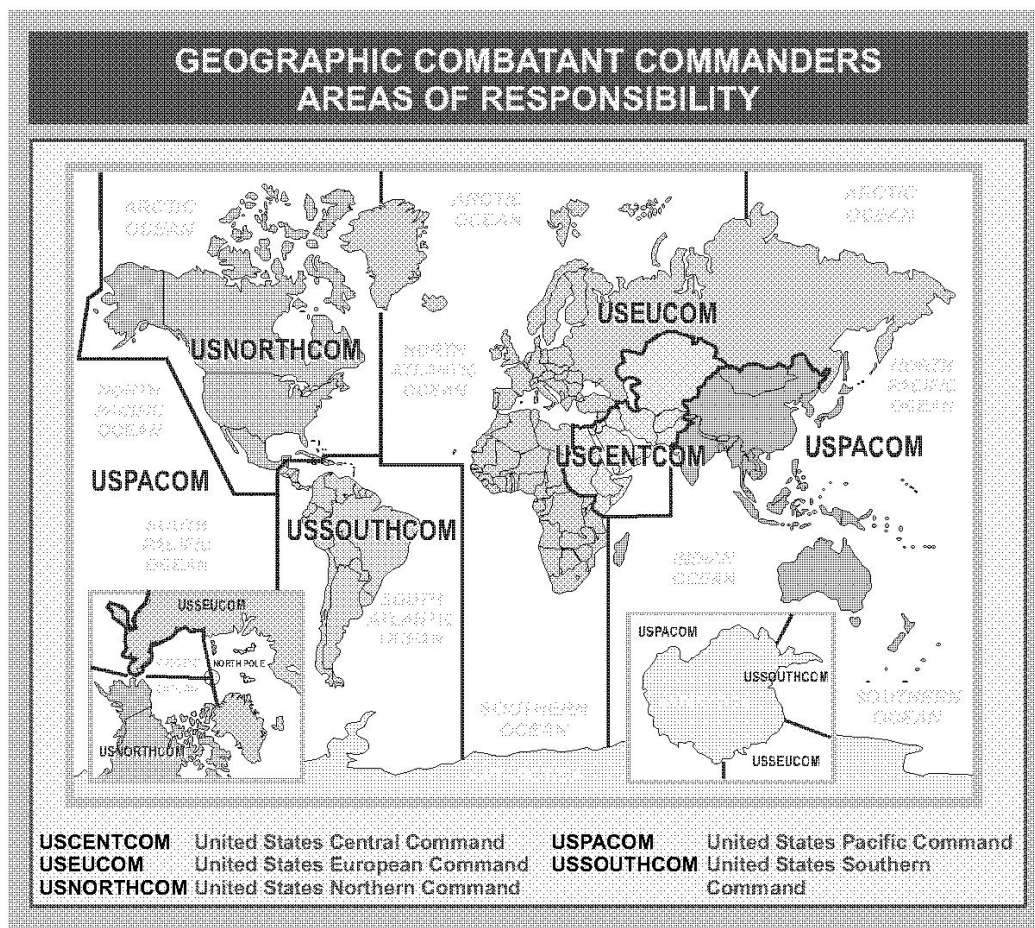


Figure 1. Areas of Responsibility

Source: Department of Defense, Joint Publication 3-26, *Homeland Security* (Washington, DC: Government Printing Office, 2005), II-2.

USNORTHCOM's AOR includes air, land, and sea approaches and encompasses the continental US, Alaska, Canada, Mexico, and the surrounding water out to approximately 500 nautical miles. It also includes the Gulf of Mexico, the Straits of Florida, portions of the Caribbean region to include The Bahamas, Puerto Rico, and The US Virgin Islands. The commander of USNORTHCOM is responsible for theater security cooperation with Canada, Mexico, and The Bahamas. (NORTHCOM 2009)

Although NORTHCOM plans, organizes, and executes HD and CS mission, it has very few permanently assigned forces. Instead, when tasked to conduct specific HD or CS operations, NORTHCOM must be assigned forces from US Joint Forces Command (CRS 2008, 2). NORTHCOM does possess several subordinate component commands and Joint Task Forces (JTF); however, the majority of these organizations are merely administrative frameworks created in order to command forces once they are transferred from US Joint Forces Command (JFCOM).

Since its creation, NORTHCOM has led the military agencies in regards to HS. However, many critics have suggested that the National Guard (NG) should take the lead position (CNGR 2008, 15). After all, the NG's number one priority is the security and defense of the homeland, while its number two priority is to support the Global War on Terrorism; here and abroad. Consequently, a study of the NG and its potential HS responsibilities is justified.

The NG, as part of the state governor's first responders, is "forward-deployed in thousands of communities across the United States, pre-trained, and available to respond to an emergency that exceeds the capacity of local government personnel (CNGR 2008, 9). The state's first responders are established in all fifty-four states and territories, including the Commonwealth of Puerto Rico, the Territory of the US Virgin Islands, the territory of Guam, and the District of Columbia. In addition, the NG has the advantage of

being a joint force, comprised of the Army National Guard (ARNG) and the Air National Guard (ANG). Further, its membership consists of more than 450,000 soldiers and airmen who traditionally serve in their state and local communities. According to the *NSHS* it is the State, local, and Tribal governments that best understand their communities and the unique requirements of their citizens (DHS 2007, 4).

In the United States, as in most countries, the initial--and usually major--responsibility for disaster response rests with local authorities. This bottom-up system of emergency management has a long history and continues to make sense in most circumstances. Because local governments are proximate to disaster sites and have at least some emergency capacity, they can respond quickly to initial alerts. They have detailed knowledge of local conditions and, in my cases, have agreements for mutual aid to secure additional help rapidly from nearby jurisdictions. (Howitt and Leonard 2009, 12)

Subsequently, the NG's local positioning and acute situational awareness of its communities affords it with an advantage while responding to a disaster.

The NG's role in HS has been further complicated by its transition from a strategic reserve to an operational reserve. As a strategic reserve, the NG was "designed to facilitate a rapid expansion of the armed forces for a major war" such as against the Soviet Union (CNGR 2008, 5). However, it transitioned to an operational reserve in response to the military's force generation requirements in Iraq and Afghanistan (CNGR 2008, 6). The NG's employment as an operational reserve has resulted in numerous changes, as demonstrated below.

Each service has developed detailed plans to train, equip, and use the National Guard and Reserves for the foreseeable future on a rotational basis in coordination with the active component. This shift--away from a force primarily designed for infrequent federal use against a large nation-state and toward a better manned, trained, and equipped force that is more interdependent with the active duty military, is employed in predictable cyclical rotations overseas, and is more ready and more able to respond quickly at home--would mark a significant adjustment to how the nation has historically conceived of and used its reserves. The change is

particularly significant for the largest reserve components, the Army National Guard and the Army Reserve. (CNGR 2008, 8)

Nonetheless, while at the federal level, the NG has transitioned from a strategic reserve to an essential part of America's operational force; at the state level the NG remains prepared to protect the Homeland. Therefore, the purpose of this research is to determine which DOD HS roles the NG should fulfill during this era of persistent conflict.

### Research Questions

The primary question addressed in this research is: What DOD HS roles should the NG fulfill during this time of persistent conflict? The secondary research questions are:

1. Are there any legal implications related to the NG conducting HS operations?
2. What capabilities does the NG possess that could be utilized for HS operations?
3. What impacts are the NG experiencing as a result of its service during this era of persistent conflict?

### Limitations

This thesis is limited to open source documentation. In addition, the research utilizes many of President Bush's policies and strategies in instances where President Obama's administration has not yet published updated documents. The limited historical record of HS is also a limitation of this study, as all of the documents analyzed were published since 2001. The study's scope will be limited by only addressing the Hurricane Katrina case study in regards to the NG's employment during HS operations. This research will examine the feasibility of using the NG to fulfill various roles of HS through a thorough review of current and historical literature.

### Definitions of Key Terms

Understanding this thesis topic requires a clear comprehension of some basic terms. The following summaries will assist readers in gaining a common understanding of these terms. The first term considered is “Homeland Security” (HS). The DHS defines HS as, “a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur” (DHS 2007, 3). However, just as the DOD expanded its scope for HS, this study will also recognize the additional threats that were listed in the 2007 *NSHS*. Those supplemental threats were “catastrophic natural disasters” and “catastrophic accidents and other hazards.”

Previously in this paper, the term civil support (CS) was used when referring to the following categories of support to civil authorities: domestic emergencies, designated law enforcement support, and other activities. However, the military continuously uses defense support for civil authorities (DSCA) and military assistance for civil authorities (MACA) interchangeably with the term civil support (CS). Therefore, all three terms should be considered identical within this research.

Finally, a clear understanding of the author’s use of the term, National Guard (NG) must be communicated. It is comprised of both the Army National Guard (ARNG) and the Air National Guard (ANG). Thus, NG will represent both the ARNG and the ANG within this paper.

### Significance of Study

Despite the numerous updates and changes, neither the *NSS* nor the *NSHS* have delineated which military service should be charged with the primary responsibility for

the Homeland's security. The NG has continued to emphasize its priorities of maintaining the security of the Homeland while supporting the Global War on Terrorism. However, the existing environment of persistent conflict and the current strategy of utilizing the NG as an operational reserve heightens the necessity of explicitly determining which HS roles the NG should fulfill. The current confusion of who is responsible for HS missions compounded by the continued deployment of NG units will even further drastically reduce the effectiveness of the NG should a domestic response be required.

### Conclusion

This chapter addressed a brief history of HS, while giving readers an explanation of how the DOD's doctrine has divided the numerous operations related to HS into HD and CS. In addition, the chapter updated readers of NORTHCOM's creation and its responsibilities for HS, while presenting a brief introduction to the NG. In closing, this chapter highlighted the primary and secondary research questions, the limitations of this study, some key definitions, the significance of this study, and a conclusion for this chapter.

This thesis is organized into five chapters. Chapter 1 provided an introduction and identification of the research questions. Chapter 2 consists of a thorough literature review, and then chapter 3 will explain the methodology involved in this research. Chapter 4 will provide the analysis for this product, and finally chapter 5 will conclude with answers to the primary and secondary research questions along with recommendations for the future.

## CHAPTER 2

### LITERATURE REVIEW

#### Introduction

Despite the focus on “Homeland Security” since 9/11, there is a limited historical record of it prior to the commencement of the Global War on Terrorism. Consequently, the majority of literature useful to this study is fairly recent. In addition, open source information is the only category of literature that is examined during this research. The study’s purpose is to determine what function the NG should perform within HS. Chapter 1 presented a brief history of HS since 2001. It then explained the DOD’s division of HS into the separate missions of HD and CS. The chapter concluded by giving the reader a limited view of the NG, and presenting the primary research question: Which DOD roles should the NG fulfill within HS during this period of persistent conflict?

Chapter 2 addresses the available literature that describes the current status of HS and the researcher’s secondary questions. The initial secondary question will direct the reader’s attention to the available writings that discuss the legal implications of using the NG within HS. In particular, the PCA is the specific legislation that demands further analysis during this study. The literature review will then address the various publications that concentrate on the NG’s capabilities that could be utilized for HS. Next the literature review will address the sources detailing the impacts that the NG has experienced as a result of this era of persistent conflict. Finally, the chapter will conclude with an overview of the publications that discuss the DOD’s actions during Hurricane Katrina.

## Review

The author attempted to fully inform the reader of the brief history of the DHS and the current condition of HS from the DOD's perspective within the first chapter. The primary document used to recount the chronicle of the DHS was the *Brief History of the Department of Homeland Security 2001 –2008*. This publication was created by the DHS, and is available on its website at [www.dhs.gov](http://www.dhs.gov). Also in the first chapter, the reader was introduced to the *National Strategy for Homeland Security (NSHS)*. The most recent edition of the *NSHS* was published in 2007. It remains the current one in use despite being published during President Bush's presidency. The *NSHS* serves as a guide to leverage America's talents and resources to meet its obligations of preventing terrorist attacks in the Homeland and strengthening the Nation's preparedness for natural and man-made disasters (DHS 2007, I-1). The *NSHS* primarily focuses on the Nation's HS priorities. However, it attempts to gain synergy by acquiring the unique enabling strengths and capabilities of the various other levels of government, the private and non-profit sectors, communities, and individual citizens (DHS 2007, 1).

Chapter 1 also explained how the DOD supports the *NSHS* through its two distinct but interrelated mission areas--homeland defense (HD) and civil support (CS) (DOD 2005, II-3). The newness of the HS topic is clearly evident by the DOD's rapid and recent publishing of its new doctrine to support these areas. The DOD distributed its doctrinal guidance by creating three joint publications between 2005 and 2008: Joint Publication 3-26, *Homeland Security*; Joint Publication 3-27, *Homeland Defense*; and Joint Publication 3-28, *Civil Support*. These publications were thoroughly examined

within the first chapter in order to fully describe the numerous HD and CS missions that the DOD performs within HS.

Various sources exist that discuss the legalities of utilizing military forces in the United States. The Constitution was the first federal document that permitted the domestic employment of NG forces, previously known as militias. Congress has enacted numerous militia and defense acts which have continuously strengthened the NG since that time. The Militia Act of 1903 created the NG as it is recognized today. It established the federally organized militias, while renaming them the National Guard. Additionally, it enacted the condition that all NG members attend twenty-four drills and five days of annual training per year (CNGR 2008, 157). Finally, the act assisted the NG in gaining additional financial support and oversight from the federal government. Subsequently, the National Defense Act of 1916 increased the number of drill periods from twenty-four to forty-eight, and modified the annual training days from five to fifteen (CNGR 2008, 157).

The Insurrection Act of 1807 is also relevant to this study. It allows the President to use federal military forces, including militia forces, to respond to instances of insurrection, domestic violence, unlawful combination, or conspiracy. This act is relevant because it identifies several exceptions when federal troops are permitted to conduct law enforcement activities. The DOD's responses to the lawlessness surrounding the Los Angeles Riots and Hurricane Hugo were legally permitted because of the 1807 Insurrection Act.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) also addresses the use of military forces in a domestic capacity. In fact, Joint Publication 3-26, *Homeland Security*, refers to it as "the primary legal authority for

federal participation in domestic disaster relief” (DOD 2005, A-4). The act permits the DOD to provide assistance to state and local governments to alleviate the suffering and damage that result from major disasters or emergencies. The Stafford Act allows the DOD’s assistance in three different scenarios: a Presidential declaration of a major disaster, a Presidential order to perform emergency work for the preservation of life and property, or a Presidential declaration of emergency (DOD 2005, A-4). A Presidential declaration of a major disaster is issued at the request of the affected state’s governor after “a natural catastrophe or regardless of cause, fire, flood, or explosion” (DOD 2007b, III-1). In contrast, a Presidential declaration of emergency can be issued for “any occasion or instance in which the President determines that federal assistance is required” (DOD 2007b, III-1). Therefore, a Presidential declaration of emergency can be granted prior to the actual occurrence of a disaster.

The PCA will also be addressed in order to establish its relevance in domestic situations involving federal troops versus NG troops. The *Posse Comitatus Act and the United States Army: A Historical Perspective*, provides readers a comprehensive foundation of the PCA. The PCA was enacted in 1878 with the intent of forbidding the Army’s use in civilian law enforcement. It was a consequence of the Army’s constant involvement in the South following the Civil War and Grant’s campaign against the Ku Klux Klan (Matthews 2006, 33). The PCA describes the two categories of military involvement within civil law enforcement activities: active and passive (Matthews 2006, 42). In the document, the author provides a full interpretation of the PCA and how it limits certain military personnel when they are utilized domestically for civil law enforcement. The author also examines the confusing impact of the PCA during the

military's response to the 1992 Los Angeles Riots. There, he meticulously discussed the initial mobilization of the NG, and their subsequent activation under the active component.

Although all of the examined literature agreed to particular legal restrictions regarding some military forces on U.S. soil, one source did identify some limitations of the PCA; Craig Trebilcock, a Major in the Judge Advocate General's Corps in the Army Reserve and author of *The Myth of Posse Comitatus*. Within his article, Trebilcock emphasizes that the PCA had lost much of its impact and potential deterrence within the higher levels of government. He states, "Through a gradual erosion of the act's prohibitions over the past 20 years, Posse Comitatus today is more of a procedural formality than an actual impediment to the use of U.S. military forces in homeland defense" (Trebilcock 2000, 1). He asserts the unique position that the PCA should no longer be considered as a major barrier at the National Command Authority level for the use of military forces in the battle against terrorism (Trebilcock 2000, 4). Further, he asserts that the PCA had only become a "low legal hurdle that can be easily cleared through invocation of the appropriate legal justification, either before or after the fact (Trebilcock 2000, 4).

Several sources describe the NG's capabilities that could be effectively used within the HS mission. Literature reviewed within this area addresses the secondary question, what capabilities does the NG possess that could be utilized for HS operations? For this discussion, the researcher will use the US Army's DOTMLPF approach (Doctrine, Organization, Training, Materiel, Leadership and Education, Personnel, and Facilities) to address the NG's capabilities (DA 2007, 1).

The National Guard Regulation 500-1, *National Guard Domestic Operations*, published by NGB in 2008, identifies many of the capabilities of the NG. It “prescribes the policies, procedures, responsibilities, and direction for activities required for the operational employment or training of Army and Air NG units, personnel, and equipment. Further, it governs the training, planning, preparation, and operation of the NG units and forces in the Homeland, also known as National Guard Domestic Operations (NGDO)” (NGB 2008, i). In addition, the regulation clearly outlines the NG’s ten essential capabilities for domestic operations: aviation and airlift, command and control, CBRNE response, engineering, medical, communications, transportation, security, logistics, and maintenance (NGB 2008, 7). NGB stresses that the ten essential capabilities are the core resources that governors can utilize in the first hours following a domestic incident. The regulation also identifies the standard organizational structure that all states and US territories must possess.

The NGB manages an informative website at [www.ng.mil](http://www.ng.mil), which boasts many of its unique domestic capabilities. The site provides numerous fact sheets regarding the NG’s federal and state missions, NGB’s organization and responsibilities, and the NG’s force structure. The NGB website contains a tremendous amount of information that will be both relevant and accurate for the analysis chapter of this research paper. Its section addressing the NG’s role in HD will be especially relevant. That section thoroughly describes the Weapons of Mass Destruction-Civil Support Teams (WMD-CST), the CBRNE-Enhanced Response Force Package, the NG Reaction Force, and Expeditionary Medical Support. The site describes each of capability’s composition, response time, and current status.

Two other articles proved useful in the identification of NG capabilities related to HS: “The Role of the National Guard in National Defense and Homeland Security” and “National Guard Homeland Defense White Paper: September 11, 2001, Hurricane Katrina, and Beyond.” Both articles described the numerous duty statuses available to activated NG soldiers, as well as the differences among the various duty statuses. They also identified the success of the NG’s reorganized command structure while addressing the new command and control construct that allowed a NG officer to command various active and reserve forces during the G8 Summit (Renaud 2005, 6). In addition, they explained the benefits of the Emergency Management Assistance Compact (EMAC). The EMAC allows the state governors to voluntarily support one another with equipment and personnel, thus increasing the states’ local response times and capabilities.

Numerous reports describe the NG’s changing readiness statuses as a result of its continuous use overseas. Literature reviewed within this area address the secondary question, what impact has this period of persistent conflict had on the NG? *The National Guard and Reserve Equipment Report for Fiscal Year 2009* proved useful while addressing this secondary question. The document identified that many reserve component units currently had a lower equipment on-hand (EOH) level than the historic average of 75 percent (DOD 2008a, foreword). Further, the report recognized leadership concerns of the reserve components’ ability to respond to natural disasters and homeland defense emergencies due to the shortages. The section titled “National Guard Readiness for Emergencies and Major Disasters” was particularly useful, as it identified the current NG doctrine, forecasted organizational changes, departmental budgets, equipment statuses, and impacts.

The Commission on the National Guard and Reserves (CNGR) provides another valuable source of information. Created in 2005, its purpose was to “report on the roles and missions of the reserve components; on how their capabilities may be best used to achieve national security objectives, including homeland defense” (CNGR 2008, 1). The CNGR’s final report issued in 2008, *Transforming the National Guard and Reserves into a 21st-Century Operational Force* outlines the analysis that the committee performed plus numerous recommendations believed to be advantageous for the DOD and DHS once implemented. Key to this discussion, the committee’s last report highlighted the various trends surrounding the NG’s equipment statuses, personnel readiness levels, and training backlogs

The final section of this literature review discusses the numerous sources reviewing the DOD and NG’s actions during Hurricane Katrina in 2005. “The efforts undertaken by civilian and military organizations in response to Hurricane Katrina were historically unprecedented,” (Cecchine et al. 2007, xi) which has resulted in volumes of literature being published that analyzes the response to the disaster. The Hurricane Katrina case study will prove to be extremely relevant while contemplating the appropriate HS roles for the NG. The response to Hurricane Katrina resulted in the largest stateside deployment of NG soldiers since the NG’s establishment 371 years ago. The DOD relied heavily upon the NG during this response, unlike past catastrophes. The NG’s mobilization included 50,087 NG soldiers to Louisiana and Mississippi (Renaud 2005, 4).

*Hurricane Katrina: Lessons for Army Planning and Operations* was relevant for this study. It fully developed the background information leading up to the day the

hurricane impacted the coast, including the number of deployed NG soldiers from the states affected. It emphasized that the mobilized NG soldiers were not subject to the PCA, as long as they remained under the control of the governor. Additionally, the authors addressed the timeliness of the NG's arrival (utilizing EMAC) and the command and control structures as key problems during the response. Also of importance, the publication stated that "only in the case of military police units were deficiencies sufficient to affect operations" (Cecchine et al. 2007, 26).

*Army Support During the Hurricane Katrina Disaster* was of particular importance during this study. It thoroughly described the employment of the NG throughout the disaster by identifying the number of soldiers deployed from each state, their specific duty statuses (Title 32 versus State Active Duty), their responsibilities, and their various task forces' compositions (equipment and personnel). Additionally, the author explained the numerous legal considerations which surfaced during the response by addressing the immediate response clause, the Stafford Act, and the PCA. Of particular importance to this study, was the author's thorough discussion of the PCA and its influence on the DOD's planning and execution. Also, the author identified the specific support that the active components supplied during its response. This information will be particularly useful when the researcher is contemplating if the NG also possessed the required capability.

*Disaster: Hurricane Katrina and the Failure of Homeland Security* also provides a chronological account of the events surrounding Hurricane Katrina. The authors presented several accounts of the events that were slanted in favor of the NG. The authors stated that the federal troops arrived late because General Honore did not allow the 82nd

Airborne to enter the city until after the Superdome and the Convention Center were subdued by the NG (Block and Cooper 2006, 207). The authors also emphasized Governor Blanco's resistance to the federalization of her NG soldiers, which resulted in separate command structures (Block and Cooper 2006, 214). However, the authors did identify some significant problems, including confusion among the police and NG regarding who was in charge at the Superdome. The police believed that the NG was in control because the Superdome was state-owned, while the NG believed the police were in control because the Superdome was located in the city.

One of the most critical volumes published was *Hurricane Katrina: Better Plans and Exercises Need to Guide the Military's Response to Catastrophic Natural Disasters*. It was written by the U.S. Government Accountability Office (GAO), an independent, nonpartisan agency that conducts research on behalf of Congress. The GAO report recognized numerous DOD shortcomings during the response, and underscored the problem of integrating the vast number of active and NG soldiers from all over the country through the following statement, "While the military clearly provided vital support, no one had the total picture of the situation on the ground, the capabilities that were on the way, the missions that had been resourced, and the missions that still needed to be completed" (GAO 2006a, 3). The report concluded by providing the following future challenges for the DOD: timely damage assessments, improved communications, coordinated search and rescue efforts, clear logistics responsibilities, and better integration of military forces (GAO 2006a, 9).

## Conclusion

This literature review identified numerous volumes of open source documents available for research of the NG and its potential roles within HS. These sources, written since the attacks in 2001, demonstrated the topic of HS is a very progressive subject, evolving at a rapid pace. Further, the literature validated Hurricane Katrina as a relevant case study for the research. The case study provides a thorough examination of the NG's employment within a recent HS event, and a readily available significant historical record. Not only will the study of that disaster assist the readers in gaining a better understanding of the NG's past responses; but will also be useful as a forecast for the NG's future responses. The next chapter will describe the methodology that will be utilized during the analysis portion of this research paper.

## CHAPTER 3

### RESEARCH METHODOLOGY

#### Introduction

The purpose of this study is to determine which roles the NG should fulfill within the HS mission of the DOD, during this time of persistent conflict. Chapter 1 presented a brief history of HS since 2001. It then explained the DOD's division of HS into the separate missions of HD and CS, and concluded with a limited introduction to the NG. Chapter 2 reviewed the various publications, policies, and laws that address this area of study. Additionally, chapter 2 demonstrated the relevance of Hurricane Katrina as the subject of the researcher's case study. Chapter 3 will review the primary and secondary research questions and present the methodology that the researcher will follow while conducting the analysis within chapter 4. Thorough analysis while addressing the primary and secondary questions will result in justification for the researcher's findings and recommendations in chapter 5.

#### Methodology

The primary question to be answered within this research is: Which DOD roles should the NG fulfill within the HS mission during this time of persistent conflict? To address the primary question, the researcher will address three secondary questions in order to better analyze the problem. The first secondary question is: What are the legal implications related to utilizing the NG within HS? The next secondary question is: What capabilities does the NG possess that could be utilized within the HS mission? While the last secondary question is: What effects have this period of persistent conflict had on the

NG? Additionally, a case study of Hurricane Katrina will be conducted to analyze the same criteria: legal implications, capabilities, and impacts resulting from the NG's continued deployments. The remainder of this chapter will discuss the researcher's methodology while answering these questions.

This first section will describe the method used in order to answer the secondary question, what are the legal implications related to utilizing the NG within HS mission? Some laws regulate the actions of NG Soldiers differently in accordance with the duty status of the NG Soldier. The various duty statuses that a NG soldier may be ordered to operate are: State Active Duty, Title 32, and Title 10. There are numerous and considerable distinctions pertinent to each duty status. Some of the significant distinctions include: legal authority, financing, command and control, and local law enforcement restrictions. Understanding the various duty statuses will be very important for the readers. Therefore, the initial analysis will thoroughly address the various duty statuses and their impacts as described by Timothy Lowenburg in *The Role of the National Guard in National Defense and Homeland Security*.

After the various duty statuses have been presented, the PCA will be introduced. Initially, the PCA's history will be discussed, followed by the specifics of the act. The PCA regulates active military participation in civil law enforcement much differently than passive participation. Thus, the study will clearly differentiate the military operations that are identified as active versus passive (Matthews 2006, 42). The PCA's analysis will also identify the various exceptions to the PCA. The PCA's analysis will conclude by acknowledging any legal implications that were associated with the NG's employment in domestic operations.

The next secondary question discussed is: What capabilities does the NG possess that could be utilized within the HS mission? The researcher will use the U.S. Army's DOTMLPF approach to conduct this analysis. The DOTMLPF approach is a system that the military uses to divide a large and complicated situation into its numerous and more manageable pieces (DA 2007, 1). DOTMLPF is a comprehensive list of the various domains that the military routinely analyses while conducting assessments. Each letter of the DOTMLPF memory aid represents one of the following categories of evaluation: doctrine, organization, training, materiel, leadership and education, personnel, and facilities.

The researcher will review the written tactics, techniques, and procedures that the NG utilizes within the doctrine section. The NG's following ten essential capabilities within domestic operations will be addressed in this section: aviation and airlift, command and control, CBRNE response, engineering, medical, communications, transportation, security, logistics, and maintenance (NGB 2008, 7).

Next, the component's organization will be analyzed. The research will address the existing organizational structures that the NG utilizes within the organization domain. This research will focus on the roles and responsibilities of the NGB as outlined within National Guard Regulation 500-1, *National Guard Domestic Operations*. Further, the configuration of the NG Joint Force Headquarters and the NG Joint Task Forces will be addressed.

Next, the study will address the training documents, devices, courses, and techniques that the NG uses to instruct its Soldiers within the training domain. Then, the researcher will examine the material goods that the NG possesses within its material

domain. Afterwards the researcher will explore the education and training programs that the NG uses to instill its officers and soldiers with the necessary management abilities within the leadership domain. Subsequently, the researcher will examine the NG's available human resources within the personnel domain. Finally, the author will complete the DOTMLPF analysis while thoroughly assessing the properties that the NG possesses within the facilities domain. The DOTMLPF analysis will conclude with readers being fully aware of the NG capabilities that could be utilized within the HS mission.

The final secondary question that will be addressed is, what effects have this period of persistent conflict had on the NG? In order to answer this secondary question, the researcher will begin the analysis by investigating the current policy regarding the maximum percentage of NG forces that can be deployed from each state during any given time. Next, the author will examine the policies that dictate how often NG soldiers can be deployed. Then the researcher will examine the NG's equipment and personnel statuses within the NGB's annual *National Guard and Reserve Equipment Report*. The author's motivation while examining the equipment and personnel statuses will be to determine if there are any noticeable trends that can be correlated to the condition of the NG's equipment or the readiness of its personnel. In addition, the researcher will analyze any discovered trends in order to determine if they detrimentally affect the ability of the NG to respond to threats against the homeland.

Once the researcher has provided readers with a thorough knowledge of the legal implications related to using the NG during HS operations, addressed the NG's capabilities, and analyzed any discovered impacts that the NG has experienced as a result of this era of persistent conflict; then readers will be prepared to objectively examine the

case study. The case study section will examine the NG operations surrounding Hurricane Katrina. The Hurricane Katrina case study should prove relevant while contemplating the appropriate HS roles for the NG. There are several reasons why the Hurricane Katrina case study is so applicable. Unlike many previous situations, the DOD relied heavily upon the NG during this response. The response to Hurricane Katrina resulted in the largest stateside deployment of NG soldiers since the NG's establishment 371 years ago. The NG's mobilization included 50,087 NG soldiers to Louisiana and Mississippi (Renaud 2005, 4). The thesis will examine the case study utilizing the same secondary criteria: legal implications, capabilities, and impacts resulting from continued deployments. The researcher will capture any recognized NG deficiencies that resulted during the operation, and examine them to determine if they have been fully overcome.

### Summary

Chapter 3 presented the methodology that the researcher will follow to answer the primary research question, which HS roles should the NG fulfill during this time of persistent conflict? In addition, it reviewed the secondary questions and the methodology that the researcher will utilize while answering those questions within chapter 4. Finally it concluded with an explanation of the process that the author will use while examining the case study, Hurricane Katrina.

## CHAPTER 4

### ANALYSIS

#### Introduction

The primary question to be answered within this research is: Which DOD roles should the NG fulfill within the HS mission during this time of persistent conflict? To address the primary question, the researcher will address three secondary questions in order to better analyze the problem. The first secondary question is: What are the legal implications related to utilizing the NG within HS? The next secondary question is: What capabilities does the NG possess that could be utilized within the HS mission? While the last secondary question is: What effects have this period of persistent conflict had on the NG?

Once the researcher has provided readers a thorough knowledge of the legal implications related to using the NG during HS operations, addressed the NG's capabilities, and analyzed any discovered impacts that the NG has experienced as a result of this era of persistent conflict, the readers will be prepared to objectively examine a case study. The case study section will examine the NG operations surrounding Hurricane Katrina while addressing the three secondary criteria: legal implications, capabilities, and impacts resulting from the NG's continued deployments.

#### Legal Implications

This section addresses the secondary question, what are the legal implications related to utilizing the NG within the HS mission? Initially it reviews legislation that authorizes the military to conduct domestic operations: Constitution, the Militia Act, and

Stafford Act. Then the PCA will be introduced, followed by a detailed discussion of the Act's evolution over time. In addition, the court's depiction of active law enforcement activities and passive law enforcement activities will be addressed. Finally, the section will review the numerous statutory exceptions to the PCA, including certain NG forces.

The Constitution was the first federal document that permitted the domestic employment of NG forces, previously known as militias. As mentioned earlier, Congress has enacted numerous militia and defense acts which have continuously strengthened the NG since that time. The Militia Act of 1903 created the NG as it is recognized today. It established the federally organized militias, while renaming them the National Guard. Additionally, it enacted the condition that all NG members attend twenty-four drills and five days of annual training per year (CNGR 2008, 157). Finally, the act assisted the NG in gaining additional financial support and oversight from the federal government. Subsequently, the National Defense Act of 1916 increased the number of drill periods from twenty-four to forty-eight, and modified the annual training days from five to fifteen (CNGR 2008, 157).

In addition to the NG, the federal military services are also legally permitted to conduct domestic operations. In particular, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) addresses the use of federal military forces in a domestic capacity. Joint Publication 3-26, *Homeland Security*, refers to the Stafford Act as "the primary legal authority for federal participation in domestic disaster relief" (DOD 2005, A-4). The act permits the DOD to provide assistance to state and local governments to alleviate the suffering and damage that result from major disasters or emergencies. The Stafford Act allows the DOD's assistance in three different scenarios: a Presidential

declaration of a major disaster, a Presidential order to perform emergency work for the preservation of life and property, or a Presidential declaration of emergency (DOD 2005, A-4).

Although the Stafford Act outlines particular scenarios for which the President is authorized to employ the federal military in response to domestic emergencies, it does not unconditionally restrict DOD members from assisting civil authorities while awaiting approval. The following excerpt from Joint Publication 3-26, *Homeland Security*, describes instances that local commanders can respond prior to receiving approval (immediate response clause).

Responses to requests from civil authorities prior to receiving authority from the Secretary of Defense are made when immediate support is critical to save lives, prevent human suffering, or to mitigate great property damage. Such requests are situation specific, time-sensitive, and may or may not be associated with a declared disaster. When such conditions exist and time does not permit prior approval from higher headquarters, commanders or officials acting under immediate response authority may take necessary action to respond, and shall report the request through the command channels to the National Military Command Center by the most expeditious means available. The military will begin disengagement from emergency response activity as soon as practicable. (DOD 2005, II-4)

Although, the Stafford Act and Joint Publication 3-26, *Homeland Security*, authorize the use of the federal military in a domestic capacity, they do not elude the restrictions imposed by the PCA. The PCA, originally called the Knott Amendment, was an amendment to the Army appropriations bill that was introduced by Kentucky Congressman J. Proctor Knott. Congressman Knott's amendment, which was enacted in 1878, is presented below.

From and after the passage of this act 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; no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by not exceeding ten thousand dollars or imprisonment not exceeding two years, or by both such fine and imprisonment. (Matthews 2006, 33)

The PCA's intent was to prohibit the Army's use in civilian law enforcement. It was a direct consequence of the Army's constant involvement in the South following the Civil War and Grant's relentless campaign against the Ku Klux Klan (Matthews 2006, 33).

Although the PCA restricted the military's involvement in civilian law enforcement operations, lawmakers continued to call upon the military for that purpose. They were employed to control the anti-Chinese riots in the Washington and Wyoming Territories during the 1880s, to subdue strikers during the Chicago Pullman Strike of 1894, and to conduct various levels of support to law enforcement during the numerous race and labor disputes throughout the twentieth century (Matthews 2006, 39).

The continued domestic use of military forces for civilian law enforcement and the resulting confusion from interpretations of the PCA concluded in Congress adding Sections 331 through 334 to Title 10 USC. Those sections identify specific instances that the President is authorized to employ federal troops to act in a domestic law enforcement capacity. Sections 331 through 334 have become known as the Insurrection Act. Section 331 authorizes the President to use troops to suppress insurrections against state governments, as illustrated.

Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection. (Matthews 2006, 40)

Section 332 authorizes the President to use troops to maintain the authority of the federal government.

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State or territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion. (Matthews 2006, 40)

Section 333 is a direct result of the Ku Klux Klan Act of 1871. It authorizes the federal government to intervene to safeguard the rights of its citizens whenever a state is either unwilling or unable to protect those rights.

The President, by using the militia or the armed forces, or both, or by any other means, shall take measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or (2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws. (Matthews 2006, 41)

The PCA received very little attention after the addition of the above mentioned sections, until the Wounded Knee incident in 1973. During that event, radical members of the American Indian Movement seized control of a small village on the Pine Ridge Indian Reservation in South Dakota. The U.S. Army was employed to advise and equip federal law enforcement agents during the two month standoff. At the conclusion of the operation, many American Indian Movement activists were arrested by federal law enforcement officers. Despite the Army's minor role in the operation, its participation

still generated various federal civil court cases claiming that the Army had violated the PCA.

“After years of litigation, . . . the South Dakota federal district court in the case of United States versus Red Feather clarified the Posse Comitatus Act, determining that military involvement in civil law enforcement operation is either active or passive” (Matthews 2006, 42). Accordingly, the court decided that federal military troops were restricted by the PCA from conducting active roles within direct law enforcement. Activities that constitute an active role include: “arrest; seizure of evidence; search of a person; search of a building; investigation of crime; interviewing witnesses; pursuit of an escaped civilian prisoner; search of an area for a suspect or like activities” (Matthews 2006, 42). The court also defined passive roles, which could legally be performed by the military. Some of the passive roles mentioned included: advising law enforcement agents, conducting contingency planning, delivering military materials to law enforcement agents, maintaining loaned military equipment, training law enforcement officials, and conducting aerial photographic reconnaissance flights (Matthews 2006, 43).

The clarity resulting from the United States versus Red Feather Court Case clearly guided the DOD’s interpretation of the PCA until Congress again made changes to the laws in 1982. Congress’s approval of the DOD Authorization Act of 1982 was intended to increase the military’s use in combating the growing drug problem; however additional confusion regarding the PCA was the result (Matthews 2006, 43). Sections 371 through 378 outlined the changes. They allowed the military to provide the following capabilities to civilian law enforcement agencies: intelligence sharing, military equipment and facilities, and military training and advising. Although Congress intended to relax some

of the PCA's restrictions for counter drug operations, the DOD actually interpreted many of the laws as being more restrictive than the previous language (Matthews 2006, 44). Consequently, the DOD extended the Act's restrictions beyond the borders of the United States, and added the Navy and Marine Corps to the PCA's original sanctions against the Army and Air Force.

Despite the PCA, at times the NG is permitted to conduct civil law enforcement activities during situations that would normally exclude the federal military's legal employment. This exception is a result of the PCA regulating the actions of NG Soldiers differently in accordance with which duty status that the soldiers are operating within. The various duty statuses that a NG soldier may be ordered to operate are: State Active Duty, Title 32, and Title 10 (Active Duty). There are numerous and considerable distinctions that are pertinent to each duty status. Legal authority, financing, command and control, and local law enforcement restrictions are some of the more significant distinctions among the various duty statuses.

The first duty status that NG soldiers can operate within is "State Active Duty." Within this duty status, governors freely employ their NG forces in accordance with their state laws. "In doing so, Governors, as commanders-in-chief, can directly access and utilize the guard's federally assigned aircraft, vehicles, and other equipment so long as the federal government is reimbursed for the use of fungible equipment and supplies such as fuel, food stocks, etc. (Lowenberg 2005, 2). As commander-in-chief, the governors do not manage the day to day activities of their NG forces. Instead, they delegate the mission's command and control to their state's Adjutant General. This duty status is the one governors use when they activate their NG forces in response to state incidents such

as: natural disasters, manmade emergencies, civil unrest, and terrorist attacks. The most common use of this duty status is when governors routinely utilize their NG forces to assist their citizens in the aftermath of floods, tornadoes, and earthquakes. A key advantage to this duty status is that it is an exception to the PCA. Therefore, NG forces operating in “State Active Duty” status are not limited by the PCA (DOD 2005, A-5).

The second duty status that NG soldiers can operate within is Title 32. The DOD’s Joint Publication 3-26, *Homeland Security* describes Title 32 below.

Title 32 USC authorizes the use of federal funds to train NG members while they remain under the command and control of their respective state governors. In certain limited instances, specific statutory or Presidential authority allows for those forces to perform operational missions funded by the Federal government, while they remain under the control of the governor. Examples of those exceptions include the employment of WMD-Civil Support Teams, civil defense missions, and the President of the United States-directed airport security mission. (DOD 2005, A-6)

In addition, Section 901 of Title 32 USC authorized “ the Secretary of Defense to provide funds to a governor to employ National Guard units or members to conduct homeland defense activities that the Secretary determines to be necessary and appropriate” (Lowenberg 2005, 2). Therefore, Title 32 allows governors to continue their command and control of their NG forces while performing federally funded operations for the purpose of the federal government. Similar to the “State Active Duty” status, the PCA also does not prohibit NG soldiers from providing law enforcement activities while operating in the Title 32 duty status (Renaud 2005, 13).

The final duty status that NG soldiers can operate within is Title 10. Title 10 USC is the authority that the President uses when “federalizing” NG forces for use at home and throughout the world. NG soldiers activated under Title 10 authority are exclusively controlled by the President, and are paid by the federal government. Therefore,

federalized NG forces are beyond their governor's control even while operating within his or her customary state. "When performed within the United States, Title 10 duty (including Title 10 duty performed by National Guard personnel) is subject to . . . the Posse Comitatus Act (10 USC 1385), which severely limits the use of federal military forces in support of domestic law enforcement operations" (Lowenberg 2005, 3).

Figure 10 (appendix) presents a thorough synopsis of the various NG duty statuses and their applicability to the PCA.

The following excerpt from *The Role of the National Guard in National Defense and Homeland Security* identifies the governors' assertion regarding which duty status is appropriate for NG forces operating locally.

Governors believe when the National Guard members perform domestic missions they should do so in Title 32 USC status rather than Title 10 USC status, unless the President has called them in Title 10 for a federal mission requiring federal troops, such as to repel an invasion. In Title 32 status, National Guard members can continue to train with their regular units and in times of federal mobilization these Guard members are available to deploy with their units. The Governors further note that Title 32 status for domestic deployments avoids all Posse Comitatus issues. (Lowenberg 2005, 3)

### Capabilities

This section addresses the secondary question, what capabilities does the NG possess that could be utilized within the HS mission? This section will identify the NG's HS capabilities utilizing the DOTMLPF approach. The DOTMLPF approach is a system used by the U.S. Army to divide a large and complicated situation into its numerous and more manageable pieces. DOTMLPF is a comprehensive list of the various domains that the military routinely analyses while conducting assessments. Each letter of the DOTMLPF memory aid represents one of the following categories of evaluation, and will

be addressed separately: doctrine, organization, training, materiel, leadership and education, personnel, and facilities.

### Doctrine

The NGB recently updated its National Guard Regulation 500-1, *National Guard Domestic Operations*, on 13 June 2008, thus recognizing the need to further clarify the NG's expanding domestic requirements.

While both the U.S. Armed Forces and the National Guard have a long history of conducting domestic operations; the scale, scope, and complexity of these operations have expanded significantly since September 11, 2001. Prior to then, military involvement in domestic operations was almost exclusively in the area of civil support operations; generally limited to providing support to civil authorities in response to natural disasters or accidents. Post 9/11, the National Guard's role has expanded to include additional Homeland Defense and Homeland Security missions. (NGB 2008, i)

The National Guard Regulation 500-1, *National Guard Domestic Operations* is the doctrinal guidance for NG soldiers employed in either "State Active Duty" status or Title 32. Therefore, it does not apply to NG soldiers when they are federally activated under Title 10 USC (NGB 2008, i). The terminology and guidance within National Guard Regulation 500-1, *National Guard Domestic Operations* closely mirrors the DOD's Joint Publication 3-26, *Homeland Security*. It identifies HD and CS missions, and reiterates the DOD's role in those operations.

The NGB also recognized that the NG's "inherent capabilities, designed to respond quickly and decisively to global requirements, also allow its rapid response to requirements within the United States" (NGB 2008, 7). Accordingly, the NGB acknowledged that governors expected NG personnel and assets to be the first responders to any incident within their states. Consequently, the Chief of NGB (CNGB) established

the following ten essential capabilities for NG domestic operations. “The NGB is committed to the fundamental principle that each state and territory must possess these ten core capabilities for homeland readiness” (NGB 2008, 7). Figure 2 identifies the NG’s “Essential 10 Capabilities.”



Figure 2. NG’s 10 Essential Capabilities for Homeland Readiness  
Source: National Guard Bureau, *National Guard Posture Statement 2010* (Arlington, VA: Government Printing Office, 2010), 10.

The Emergency Management Assistance Compact (EMAC) is also a focal point in the NGB’s doctrinal guidance. The NGB recognizes that all states may not have every capability listed within the “Essential 10.” Consequently, NGB stresses the necessity that the states utilize the EMAC to share personnel and resources with other state NG forces.

The Emergency Management Assistance Compact is a congressionally approved interstate mutual aid compact that provides a legal structure by which states affected by an emergency may request assistance from other states. Signatories to the compact resolve potential legal and financial obstacles that

states might otherwise encounter as they provide assistance to the stricken state or states. The compact sets out the responsibilities of the signatory states, provides authority to officials responding from other states (except the power of arrest) equal to that held by residents of the affected state, ensures reciprocity in recognizing professional licenses or permits for professional skills, and provides liability protection (in certain areas) to responders from other states. (NGB 2008, 10)

All fifty states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands are members of the EMAC. Consequently, the states can overcome any gaps within their NG's capabilities through EMAC agreements.

The CNGB also identified numerous unique NG capabilities, which could be used for domestic operations. Specific capabilities addressed included: WMD-Civil Support Teams (WMD-CST), Reaction Forces, CBRNE-Enhanced Response Force Packages (CERFP), Critical Infrastructure Protection-Mission Assurance Assessment Detachments, NG Modular Airborne Fire Fighting System, Fatality and Services Recovery Response Team, and Expeditionary Medical Support. All of these unique capabilities will be addressed in additional detail within the subsequent pages.

The NG possesses fifty-five WMD-Civil Support Teams (WMD-CST); one team exists within each state or U.S. territory. Each team is staffed with twenty-two highly skilled soldiers, prepared to respond within three hours following their notification. The WMD-CSTs "do not duplicate state CBRNE response capabilities, but support civil authorities by identifying CBRNE agents or substances, assessing current or projected consequences, advising on response options, and assisting with requests for state support" (NGB 2010, 22). The WMD-CSTs are comprised of a communications platform named the Unified Command Suite (which provides a broad spectrum of secure communications capabilities), an Analytical Laboratory System (containing a full suite of analysis

equipment for identifying hazards), and multiple vehicles (NGB 2009a). The following excerpt describes the various situations that WMD-CSTs should be employed.

WMD-CSTs perform duties in support of emergency preparedness programs to prepare for or respond to emergencies involving the use or threatened use of a WMD, a terrorist attack or threatened terrorist attack that results in or could result in catastrophic loss of life or property, the intentional or unintentional release of nuclear, biologic, radiological or toxic or poisonous chemicals that result in or could result in catastrophic loss of life or property, or a natural or manmade disaster that results in or could result in catastrophic loss of life or property. (NGB 2008, 8)

The NG also possesses seventeen CBRNE-Enhanced Response Force Packages (CERFP). “The CERFP team is designed to locate and extract victims from a collapsed structure in a contaminated environment, perform medical triage and treatment, and conduct personnel decontamination from a WMD incident” (NGB 2010, 23). The CERFP is divided into four distinct sections, which are comprised of four already established NG units. The search and extraction section is assigned to an ARNG Engineer Battalion, the decontamination section is designated to an ARNG Chemical Battalion, the medical section is detailed to an ANG Medical Group, and the security activities are performed by the state NG Quick Reaction Force. The CERFPs are situated across the nation as illustrated in figure 3.



Figure 3. CERFP Team Locations

Source: National Guard Bureau, *National Guard Posture Statement 2010* (Arlington, VA: Government Printing Office, 2010), 27.

The NG Reaction Forces also offer a unique capability for use in domestic operations. “NG Reaction Forces provide every state with a ready force capable of delivering, when requested, a unit of 50-75 personnel within 4-8 hours and a follow-on force of up to 400 personnel within 24-36 hours” (NGB 2008, 8). The NG Reaction Forces can be used for site security, patrolling, roadblock and checkpoint operations, controlling civil disturbances, providing force protection for other teams, and protecting selected assets. According to the NG website, the NG Reaction Forces deploy with all the necessary capabilities to be logistically self-sustaining for 48 hours (NGB 2009a). One drawback of the NG Reaction Forces is that they do not have permanently assigned

personnel. Instead, they are temporary task forces, comprised of personnel from other units within the state.

The NG's Critical Infrastructure Protection-Mission Assurance Assessment (CIP-MAA) Teams conduct comprehensive risk assessments of designated industrial sites and critical U.S. infrastructure. The assessments are utilized to assist "various government agencies direct prevention, deterrence, mitigation, and response efforts" (NGB 2010, 24). Currently the NG possesses thirteen teams, operating in Title 32 status. Three of the teams are assessing defense industrial base sites, while the other ten teams are evaluating sites designated by the DHS.

The NG Modular Airborne Fire Fighting System is an aerial fire-fighting system the ANG uses to assist the U.S. Forest Service while combating wildfires. The system uses ANG aircraft to release retardant or water from special tanks through tubes located at the rear of the aircraft. Each system holds 3,000 gallons of retardant, which can be delivered in 1,000 gallon increments or all 3,000 gallons at once. Of particular importance, there is no need to modify aircraft that utilize the Modular Airborne Fire Fighting System. Instead, the system is loaded and unloaded onto the airplanes using specially designed trailers. The ANG currently possesses eight Modular Airborne Fire Fighting Systems. Once notified, the ANG systems can respond to a wildfire suppression mission within twenty-four hours (NGB 2009a).

The ANG's Fatality and Services Recovery Response Team is another critical capability that the NG Regulation 500-1, *National Guard Domestic Operations* identified. These teams are "activated in response to mass fatality operations or accidents that may require support to local, tribal, state, or federal agencies" (NGB 2008, 9). The

team's capabilities include: fatality management, food service, bed-down, and water requirements.

The ANG Medical Services also offer four sizes of its Expeditionary Medical Support (EMEDS) for use in domestic operations.

EMEDS is a modular, scalable, rapid response medical package that can be used in domestic operations such as humanitarian relief and disaster response operations. EMEDS comes in four modular building blocks: the Small Portable Expeditionary Aerospace Rapid Response package, EMEDS Basic, EMEDS +10, and EMEDS +25. EMEDS facilities provides 24 hour emergency medical care plus the following capabilities: Medical Command and Control, preventive medicine, primary care, force medical protection, trauma resuscitation and stabilization, limited surgery , primary care, aeromedical evacuation coordination, aerospace medicine, urgent care, dental care, and limited ancillary services for the force and the population at risk. (NGB 2008, 9)

All states, Washington, DC, and Puerto Rico possess an EMEDS Basic package. The EMEDS Basic packages are comprised of twenty-eight medical personnel, who can provide care for a population at risk of up to 2,000 people. The ANG also maintains seventeen EMEDS +10 packages. The EMEDS +10 packages are staffed by fifty-seven medical personnel, who can provide care for a population at risk of up to 3,000 people. The EMEDS +10 packages are spread across the U.S., co-located in states that also possess the CERPFs. The ANG currently possesses only three EMEDS +25 packages; which are located in KS, WA, and PA. Each EMEDS +25 package consists of eighty-five medical personnel, who can provide care for a population at risk of up to 5,000 people (NGB 2009a).

### Organization

The NG retains the unique and legally authorized ability of employing soldiers with a dual status in accordance with Article 1, Section 8 of the U.S. Constitution. Hence,

“These constitutionally-based dual roles and missions result in each Guardsman holding membership in both the Army or Air National Guard of his or her state--for their state role and missions--and also in the Army or Air National Guard of the United States--for their federal role and missions” (NGB 2008, 3). National Guard soldiers are commanded and controlled by the President when they are federalized in accordance with Title 10 of the USC. Consequently, federalized NG forces are outside of the governor’s control even while operating within his or her customary state.

On the other hand, when NG soldiers are not under federal control, they report to the governor (State Commander and Chief) of their respective state, territory (Puerto Rico, Guam, Virgin Islands) or the Commanding General of the District of Columbia National Guard. National Guard forces operate under the authority of state laws while controlled by governors. “Under state law, the National Guard provides for the protection of life and property as well as preserving peace, order, and public safety (NGB 2008, 4).

Despite normally being under the governor’s control, the separate state NG forces are still overseen by the NGB. “The NGB is the federal military coordination, administration, policy, and logistical coordination center for the Army and Air National Guard” (NGB 2008, 3). The NGB’s activities are sanctioned by Title 10 USC, Sections 10501–10503. Some of the NGB’s statutory responsibilities include: prescribing the NG’s training requirements, assisting the Secretary of Defense in facilitating and coordinating the use of NG personnel and resources, and communicating with the various TAGs (The Adjutant General). The NGB is the crucial link between the DOD and the various states, especially when Title 32 NG Forces are concerned.

In its role as the channel of communication, the National Guard Bureau assists the Secretary of Defense in preparing a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters by providing information gathered from Governors, the Adjutants General, and other state civil authorities responsible for homeland preparation and response. (NGB 2008, 3)

National Guard Bureau is managed by the Chief of NGB (CNGB), a four-star general. The CNGB is also a member of either the ARNG or ANG, and is responsible for all of the duties of the NGB. The CNGB is the primary channel of communication to the TAGs. Nevertheless, the CNGB has no command authority over the NG forces.

“However the CNGB may direct the NG on matters to include force structure, training, and appropriations” (NGB 2008, 1). Figure 11 (appendix) portrays the organizational relationships of the various federal and state leaders.

The fifty-three governors of the states and territories delegate their supervisory duties of their NG forces to their Adjutants Generals (TAG), while the President delegates the supervisory duties of the District of Columbia to the Commanding General of the District of Columbia NG. The TAGs are authorized by Title 32 USC Section 314. However, they are either elected or appointed in accordance with their applicable state laws. The TAGs are responsible for a myriad of daily activities in order to direct and oversee their NG forces while complying with all of the statutory and regulatory requirements. Figure 11 (appendix) portrays the organizational relationships of the various federal leaders, the governor, and TAG. The TAGs must also comply with the following external requirements in accordance with NGB’s National Guard Regulation 500-1, *National Guard Domestic Operations* (NGB 2008, 2).

1. Support the CNGB in his or her advisory role to senior leaders of the DOD and other federal agencies.

2. Support the Secretary of Defense and the CNGB in their requirement to prepare an annual plan for the military response to natural disasters, acts of terrorism, and other man-made disasters by gathering and submitting required information from their respective state or territory.

3. Support the Secretary of Defense and the CNGB in preparing the Annual Report on National Guard and Reserve Component Equipment and Quarterly Personnel and Unit Readiness reports.

4. Support the CNGB in his/her role as the channel of communications between the several states and the Secretary of Defense on matters relating to the National Guard.

The TAGs also command their own state's Joint Force Headquarters-State (JFHQ-State). The JFHQ-State is a NGB directed joint operations center that each state must maintain. Each JFHQ-State provides command and control of all the ARNG and ANG forces within the state. The JFHQ-State is also responsible for providing situational awareness and a common operating picture to the NGB. Additionally, the JFHQ-State can perform "as a joint service headquarters for a national-level response effort" (NGB 2008, 7). The JFHQ-State is a permanent organization within each state.

During high tempo domestic operations, the JFHQ-State may also choose to form a subordinate Joint Task Force-State (JTF-State). "The JTF-State provides command and control for all state military assets deployed in support of civil authorities or for a specific domestic operation, and facilitates the flow of information between the JFHQ-State and

the deployed units” (NGB 2008, 7). The JTF-State can also command other state NG forces once transferred using the EMAC.

As previously addressed in the doctrine section, all of the states possess a WMD-CST and an EMEDS Basic Package. Additionally, NGB directed each state to maintain a JFHQ-State. Consequently, each state NG possesses a standard WMD-CST, EMEDS Basic Package, and JFHQ-State. However, the various state NG organizations all differ beyond that point. The reason for the variety below the JFHQ-State level is because each state is comprised of a different set of specific ARNG and ANG unit types. The following paragraphs will describe the various types of ANG and ARNG units that exist.

The entire ANG employs 106,000 airmen across the nation; operating eighty-eight flying units and 579 mission support units. According to the Air Force’s website, the ANG’s flying units are comprised of “tactical airlift, air refueling tankers, general purpose fighters, rescue and recovery capabilities, tactical air support, weather flights, strategic airlift, special operations capabilities, and aeromedical evacuation units” (ANG, 1). In addition, its support units include air traffic control units, combat communications squadrons, civil engineering squadrons, aerial port units, and medical units.

The ARNG employs 358,200 soldiers across the nation. Its force structure consists of 114 different brigades: twenty-eight brigade combat teams, thirty-eight functional brigades, and forty-eight multi-functional brigades (ARNG 2008b, 5). “The ARNG is structured to provide large formation combat arms capabilities for overseas missions, as well as combat support and combat service support capabilities useful at home” (CNGR 2008, 94).

## Training

The primary objective of the NG is to train units that can mobilize, deploy, fight and win anywhere in the world; however, its secondary training objective is to provide organized units or personnel for defense support of civil authorities (NGB 2009b, 1). Purposely, NG members often train toward both objectives. Thus, while striving to improve their war fighting capabilities, they are also improving their domestic response skills. For instance, the ANG is best known for its combat aircraft. However, it also requires a force of medical, logistics, communications, transportation, security, civil support, and engineering personnel in order to support its air operations. As a result, the ANG can “provide not only airpower capabilities, but capabilities in medical, logistics, communications, transportation, security, civil support, and engineering” (NGB 2010, 15) during a domestic crisis; without any added training requirements.

In order to gain these specialized skills, ANG and ARNG personnel attend the same initial entry and specialized occupation training as their peers in the active components. The initial entry training is the service-specific basic training; where all of the new recruits are trained in first aid, marksmanship, force protection, physical conditioning, teamwork, et cetera. The ANG’s initial entry training is six weeks, while the ARNG’s is nine. Graduates of the initial entry training, then attend their specialized occupation training. The specialized occupation training teaches soldiers and airmen the necessary skills to perform the duties of their selected military specialty. Although there are hundreds of military specialties, a few of the more HS focused military specialties include: construction equipment supervisor, combat engineer, and health care specialist. The length of the specialized occupation training varies considerably according to the NG

member's chosen military specialty. The NG's goal is to send its new members through these institutions within one year of their initial enlistment date.

NG soldiers must continually train in order to stay proficient in their individual and unit skills. "Training periods for reserve units have been traditionally divided between weekend drills (inactive duty training), two-week yearly training (annual training), and any training carried out prior to deployment" (CNGR 2008, 209). NG soldiers are required by law to attend at least forty-eight paid unit training assemblies and fifteen days of annual training per year (NGB 2009b, 6). The unit training assemblies are inactive duty training periods that last at least four hours (NGB 2009b, 110). Normally, four consecutive unit training assemblies are placed together to form a customary weekend drill.

However, there are many other training exercises that occur beyond the NG's minimum statutory requirement of one weekend per month and two weeks per year. The largest training exercises are included in the Vigilant Guard Program.

The goal of the Vigilant Guard Program is to enhance National Guard and State emergency management agency preparedness to perform their homeland defense and Defense Support to Civil Authorities roles and responsibilities. It focuses on state Guard Joint Force Headquarters coordination with the state emergency management agency and Joint Task Force-state operations and involves multiple states and agencies. (GAO 2009, 36)

According to the NGB website, the JUN08 Vigilant Guard Exercise focused on a major earthquake scenario in south Reno, which resulted in mass casualties, infrastructure damage, and various displaced persons. Participants in that eight-day exercise included: NG forces from eight states, NGB, NORTHCOM, DHS, FEMA, and various other local, county, and state agencies (NGB 2009a). The Vigilant Guard Program is scheduled to

conduct four exercises during 2010, with two of the exercises being linked to major combatant command exercises (GAO 2009, 36).

The NG also uses a virtual training program to train its force to respond in domestic operations. The Emergency Management Staff Trainer allows users to be immersed in a scenario-driven training event specific to their own city or state (NGB 2010, 28). The Emergency Management Staff Trainer is very low cost, and the scenarios can be repeated as many times as users wish.

### Materiel

As previously mentioned, the CNGB identified the “Essential 10 Capabilities” that the NG must maintain for HD and DSCA missions: command and control, security, engineering, medical, communications, aviation, logistics, CBRNE response, maintenance, and ground transportation. Accordingly in 2005, the ARNG identified a list of Critical Dual Use (CDU) items of equipment that support the “Essential 10 Capabilities” (DOD 2009a, 2-8). The ARNG’s list consists of more than 300 CDU items that can be used for both war-fighting and civil support missions; they include items such as: trucks, generators, radios, medical gear, and engineering equipment (CNGR 2008, 220).

Ensuring the availability of equipment for domestic response is a top priority for the NG. Consequently, “The CNGB has pledged that 50 percent of Army and Air Guard forces will remain in the state to perform their Home Land Defense and Defense Support of Civil Authorities missions” (DOD 2009a, 2-5). Additionally, the ARNG’s goal is to equip its units at 100 percent of their designated CDU equipment. Thus, if the NG meets its 100 percent CDU equipping goal, and if the CNGB only deploys half of the state’s

NG forces at one time, then governors should always maintain at least 50 percent of their state's NG forces (fully equipped with their CDU items).

Currently, the ARNG's CDU equipment inventory only comprises 81 percent, not the targeted 100 percent. However, only 16 percent of the states' CDU items are currently deployed overseas. As a result, 65 percent of the NG's CDU items currently remain available to the governors (DOD 2009a, B-3). However, of particular concern is that over half of the items recorded on the ARNG's top twenty-five equipment shortfalls were CDU items. "Impacts of current shortages are especially pronounced in the communications, command and control, transportation (light and medium trucks), and aviation [categories of the] Essential 10 Capabilities" (DOD 2009a, B-5).

The ARNG is prepared to respond to predictive emergencies or major disasters with current equipping levels by mitigating risk through established EMAC agreements and other means. However, responding to unpredictable and catastrophic events could present a challenge until the ARNG is fully equipped. (DOD 2009a, B-5)

The ARNG's equipment statuses are improving. The Department of the Army dedicated record levels of resources to the ARNG equipment procurement and modernization programs during fiscal years 2006, 2007, and 2008. (DOD 2009a, 2-5). The ARNG's equipment procurement averages approximately \$5 billion per year, the equivalent of a 400 percent increase from 2001 levels (DOD 2009a, B-6).

As shown in figure 4, the ANG currently possesses 84 percent of its overall authorized equipment (DOD 2009a, B-7). However, unlike the ARNG, the ANG has deemed the majority of its equipment as CDU, approximately 98 percent (DOD 2009a, B-7). Therefore, of all the equipment that the ANG possesses; it considers 98 percent to

be useful during its state missions. Figure 4 illustrates a more detailed record of the ANG's equipment status.

| 12 January 2009     |          |           |           |                 |                 |            |               |
|---------------------|----------|-----------|-----------|-----------------|-----------------|------------|---------------|
| CABABILITY          | AUTH QTY | INUSE QTY | FILL RATE | AUTH COST       | INUSE COST      | NEEDED QTY | NEEDED COST   |
| AVIATION            | 91,148   | 81,957    | 90%       | \$274,193,776   | \$220,175,636   | 9,191      | \$54,018,140  |
| COMMAND AND CONTROL | 25,772   | 24,205    | 94%       | \$685,274,186   | \$672,598,449   | 1,567      | \$12,675,737  |
| COMMUNICATIONS      | 8,728    | 5,960     | 68%       | \$51,832,884    | \$37,676,760    | 2,768      | \$14,156,124  |
| ENGINEERS           | 44,214   | 39,071    | 88%       | \$227,358,935   | \$173,724,012   | 5,143      | \$53,634,923  |
| LOGISTICS           | 130,700  | 100,255   | 77%       | \$95,640,500    | \$79,464,378    | 30,445     | \$16,176,122  |
| MAINTENANCE         | 136,285  | 129,600   | 95%       | \$2,533,604,492 | \$2,107,834,054 | 6,685      | \$425,770,438 |
| MEDICAL             | 3,419    | 2,655     | 78%       | \$2,546,187     | \$2,059,787     | 764        | \$486,400     |
| SECURITY            | 64,384   | 55,393    | 86%       | \$106,325,905   | \$82,713,338    | 8,991      | \$23,612,567  |
|                     |          |           |           |                 |                 |            |               |
| TOTAL SE            | 368,365  | 309,496   | 84%       | \$3,976,776,865 | \$3,376,246,414 | 65,554     | \$600,530,451 |
|                     |          |           |           |                 |                 |            |               |
| VEHICLES            | 13,602   | 13,090    | 96%       | \$643,955,373   | \$668,336,863   | 512        | \$24,239,461  |
|                     |          |           |           |                 |                 |            |               |
| TOTAL SE & VEHICLES | 381,967  | 322,586   | 84%       | \$4,620,732,238 | \$4,044,583,277 | 66,066     | \$624,769,912 |

Figure 4. ANG Equipment Report

Source: Department of Defense, *National Guard and Reserve Equipment Report for Fiscal Year 2010* (Washington, DC: Government Printing Office, 2009), B-7.

The ANG's aviation, command and control, engineers, maintenance, security, and vehicle readiness categories are at exceptionally high levels (greater than 85 percent), as illustrated in the ANG Equipment Report (figure 4). Additionally, none of the ANG's vehicles are deployed overseas; therefore, all of them are available for domestic operations. However, the ANG's communications, logistics, and medical categories are currently at critically low levels (below 80 percent).

Overall the ANG's CDU equipment situation remains somewhat better than the ARNG's. Currently, only 2 percent of the ANG's overall equipment inventory is deployed in support of federal missions; unlike the ARNG's 16 percent of CDU equipment (DOD 2009a, B-7).

### Leadership and Education

Leader development is a deliberate, continuous, sequential, and progressive process grounded in the Army Values. It grows Soldiers and civilians into competent and confident leaders capable of directing teams and organizations to execute decisive action. Leader development is achieved through the lifelong synthesis of the knowledge, skills, and experiences gained through institutional training and education, organizational training, operational experience, and self-development. (DOD 2006, 8-9)

Hence, NG leaders are developed using three core domains: institutional training, operational experience, and self-development. Soldiers and airmen continually attend additional leadership courses as they are elevated through the military's promotion system. The NG's institutional leader training goes far beyond what the new recruits receive during their initial entry and specialized occupation training. These additional leadership opportunities assist soldiers and airmen to develop the appropriate leadership skills necessary for success in their new ranks. The leadership courses often address the various leadership attributes: character, presence, and intellectual capacities (DOD 2006, 2-4). Additionally, the courses will focus on the leader's core competencies: lead, develop, and achieve.

In addition to the standard institutional leadership training that is available for specific rank structures; there are also numerous educational opportunities for specific DSCA functional training. Potential NG JTF Commanders can attend the JTF Commander Training Course at NORTHCOM in Colorado Springs. This course prepares

the NG's leaders to "operate, organize, and function in the unique federal and state environment" (NGB 2010, 26). Also, there is the JFHQ / JTF Staff Training Course, which "provides comprehensive training and education for joint staff to support JFHQ and JTF missions in state or federal status" (NGB 2010, 26). Finally, NORTHCOM also hosts a two-day DSCA Senior Executive Seminar at its headquarters each year. The targeted attendees for this course include the state governors and TAGs. Those attending are presented capabilities briefs from the various NORTHCOM directorates regarding DSCA operations, and oriented to NORTHCOM's mission (Renuart 2010, 29). Additionally, the NORTHCOM Commander seizes the opportunity to personally meet with the state leaders.

The NG's increased participation in Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle has given its members increased opportunities to develop through operational experience. For instance, the ARNG activated 453,292 soldiers between 9/11 and 31DEC08 (NGB 2010, 8). Likewise, the ANG has experienced an increase in its deployments as well. The ANG deployed 20,231 airmen to eighty-five different countries during 2008 (NGB 2010, 15). Additionally, thousands of guardsman responded to numerous earthquakes, floods, hurricanes, and forest fires. All of these operational experiences added value to the NG's leaders.

Self-development is the final domain for preparing NG's leaders. Leaders can effectively develop themselves by staying positive, being open to feedback, and learning from their mistakes. NG leaders recognize that learning is a lifelong commitment, and they continually challenge themselves to adapt to change (DOD 2006, 8-11). In addition, there are numerous online courses that are available to NG leaders. Of particular

importance to this study, is the online DSCA Phase 1 Course, which is administered by US Army North.

### Personnel

The NG possesses an enormous capability within its personnel domain. The NG is an all-volunteer force, comprised of more than 464,000 citizen-soldiers and airmen. The ANG is staffed by approximately 106,000 airmen; while the ARNG is comprised of more than 358,000 soldiers. Figure 12 (appendix) addresses the number of NG personnel within each state. Thus, the figure will present readers with a better understanding of how the NG's soldiers and airmen are dispersed across the nation.

A top priority of the NG is its ensuring the availability of NG forces that are fully prepared to respond during domestic operations. Consequently, "The CNGB has pledged that 50 percent of Army and Air Guard forces will remain in the state to perform their Home Land Defense and Defense Support of Civil Authorities missions" (DOD 2009a, 2-5). Accordingly, the peak number of ARNG soldiers deployed during 2009 was 65,696 (ARNG 2010b, 6). This figure equates to less than 15 percent of the ARNG's available force. Similarly; only 20,231 ANG airmen were deployed during the same time period; equating to less than 20 percent of the ANG's force.

Although, the NG has a "heritage as a community-based, predominantly part-time force" (NGB 2010, 14); the NG still contains some full time NG personnel. These full-time soldiers sustain the day-to-day operations of the NG force, and are directly responsible for their unit's readiness. The ARNG full-time support currently consists of 60,870 members, roughly 17 percent of the ARNG force (ARNG 2010b, 17). On the

other hand, the ANG maintains a much larger percentage of full time personnel, approximately 40 percent (NGB 2010, 18).

The NG is closely tied to its communities. Generally its members are recruited locally and hold civilian jobs there. This deep-rooted “knowledge of their communities adds to their effectiveness in homeland response” (CNGR 2008, 95). In addition, the civilian skills that the NG members possess are an advantage. Furthermore, often the NG members’ civilian occupations correlate to their military occupations. Therefore, the service member is truly adding value to their community and the military while serving in both capacities.

### Facilities

The NG’s abundant facilities across the country represent another collection of resources that the NG can use during domestic operations. Assistant Secretary of Defense Paul McHale recognized the NG’s favorable positioning throughout the homeland in the following comments.

We use the phrase “focused reliance” to indicate the obvious benefit . . . of using domestically-based reserve component capabilities, capabilities that are spread in reserve centers and National Guard armories throughout the United States—forward deployed if you will—to rapidly respond in an effective way to domestic missions, be they missions related to war fighting—and that is the defense of critical infrastructure—or consequence management after a natural or man-made disaster. It simply made sense to us to recognize the fact that we had a lot of trained personnel in military uniforms spread throughout the United States able to defend our nation and well-trained to do so. (CNGR 2008, 93)

The NG possesses facilities in more than 3,000 communities across the nation. These facilities provide NG soldiers with a location to conduct training, perform administrative duties, and store and maintain their equipment. In 2009, the ARNG possessed 12,490 training buildings; 2,999 readiness centers; 902 ground maintenance buildings; 336

aviation support buildings; and 110 training centers across the country (NGB 2010b, 5). These NG facilities are not exclusively used for military purposes. Many of the facilities also serve as important community centers. Consequently, “The connections with their communities foster public support and trust for military members, and this relationship can be indispensable when disaster strikes at home” (CNGR 2008, 94). Figure 5 depicts the distribution of ARNG facilities across the country.



Figure 5. Army National Guard Facility Locations  
Source: National Guard Bureau, *National Guard Posture Statement 2010* (Arlington, VA: Government Printing Office, 2010), 11.

The ANG also possesses various facilities. However, the ANG utilizes a much higher number of shared facilities when compared with the ARNG. For instance, sixty-six of the ANG's eighty-eight flying units are co-located at civilian airports. Therefore, those sixty-six units share the runways, taxiways, and emergency response teams with the public (NGB 2010, 18). Consequently, the synergy achieved from these associations advance positive long-term relationships between the ANG and their communities.

### Impacts of Persistent Conflict

This section addresses the final secondary question, what effects have this period of persistent conflict had on the NG? This section begins by addressing the NG's transformation from a strategic reserve to an operational force. Next, it will address the Secretary of Defense's policy that outlines the NG's mobilization process. Additionally, the CNGB's policy regarding the states' maximum percentage of NG soldiers that may be federally activated from each state during any given time will be addressed. Finally, the research will examine the NG's equipment and personnel readiness levels to determine the effects of this period of persistent conflict.

### Transition to an Operational Force

From our nation's inception, its security has depended on the strength of those citizens who took up arms in our defense. They have had many names over the years—minuteman, national guardsman, . . .--but they all served our nation when needed. This spirit of service is a constant throughout the reserve components' history of changing requirements and evolving structures. Congress has occasionally adjusted the statutes governing them to better meet national security requirements. The current reliance on the reserve components as an operational force, however, is something entirely new, unforeseen, and unplanned. (CNGR 2008, 51)

The NG was utilized as a strategic reserve during the Cold War. Within that construct, the NG was “designed to facilitate rapid expansion of the armed forces for a major war with the Soviet Union” (CNGR 2008, 5). Since the early 1990s, force reductions coupled with increased deployments resulted in the NG’s evolution into a more essential element of the military’s operational force (CNGR 2008, 54). However, it wasn’t until the nation was facing persistent conflicts with Iraq and Afghanistan that the NG fully transitioned into an operational reserve (CNGR 2008, 6).

Employing the Reserve Component as part of the operational force is mandatory, not a choice. DOD cannot meet today’s operational requirements without drawing significantly on the Reserve Component. Large portions of the reserve components are being utilized in the ongoing conflicts: the wars in Afghanistan and Iraq and other military operations simply could not be undertaken without the reserves’ contribution to the total operational force. DOD leaders have repeatedly stated their expectation the NG and Reserves will continue to provide a wide range of capabilities that include war-fighting, humanitarian assistance, disaster relief, and post-conflict and transitional operations such as democracy building, stability efforts, and peacekeeping. (CNGR 2008, 64)

The NG’s employment as an operational force is completely different from its previous use as a strategic reserve. “The Army Guard and Army Reserve workload had increased more than seven times. At their peak use in 2004, national guardsmen and reservists constituted more than 33 percent of all US military forces in Iraq” (CNGR 2008, 6). Between 9/11 and the end of FY09, the ARNG deployed 403,471 Soldiers under US Code Title 10 authority (ARNG 2010b, 7). During that period, 9,312 ARNG Soldiers deployed in support of Operation Enduring Freedom while 33,943 Soldiers mobilized in support of Operation Iraqi Freedom. The ARNG’s mobilization peak of 65,696 Soldiers occurred on 2 July 2009. This peak was a result of FY 2008’s deployed Soldiers overlapping with FY 2009’s deployments (ARNG 2010b, 6). The ARNG’s

increased use does not appear to be declining either. 57,161 ARNG Soldiers were on alert for future deployments at the end of FY 2009 (ARNG 2010b, 7).

### Mobilization Policies

The increased reliance on the NG resulted in an additional concern. There was no clear policy identifying how accessible the NG was for the federal government. Again, the Cold War-era scenarios did not correlate with the NG's repeated use during a time of persistent conflict. Consequently, the DOD created the following policy that supported a more predictable and effective mobilization process.

On January 19, 2007, Secretary Gates issued a mobilization policy that addressed the lack of effective guidance regarding how many times a reservist can be mobilized, for how long, and the amount of time reservists should be allowed to remain at home between deployments: he announced that reservists can be remobilized, stating as a goal that mobilizations should be for a period of no longer than 12 months, with a five-year dwell time between them. However, this policy cannot be fully implemented by the Army and Marine Corps given current global commitments and the existing force structure. (CNGR 2008, 34)

Consequently, the Army utilized the Secretary's guidance in its Army Force Generation (ARGORGEN) model. The Army's ARFORGEN model applies a five year process that is further described below.

ARNG applies a 5 year force generation model (ARFORGEN) using the ARNG Availability Matrix. The cycle includes a one year mobilization period and four years of dwell time. The ARNG Availability Matrix is the synchronizing tool used to align ARNG units in the five-year cycle and it prioritizes the ARNG's efforts to synchronize generating force functions. The model (process) displays ARNG units in one of each of the following force pools: Reset, Train/Ready, and Available. Each unit in the ARFORGEN cycle rotates through the Reset period (one year), the Train/Ready period (three years), and the Available phase (one year). The ARNG Availability Matrix provides the states and territories predictability of operational support over the five year cycle that defines resourcing of each ARNG unit. (DOD 2009a, 2-6)

The Secretary's new mobilization policy resulted in a thorough approach that the NG could strive toward in the future; however, the immediate persistent conflicts did not allow all of the NG to enjoy the intended four years at home (dwell time). While the ANG successfully met the goal on average (one year deployed and five years of dwell time); the ARNG fell behind with an average dwell time of less than four years (DOD 2009b, 2). Numerous units were redeployed in less than three years. Additionally, the continuous use of the NG forces since 9/11 resulted in numerous concerns regarding the NG's availability for domestic operations. This resulted in the aforementioned CNGB pledge that 50 percent of each state's NG members and their equipment would remain in the state to perform HD and DSCA missions (DOD 2009a, 2-5). Additionally, the NGB agreed to assist any states that possessed smaller forces by coordinating EMAC agreements with other local states on their behalf.

### Equipment Status

The results of the persistent conflicts are most recognizable within the ARNG's equipment statuses. "The percentage of ARNG units reported at the lowest level of equipment readiness increased nine-fold between 2002 and 2007" (CNGR 2008, 225). The CNGB's following remarks were an attempt to explain why the ARNG's equipment levels deteriorated so rapidly.

Frankly, you have to remember that this was a national military strategy for over four decades to not fully equip the NG, to not give it first-line equipment, to treat it as a strategic reserve where we would have plenty of time to build up the force, train the people and equip the people, procure the equipment, get it in the hands of the soldiers. It is a flawed –well, it's flawed today, in the light of today's threat, but in the past it was a very well thought out methodology, but we have been way too slow as a nation to recognize the change that the NG and Reserve component went through. (CNGR 2008, 225)

The ARNG's historic equipment on-hand averaged about 70 percent prior to 9/11. Then, its rates declined to approximately 40 percent by FY 2006, and then improved slightly to 49 percent in FY 2007 (ARNG 2010b, 22). By the end of FY 2008, the ARNG had 63 percent of its required equipment on-hand and available for the state governors' use (NGB 2010, 9). At the end of FY2009, the ARNG's overall modified table of organization and equipment (MTOE) on-hand had increased to 77 percent, while its overall CDU equipment-on-hand had risen to 83 percent. However, approximately 15 percent of the equipment was overseas. Thus, only about 62 percent of the ARNG's MTOE and 67 percent of its CDU equipment was available for use by the governors (ARNG 2010b, 57).

There were numerous reasons for the enormous decreases within the ARNG's equipment statuses: equipment left in theater, battle losses, cross-leveled equipment, and transformation. The following excerpt details the volume of equipment that was left in theater or destroyed during combat operations.

In prior years, some units leaving theater were required to leave their equipment as Theater Provided Equipment (TPE) for use by follow-on forces of all components and Services. The ARNG has been directed to leave approximately \$3.2 billion of TPE in theater, since OIF and OEF began. Although \$993 million of equipment was transferred to other ARNG units in theater and should eventually return with those units, there will be significant repairs/ and or replacements needed at that time. States and territories have also reported total equipment losses of approximately \$339 million to include \$275 million in battle losses and \$71 million in washout equipment losses. (DOD 2009a, 2-11)

As a result of the vast amount of NG equipment left in theater, a policy was added to restrict any further occurrences. Now, NG equipment can only be retained in theater after receipt of a written order from Headquarters Department of the Army specifying the

equipment to be retained and an associated payback plan (approved by the SECDEF) for the NG's equipment (DOD 2009a, 2-10).

The cross-leveling of equipment to deploying NG units has also resulted in the reduced availability of NG equipment in the U.S., since units are required to deploy with 100 percent of their equipment. Additionally, ARNG units are often directed to obtain supplementary equipment, called a Mission Essential Equipment List (MEEL). NG units are often deployed to perform missions that are not related to their unit type, such as the ARNG field artillery units called to provide security forces in Iraq. "Consequently, the equipment they have on-hand, as required by their MTOE, may not be the same equipment required to perform the mission as specified by the MEEL" (DOD 2009a, 2-9). These expanded MEEL requirements must be cross-leveled from other NG forces remaining stateside, thus reducing the amount of equipment that is available to the states' governors during domestic operations. Another reason for the extensive cross-leveling is to substitute newer equipment for some of the NG's obsolete equipment within its deploying units. "For example, many ARNG communications and electronic systems are not interoperable and have less capability than the systems being used by the active components on the battlefield. For this reason, combatant commanders restrict the older equipment from theater" (DOD 2009a, 1-8). From November 2002 through August of 2008, the ARNG cross-leveled 167,000 items to support its mobilization requirements (DOD 2009a, 2-10).

The NG's transformation has also resulted in numerous equipment fluctuations. "The Army is currently converting from the Cold War or "legacy," division-based force to a smaller but more independent and robust brigade-based "modular force" that is better

suiting to current operations” (CNGR 2008, 226). This transformation has resulted in the NG receiving numerous new equipment deliveries. However, the additional equipment transfers have not always resulted in an increase in the NG’s equipment levels. For instance, a previous legacy unit might have only had one radio for every platoon, whereas the new and more robust modular units might be equipped with a radio in every vehicle. “Thus the modular force must be furnished with more equipment to remain at the same level of equipment readiness” (CNGR 2008, 226).

Congress responded to the ARNG’s equipment levels via numerous financial provisions. For example, it assigned the ARNG \$770 million during FY 2006, \$1.1 billion during FY 2007, \$1.1 billion in FY 2008, and \$770 million during FY 2009 using NG and Reserve Equipment Appropriations (ARNG 2010b, 6). Also, the Army distributed an additional 440,000 new items valued at \$5.9 billion to the ARNG during FY 2009 (ARNG 2010b, 57). Furthermore, the Army has programmed \$20.7 billion for ARNG equipment for FY 2010 through FY 2015 in order to procure new equipment and modernize its existing equipment (DOD 2009a, 2-17).

The ARNG’s equipment statuses have improved as a result of its increased funding and numerous policy changes. However, its current equipment levels still threaten the NG’s effectiveness during HD and DSCA operations. This threat will persist until the NG is fully equipped with its CDU items.

Of the systems on the FY 2010 ARNG Shortfall List, over half are critical to support of the ARNG’s HLD/DSCA missions. Impacts of current shortages are especially pronounced in the communications, command and control, transportation, and aviation “Essential 10” capabilities. Regardless of the domestic event, these capabilities must be available for every HLD/DSCA mission. While we received much equipment last year, the need for 100 percent equipping of the ARNG remains a requirement in order to respond to

unpredictable disasters. Even response to predictable events, such as hurricane support, has resulted in the ARNG supporting hurricane states at the expense of other states. (DOD 2009a, B-5)

The ARNG's truck shortage is its top equipping priority (DOD 2009a, 1-9). It will still have a shortfall of over 20,000 vehicles after the Army's programmed \$20.7 billion investment is executed (DOD 2009a, 2-17). "Even given a best case scenario, by FY 2015 the ARNG is projected to have only 88% of its Light Tactical Vehicle requirement and 56% of its Family of Medium Tactical Vehicle requirements" (DOD 2009a, 1-9). These endless shortages will result in the ARNG either cross-leveling to meet its requirements or performing its missions at degraded levels (DOD 2009a, 1-9).

The ANG has historically received better equipment funding; therefore, it was far more prepared for this era of persistent conflict. Consequently, the ANG currently possesses 84 percent of its overall authorized equipment. However, unlike the ARNG, the ANG has deemed the majority of its equipment as CDU, approximately 98 percent (DOD 2009a, B-7). Therefore, of all the equipment that the ANG possesses, it considers 98 percent to be useful during its federal and state missions. Overall the ANG's CDU equipment situation remains somewhat better than the ARNG's. In addition, only 2 percent of the ANG's overall equipment inventory is deployed in support of federal missions; unlike the ARNG's 16 percent of CDU equipment (DOD 2009a, B-7).

The ANG has still experienced challenges despite its equipment status remaining consistently high. Its biggest challenge remains the age of its aircraft. The ANG's average aircraft age is greater than twenty-five years old, while the KC-135s are forty-nine years old (NGB 2010, 17). Figure 6 illustrates the advanced ages of the ANG's numerous operational aircraft.

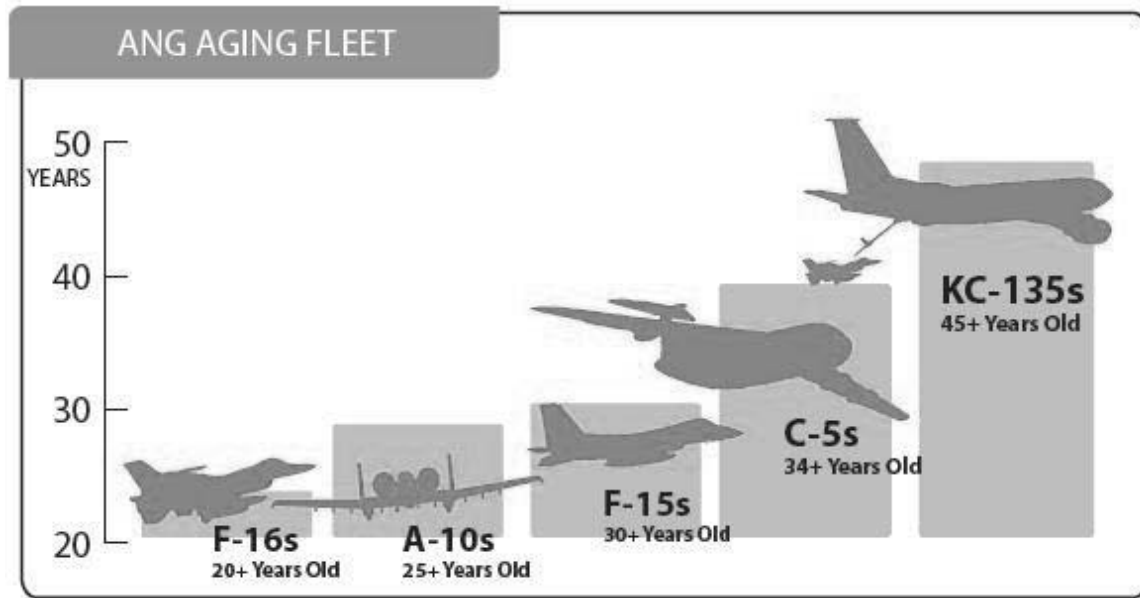


Figure 6. ANG's Aging Fleet

Source: National Guard Bureau, *National Guard Posture Statement 2010* (Arlington, VA: Government Printing Office, 2010), 16.

As described below, the ANG's aging equipment is a growing problem.

The Air Force and both its reserve components . . . began the global war on terror at deployable readiness levels. However, the high operational tempo of Air Force units in the current conflicts and an aging aircraft inventory are causing fiscal and readiness challenges. In the last 10 years the cost to operate our legacy fleet has increased 179% in terms of flying hour cost, depot maintenance costs, and contractor depot maintenance costs. Aging aircraft and a high operational tempo have significantly increased maintenance costs and downtimes. Older equipment is more expensive to maintain, and its distribution within the Air Force is disproportionately concentrated in the reserve components. (CNGR 2008, 230)

Nevertheless, despite its increased costs of operation the ANG "will respond to any short notice tasking with fully combat-ready professionals equipped with aging, but capable, weapon systems (DOD 2009a, 5-25). However, the ANG will eventually require more modernized equipment. For instance, 80 percent of the ANG's F-16s will begin reaching the end of their service life in eight years (NGB 2010, 3). Considering that the

ANG's F-16s comprise the "backbone of the Air Sovereignty Alert Force" this is a large concern (NGB 2010, 3).

#### Personnel Status

The ARNG and ANG have continually met their recruiting goals during this time of persistent conflict. The ANG completed FY 2008 while surpassing its recruiting objectives by recruiting 10,749 new airmen. Additionally, it retained 90 percent of its airmen who were eligible to leave the service. Consequently, the ANG finished FY 2008 with an assigned end strength of 107,679 airmen (NGB 2010, 11). During the same time period, the ARNG also surpassed its recruiting goal by reaching an assigned strength of 365,814 (NGB 2010, 6). This increase resulted in the ARNG gaining approximately 35,000 soldiers over the three years prior to 2008. However, after years of ARNG end strength increases, Congress mandated a lower end strength of only 358,200. Thus, the ARNG reduced its force to an actual end strength of 358,391 by the end of FY 2009 (ARNG 2010b, 17).

The NG also improved its training readiness during this time of persistent conflict. Last year the funding for its initial skills training was at the highest level since FY04. This additional funding was used to improve the percentage of the ARNG's duty military occupational skill qualification (DMOSQ). As a result, the Training Division exceeded the ARNG's DMOSQ goal of 85 percent, reaching 89.5 percent (ARNG 2010b, 16). Consequently, the number of qualified ARNG Soldiers improved by 10,500 from the previous year (ARNG 2010b, 16). Additionally, the ARNG improved its active drilling status; by reducing the number of nonparticipants to less than 1 percent of its assigned strength (ARNG 2010b, 4).

Medical readiness has also improved during this time of persistent conflict. “Not meeting medical . . . readiness standards may result in a reservist’s failure to deploy, lengthy delays during the mobilization process, or an increased risk of injury, illness, or fatality” (CNGR 2008, 19). The DOD’s goal for individual medical readiness is 75 percent. The ANG’s rate in FY 2007 was 81.3 percent, while the ARNG was 38 percent (CNGR 2008, 194). Targeted funding and intensive efforts by the NGB resulted in the ARNG achieving a 44 percent individual medical readiness rate in FY 2009 (ARNG 2010b, 20).

In order to improve individual medical readiness rates, the Army has implemented the Periodic Health Assessment (PHA) Program, which requires an annual physical assessment that replaces the requirement for the five-year retention physical. The PHA consists of two parts. Part one is a self-assessment, completed by the Soldier; part two is the provider assessment, which is transferred to the Medical Protection System as the Soldier’s updated physical profile (PULHES). The periodic health assessment is considered current if it has been less than 15 months since the last PHA. PHA results consist of the health assessment, height, weight, PULHES, and potential for deployability within six months. (ARNG 2010b, 21)

This period of persistent conflict is also affecting the mental wellness of some of the NG soldiers. Those who deploy multiple times are significantly more likely to “report symptoms consistent with depression, anxiety, and acute stress” (CNGR 2008, 82) than those deploying for the first-time. Additionally, lengthy and multiple deployments have reportedly strained marriages and other relationships of NG service members.

Furthermore, “An Army survey revealed that soldiers are significantly more likely to suffer higher levels of acute stress if they serve more than one tour” (CNGR 2008, 82).

The NG’s individual dental readiness has also improved during this time of persistent conflict. The DOD’s goal for dental readiness is 75 percent. In FY 2007, the ANG’s individual dental readiness rate was 87.3 percent, while the ARNG’s rate was

45.6 percent (CNGR 2008, 194). Consequently, Congress enacted legislation to improve the dental readiness of the service members. They added “an early (or pre-activation) TRICARE benefit of up to 90 days for reserve component members (and their family members) who are issued delayed-effective-date orders for more than 30 days in support of contingency operation” (CNGR 2008, 266). This supplementary insurance allowed soldiers to correct any dental problems prior to mobilizing. This benefit coupled with additional efforts by NGB and the states led to vast improvements. The individual dental readiness at mobilization stations improved to over 90 percent during FY 2009 (ARNG 2010b, 20). Further, the lost training days as a result of dental readiness problems have decreased by 50 percent over the past two years (ARNG 2010b, 21).

#### Case Study: Hurricane Katrina

This section examines the NG’s operations throughout Hurricane Katrina. There are several reasons why the Hurricane Katrina case study is so applicable. Unlike many previous situations the DOD relied heavily upon the NG during this response, the response to Hurricane Katrina resulted in the largest stateside deployment of NG soldiers since the NG’s establishment 371 years ago, and the NG’s mobilization included 50,087 NG soldiers to Louisiana and Mississippi (Renaud 2005, 4). This section will examine the case study utilizing the previously addressed secondary criteria: legal implications, capabilities, and impacts resulting from the NG’s repeated deployments during this era of persistent conflict.

## Background

On 29 August 2005, Hurricane Katrina made landfall near the Mississippi-Louisiana border. The horrific Category 3 hurricane proved to be the most destructive natural disaster in US history. Its dangerous hurricane force winds extended 103 miles from its center, while its tropical force winds stretched 230 miles. The hurricane's strength impacted 93,000 square miles of the US (Cecchine et al. 2007, 1). Additionally, its accompanying storm surge reached heights of twenty-seven feet and stretched from Mobile to New Orleans (Townsend 2006, 1). Consequently, the storm surge rushed inland causing further flooding and devastation. The storm surge was particularly problematic in New Orleans. There it breached the city's levees resulting in 80 percent of the city being flooded, sometimes to depths of twenty feet (Wombwell 2009, 38). "In the end, Hurricane Katrina caused over \$96 billion in property damage, destroyed an estimated 300,000 homes, produced 118 million cubic yards of debris, displaced over 770,000 people, and killed an estimated 1,330 people (Cecchine et al. 2007, 2).

## Legal Implications

The leadership's application of the various regulations surrounding the domestic use of the military during Hurricane Katrina was unmistakable. Initially, the state governors activated thousands of their NG forces in state active duty status, prior to the hurricane making landfall. These soldiers and airmen were activated in accordance with state law, at the cost of the states (Wombwell 2009, 4). However, later Deputy Secretary of Defense Gordon England approved the retroactive Title 32 status for all activated NG personnel to the date of the hurricane's landfall (Cecchine et al. 2007, 17). Accordingly,

the governors maintained command and control of their NG forces, while the federal government became responsible for their wages.

The PCA's exception which allowed NG forces to conduct law enforcement activities was also evident during the response. NG soldiers conducted numerous law enforcement missions which enabled the exhausted local police officers to resume their normal schedules (Wombwell 2009, 208). NG personnel manned security posts, patrolled the streets, conducted security at local shelters, detained looters, et cetera.

The PCA's restrictions of the active components were also apparent to the planners and responders.

Civilian and military officials were also hesitant to deploy federal land forces in the deteriorating law-enforcement environment. Reports of violence in New Orleans appeared immediately, and there were concerns about deploying active-duty federal forces to the area given the constraints of Posse Comitatus. According to the Senate report, the flexibility of using the National Guard for law enforcement was a "significant motive" for relying on the National Guard rather than active duty forces. (Cecchine et al. 2007, 37)

Although the PCA prohibited the active component's participation in active law enforcement activities, they still found ways to provide law enforcement activities while abiding by the law (Wombwell 2009, 209). The following excerpt demonstrates how the active component's 82d Airborne and the Texas ARNG worked together to provide the best service to the community.

The 4/133d Field Artillery Regiment, Texas ARNG, was embedded with the 2d Brigade to provide law enforcement capability if required. This was an important move since Title 10 forces are, by law, prevented from conducting law enforcement activities or forcibly entering houses to search for survivors. Since the NG soldiers were under Title 32, they were not subject to the PCA and, therefore, were able to act more aggressively if confronted with a potential law enforcement situation. (Wombwell 2009, 170)

Although the PCA limited the active component's participation in law enforcement activities, their "mere presence helped quell disorder wherever they operated" (Wombwell 2009, 208).

The Stafford Act's applicability was also demonstrated during the response. The governors of Louisiana, Mississippi, and Alabama asked the President to declare an emergency prior to Hurricane Katrina making landfall in order to obtain federal assistance. Accordingly, the President issued the emergency declarations on the same day that the governors submitted their requests (Townsend 2006, 27). Consequently, FEMA began fulfilling requests for assistance immediately. As previously discussed, the Presidential declaration of an emergency is allowed prior to a disaster, unlike the Presidential declaration of a disaster. "The issuance of a Presidential emergency declaration before landfall is extremely rare and indicative of the recognition that Hurricane Katrina had the potential to be particularly devastating" (Townsend 2006, 27). These Presidential emergency declarations eventually led to FEMA requesting the DOD's participation in the relief effort.

However, not all of the DOD waited for an order, invitation, or approval prior to responding to Hurricane Katrina. The first active component helicopters arrived and began conducting rescue operations on 30 August. These specific active duty helicopters responded via the immediate response clause, rather than at FEMA's request (Wombwell 2009, 205). The following excerpt explains when the active duty can respond prior to receiving approval.

Responses to requests from civil authorities prior to receiving authority from the Secretary of Defense are made when immediate support is critical to save lives, prevent human suffering, or to mitigate great property damage. Such

requests are situation specific, time-sensitive, and may or may not be associated with a declared disaster. When such conditions exist and time does not permit prior approval from higher headquarters, commanders or officials acting under immediate response authority may take necessary action to respond, and shall report the request through the command channels to the National Military Command Center by the most expeditious means available. The military will begin disengagement from emergency response activity as soon as practicable. (DOD 2005, II-4)

## Capabilities

### Doctrine

The NGB's doctrine maintains that all NG forces should be prepared to respond within the first hours of a domestic incident (NGB 2008, 7). Thus, the NG should be the governor's first responders for any domestic operation. Fortunately, Hurricane Katrina's predictability allowed the NG to activate its soldiers and airmen days before it made landfall. Accordingly, its extended forecast allowed the NG to preposition many of its forces and assets around the impacted states. Thus, "NG units were among the many first responders in Mississippi and Louisiana. They were in position to move into the disaster area before the storm had completely passed and to provide immediate relief to citizens affected by the storm" (Wombwell 2009, 18). One example of the NG's proactive response was its immediate rescue efforts. Helicopters began operations within just a few hours of the storm passing through New Orleans (Wombwell 2009, 51). "The ARNG's helicopters flew almost 4,000 sorties, rescuing more than 11,000 people and moving more than 12,000 other people from dropoff points to evacuations sites during the first five days of operations (Wombwell 2009, 53).

Additionally, the NGB's following "Essential 10 Capabilities" were maintained from the start: aviation, command and control, CBRNE response, engineering, medical, communications, transportation, security, logistics, and maintenance (NGB 2008, 7).

Both of the states assigned responsibility for the essential capabilities to various organizations within their states. Additionally, they activated the responsible units and pre-positioned them while awaiting the hurricane's landfall.

EMACs are another central tenet of the NG's doctrine. NGB continually stresses that EMACs must be deliberately constructed in order to fill gaps that states may have in their "Essential 10 Capabilities." Mississippi and Louisiana both forecasted the additional resources that their states would require and initiated EMACs prior to the Hurricane making landfall.

Louisiana asked for two CH-47 Chinooks and four UH-60 Blackhawk helicopters. Mississippi asked for an MP battalion, two engineer battalions, and three CH-47 Chinook helicopters. Alabama responded immediately. The adjutant general dispatched 483 soldiers to Mississippi on 30 August and 359 more soldiers the next day. The Alabama force consisted of engineers, military police, security personnel, and communications units. Arkansas also acted quickly, sending a 310-person MP company to Mississippi. (Wombwell 2009, 117)

In the end, more than two thousand resource requests were satisfied through EMACs in response to Hurricane Katrina (Cecchine et al. 2007, 23).

The WMD-CST is another unique capability that the NGB emphasizes within its domestic response doctrine. WMD-CSTs from the District of Columbia and nine other states deployed in response to Hurricane Katrina (Cecchine et al. 2007, 26). The teams' robust communications capabilities were very useful considering the storm had destroyed most of the communications infrastructure along the Gulf Coast (Wombwell 2009, 90). Additionally, the WMD-CSTs assisted the New Orleans Hazardous Materials Team with the decontamination process. The teams examined thousands of potentially hazardous containers, and thoroughly searched the city for dangerous wastes (Wombwell 2009, 90).

## Organization

The NG forces present during Hurricane Katrina were never federalized. Consequently, they remained under the control of their governors while they transitioned from state active duty to Title 32 status. Accordingly, the state governors delegated command and control of their NG forces to their TAGs. Additionally, various other states transferred NG personnel to Mississippi and Louisiana. The affected states accepted operational control of the additional state forces that transferred to them via the EMACs (Wombwell 2009, 18). The larger incoming state forces often remained under the control of their state's task force commander and were assigned their own area of operation, while smaller state forces were often consolidated with other units to form another task force (Wombwell 2009, 78). However, all of the various states' NG forces operated under the direct command and control of the affected state's TAG.

NGB transitioned into a very critical organizational role throughout the disaster response, becoming a "significant joint force provider for homeland security" (Townsend 2006, 55). Although the states surrounding Mississippi and Louisiana provided support via the EMACs, this disaster required much more. Therefore, the CNGB began coordinating the necessary resources at the request of the affected TAGs (Cecchine et al. 2007, 23). "On Wednesday, 31 August, Lieutenant General H. Steven Blum, CNGB, held a video teleconference with NG leaders from fifty-four states and territories and asked the state commanders to provide Mississippi and Louisiana with as much support as they could possibly give" (Wombwell 2009, 117). Consequently, the vast number of NG responders moving into the affected states overwhelmed the states' command and control structures. Therefore, NGB arranged for two NG division headquarters to deploy to

Louisiana and Mississippi to assist in the command and control of the thousands of incoming NG personnel (Wombwell 2009, 118). The mobilized division headquarters reported directly to the TAGs in the states that they occupied (Wombwell 2009, 206).

### Training

“Although soldiers are not explicitly trained in civil support operations, they used their soldier skills and the experience gleaned in Iraq and other places to effectively bring relief to victims in both states” (Wombwell 2009, 184). The NG forces responding to Hurricane Katrina were predominantly general purpose personnel. However, they were also comprised of soldiers and airmen from various other units, such as security, transportation, aviation, engineer, medical, command and control, and support (Cecchine et al. 2007, 24). The NG’s program for training military specialties successfully prepared them for Mississippi’s hurricane response plan, which was comprised of the following five mission types: search and rescue, security, commodity distribution, casualty evacuation, and debris removal (Wombwell 2009, 113). Consequently, NG soldiers and airmen responding to the mayhem left by Hurricane Katrina used “their core competencies and skills to perform a wide range of missions that brought relief to their fellow Americans” (Wombwell 2009, 16).

The only specialized personnel deficiency that negatively affected response operations was the shortage of military police (Cecchine et al. 2007, 26). “Military Police (MP) deficiencies arose even though the initial Mississippi and Louisiana EMAC requests were specifically for security and law-enforcement units” (Wombwell 2009, 26). Consequently, thousands of military police were surged into the area from abroad.

Figure 7 illustrates the type and quantity of NG soldiers and airmen that were present in each state on 9 September 2005.

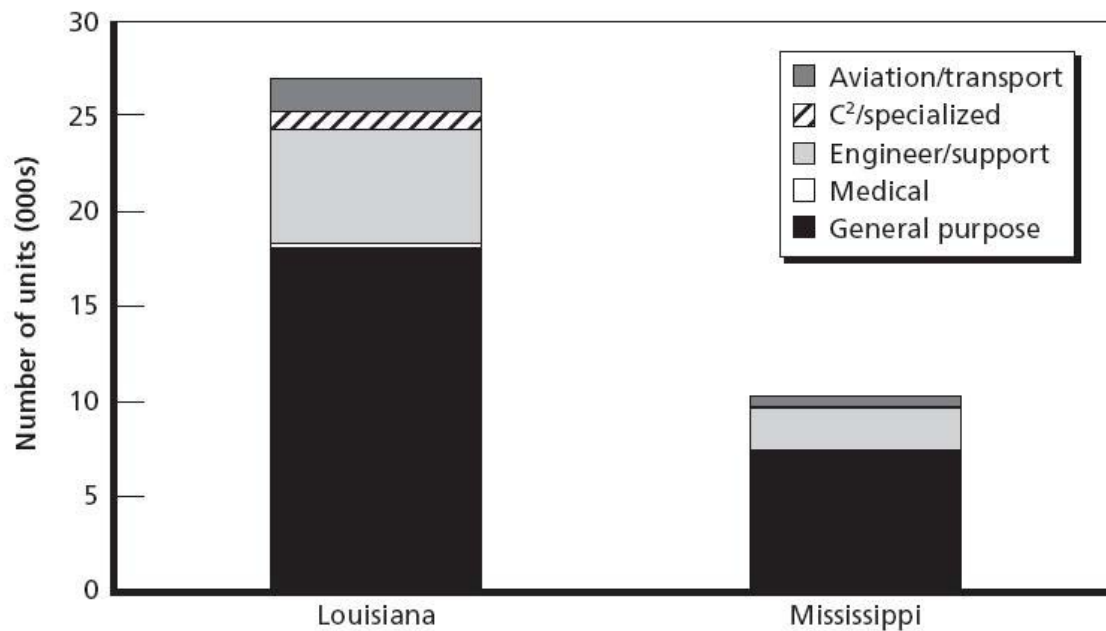


Figure 7. Types of NG Personnel—9 September 2005

Source: Cecchine et al., *Hurricane Katrina Lessons for Army Planning and Operations* (Santa Monica: Rand Corporation, 2007), 5.

### Materiel

The NG forces responding to Hurricane Katrina were comprised of general purpose, security, transportation, aviation, engineer, medical, command and control, and support personnel. Accordingly, they responded to the needs in Mississippi and Louisiana with many of the same assets that they used during their wartime missions. For example, the Illinois ARNG's 3637th Maintenance Company used its fifty high-water vehicles to deliver supplies and remove debris (Wombwell 2009, 76). Accordingly, soldiers from Alabama's 20th Special Forces Group used their twenty inflatable boats to conduct

search and rescue operations in New Orleans (Wombwell 2009, 89). Similarly, the NG's aviation units utilized organic helicopters, while engineers operated their organic vehicles and heavy equipment, etcetera. All requirements that were identified as a materiel gap were requested through the EMAC process. The shortfall of three hundred boats requested the day after the hurricane made landfall was one example of a materiel shortage requested through the EMAC (Wombwell 2009, 52).

### Leadership and Education

The institutional training, operational experience, and self-development that prepared the NG's leaders for their wartime missions also properly prepared them to lead their forces in response to Hurricane Katrina. The NG's repeated service in Iraq, Afghanistan, and the Balkans had resulted in a seasoned organization of veterans who were accustomed to carrying out their commander's intent in a professional manner. These leaders' commitment to the Army Values (loyalty, duty, respect, selfless service, honor, integrity, and personal courage) was apparent throughout their response efforts (DOD 2006, 2-2).

The NG's leaders were particularly challenged by the lack of communications infrastructure in the stricken area.

Hurricane Katrina devastated communications infrastructure across the Gulf Coast, incapacitating telephone service, police and fire dispatch centers, and emergency radio systems. Almost three million customer phone lines were knocked out, telephone switching centers were seriously damaged, and 1,477 cell towers were incapacitated. Most of the radio stations and many television stations in the New Orleans area were knocked off the air. . . . The magnitude of the storm was such that the local communications system wasn't simply degraded; it was, at least for a period of time, destroyed. (Townsend 2006, 34)

This deficiency meant that the NG's leaders often could not receive situation reports from other agencies, nor could they use any of the civilian communications resources for their own operations. The loss of the civilian communication resources, coupled with the enormous area of operations, led to numerous units often operating without continuous communications from their higher headquarters. "Since communications with higher headquarters were almost nonexistent, local commanders acted with initiative, carrying out pre-landfall assignments and solved problems as they encountered them" (Wombwell 2009, 123). NG leaders often successfully executed their missions because of their clear understanding of the commander's intent, rather than direct orders coming from their higher headquarters (Wombwell 2009, 126). The commander's intent truly set the vision for the NG response. In one instance, Mississippi's TAG gave his commanders the following guidance, "I need you to be bold and vigorous. Do what you can immediately" (Wombwell 2009, 120). The NG clearly understood their leader's intent, as demonstrated by the following details of their accomplishments.

Over the next few weeks, the engineers along with other Guard units conducted search-and-rescue missions; distributed food, water, ice, and other commodities to citizens in need; cleared roads, canals, and drainage ditches; repaired roads and bridges that had been washed away by the storm; provided generators to Emergency Operations Centers and shelters; and built the infrastructure for temporary housing sites and relief centers. (Wombwell 2009, 121)

Additionally, many of the initial NG missions did not include any pre-established procedures outlining their execution. Thus, the NG soldiers and airmen utilized all of their previous training and experience to develop an effective process. One platoon commander explained his platoon's situation in the following manner. "the lack of established TTPs [tactics, techniques, and procedures] for this type of noncombat operation was much less confounding than it was stimulating. . . . All that we needed to

bring to this ‘fight’ was our Army Values and the abilities to adapt” (Wombwell 2009, 76). Additionally, the platoon commander noted that the noncommissioned officers had taken a more active role in the operation considering there were often no clear rules outlining their conduct (Wombwell 2009, 77).

### Personnel

The NG’s full mobilization included the activation of 50,087 NG soldiers and airmen to Louisiana and Mississippi following the disaster (Renaud 2005, 4). “Before Hurricane Katrina, the largest domestic NG deployment was 16,599 troops in support of the response to the San Francisco earthquake of 1989” (Cecchine et al. 2007, 22).

In spite of a massive wartime mobilization, the Guard mobilized and deployed the largest domestic response force in history. Soldiers and Airmen from all 50 states, the territories of Guam and the US Virgin Islands, the Commonwealth of Puerto Rico and the District of Columbia deployed in record time in support of their Gulf Coast neighbors. Never before had every corner of America answered the desperate cry of our neighbors in such unison. Truly, when you call out the Guard, you call out America. (NGB 2006a, 2)

According to the CNGB, no single state could have possibly possessed the number of personnel necessary to “handle a natural or man-made catastrophe of the magnitude of Katrina” (NGB 2006a, 2). Hence, that is the reason for the EMACs. Figure 8 identifies the number of NG personnel that responded from Louisiana, Mississippi, and the other states via the EMACs.

| Date      | Louisiana |              |        | Mississippi |              |        |
|-----------|-----------|--------------|--------|-------------|--------------|--------|
|           | LA NG     | Other States | Total  | MS NG       | Other States | Total  |
| 8/30/2005 | 5,804     | 178          | 5,982  | 3,822       | 16           | 3,838  |
| 8/31/2005 | 5,804     | 663          | 6,467  | 3,822       | 1,149        | 4,971  |
| 9/1/2005  | 5,804     | 2,555        | 8,359  | 3,823       | 2,861        | 6,684  |
| 9/2/2005  | 6,779     | 5,445        | 12,224 | 3,823       | 3,719        | 7,542  |
| 9/3/2005  | 6,779     | 10,635       | 17,414 | 3,823       | 6,314        | 10,137 |
| 9/4/2005  | 6,779     | 12,404       | 19,183 | 4,017       | 9,399        | 13,416 |
| 9/5/2005  | 6,779     | 16,162       | 22,941 | 4,017       | 10,999       | 15,016 |
| 9/6/2005  | 6,779     | 20,510       | 27,289 | 4,023       | 11,095       | 15,118 |
| 9/7/2005  | 6,779     | 22,589       | 29,368 | 4,023       | 11,388       | 15,411 |
| 9/8/2005  | 6,779     | 23,476       | 30,255 | 4,023       | 11,506       | 15,529 |

\*From Steve Bowman, Lawrence Kapp, and Amy Belasco, CRS RL33095, *Hurricane Katrina: DOD Disaster Response* (Washington, DC: Congressional Research Service, 19 September 2005), 11.

Figure 8. NG Troop Activations

Source: James Wombwell, *Army Support During the Hurricane Katrina Disaster* (Fort Leavenworth: Combat Studies Institute Press, 2009), 5.

### Facilities

The out-of-state NG units still used their armories as they had planned. They rallied their unit members together and prepared to convoy to Louisiana and Mississippi. However, many of the NG's facilities in the affected states were not so fortunate. They were badly damaged during Hurricane Katrina's landfall. For instance, the Louisiana NG's Joint Operations Center in New Orleans was flooded with ten feet of water (Wombwell 2009, 59). Consequently, the Joint Operations Center's personnel were redeployed to the Superdome. The Superdome was originally staffed with approximately five hundred NG personnel and utilized by New Orleans as a "special needs shelter"

(Wombwell 2009, 48). However, more than 30,000 civilians relocated to the Superdome once the city's officials opened it to the general public as a "shelter of last resort" (Wombwell 2009, 49).

In the end, the storm's impact on the NG's facilities and the vast response by personnel from the other states concluded in the NG taking shelter wherever possible. Thus, NG units took refuge on numerous pieces of public property. In some instances NG personnel occupied hospitals, schools, warehouse parking lots, convention centers, and various other public shelters.

### Impacts of Persistent Conflict

#### Equipment

The effects of the NG's repeated combat deployments were evident to the American public once Hurricane Katrina struck.

By far, the biggest problem the Guard faced in responding to Katrina was a lack of equipment – radios, medical gear, trucks, helicopters and bulldozers. The list encompasses nearly every item in the Guard's inventory. Quite simply, deployments to Iraq and Afghanistan have taken a bad situation and made it worse. (Meinyk 2006, 1)

Although the NG's historic equipment on-hand rates averaged approximately 70 percent prior to 9/11; the rates of the units responding to Hurricane Katrina had plummeted to less than 35 percent (Meinyk 2006, 1).

One reason for the enormous decline was the NG's policy of transferring equipment from stateside units to deploying units in order to satisfy the mandate that all units deploy with at least 90 percent of their required equipment (Wombwell 2009, 200). As previously discussed, the NG's historical average for equipment on-hand was approximately 70 percent. Consequently, numerous items were cross-leveled to

deploying units. The following is the CNGB's explanation to the Senate Armed Services Committee regarding the NG's equipment levels during Hurricane Katrina.

The pace of combat has placed even further challenges on us. In order to ensure that deploying units are fully equipped and ready to support operations anywhere in the world, we have transferred over 101,000 items of equipment in support of these missions. This situation has presented the National Guard with challenges in keeping our inventories here at home fully supplied with critical items such as trucks, radios, and heavy engineering equipment. (NGB 2006b, 8)

Additionally, the NG's equipment problems were further compounded when NG units returned from overseas duty "with a fraction of the equipment with which they deployed, leaving them far less capable of . . . fulfilling their missions here at home" (NGB 2006a, 4). Many of the items remained behind to fill voids within incoming units; while some of the items were battle losses. Although there were numerous NG equipment shortages, the most significant was the lack of communications equipment (Meinyk 2006, 2). Considering the hurricane had destroyed most of the telephone lines and cell-phone towers, the NG needed to rely on their tactical radios; however many units were not issued SINCGARS radios (Meinyk 2006, 2).

According to the CNGB, "Without question, EMAC enabled the National Guard to overcome many of the equipment and resource obstacles faced during Hurricane Katrina" (NGB 2006b, 8). Consequently, one positive outcome of the hurricane was that "after Hurricane Katrina, the Army began considering CDU items among the numerous competing priorities in its overall budget plans" (CNGR 2008, 221). As a result, the ARNG's CDU on-hand rates have increased annually ever since.

## Personnel

Although this era of persistent conflict impacted the availability of NG forces for the operation, truly no single state could have amassed the necessary NG forces to successfully respond to a disaster in the magnitude of Hurricane Katrina (NGB 2006a, 2). Figure 9 addresses the various statuses of Mississippi and Louisiana's NG personnel during Hurricane Katrina. As illustrated, approximately 40 percent of Louisiana's NG forces were unavailable given that they were redeploying from Iraq. Nonetheless, Louisiana still activated nearly all of its remaining forces. Thus, Louisiana's governor might have activated additional NG forces if they had been available (Cecchine et al. 2007, 20). On the other hand, Mississippi who had approximately 25 percent of its NG forces redeploying from Iraq, only activated approximately 30 percent of its NG forces.

| <b>National Guard</b>                            | <b>Louisiana</b> | <b>Mississippi</b> |
|--------------------------------------------------|------------------|--------------------|
| Total number                                     | 10,225           | 11,925             |
| Number redeploying from Iraq                     | 3,800            | 2,700              |
| Number available to governor<br>(August 2005)    | 6,425            | 9,225              |
| Number employed in Hurricane<br>Katrina response | 5,700            | 2,941              |

Figure 9. Availability of Louisiana and Mississippi NG Personnel  
*Source:* Cecchine et al., *Hurricane Katrina Lessons for Army Planning and Operations* (Santa Monica: Rand Corporation, 2007), 20.

Also, as a result of "both states' brigade combat teams deployed to Iraq, both Mississippi and Louisiana lacked substantial higher level command and control

capabilities” (Wombwell 2009, 118). Consequently, the NGB coordinated for two other NG division headquarters to assist the states with their command and control operations. Additionally, the CNGB requested additional support from the other states and territories (Wombwell 2009, 117). Consequently, the other states responded with more NG forces, resulting in a total NG response of 50,087 soldiers and airmen (Renaud 2005, 4). The response from across the other states averaged about 15 percent of their available service members (Cecchine et al. 2007, 27). Separately the NG had already mobilized more than 75,000 soldiers and airmen for the global war on terror (NGB 2006a, 2). This federal mobilization further reduced the number of available NG responders from the other states. However, the percentage of available NG forces across the states still averaged about 75 percent (Cecchine et al. 2007, 27).

### Summary

Chapter 4 consisted of the analysis portion of the research. It addressed the primary research question: Which DOD roles should the NG fulfill within the HS mission during this time of persistent conflict? To address the primary question, the research addressed three secondary questions in order to better analyze the problem. The first secondary question was: What are the legal implications related to utilizing the NG within HS? The next secondary question was: What capabilities does the NG possess that could be utilized within the HS mission? While the last secondary question was: What effects have this period of persistent conflict had on the NG?

Once the research had provided readers with a thorough knowledge of the legal implications related to using the NG during HS operations, addressed the NG’s capabilities, and analyzed the impacts of this era of persistent conflict; then the research

analyzed a case study, Hurricane Katrina. The case study was examined while utilizing the previously addressed secondary criteria: legal implications, capabilities, and impacts resulting from the NG's repeated deployments during this era of persistent conflict. The next chapter will summarize the results of the research, and outline some recommendations for further study.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### Introduction

The purpose of this research was to address the primary question: What DOD roles should the NG fulfill within the HS mission during this time of persistent conflict? To address the primary question, the research addressed three secondary questions in order to better analyze the problem. The first secondary question was: What are the legal implications related to utilizing the NG within HS? The next secondary question was: What capabilities does the NG possess that could be utilized within the HS mission? While the last secondary question was: What effects have this period of persistent conflict had on the NG? This chapter will summarize the results of the research, and identify some recommendations for further study.

#### Conclusions

The NG is well-suited to perform the DSCA portion of the DOD's HS mission. As previously discussed, the DOD's doctrine has separated its possible DSCA missions into the four following types: disasters and declared emergencies, support or restore public health and services or civil order, national special events, and periodic planned support. The following addresses the legal implications, capabilities, and effects of persistent conflict which led to this conclusion.

Legal implications. The Hurricane Katrina case study best demonstrated the significant legal implications of employing the NG during HS operations. Although the NG and the DOD simultaneously responded to the disaster, the various relevant statutes

treated them entirely different. The governors freely controlled their NG forces during the response. They commanded them to conduct forced entries during search and rescue operations, and they legally directed them to actively participate in law enforcement activities. On the other hand, the active components responded to the disaster through either the immediate response clause (in order to immediately save lives) or the Stafford Act (at the request of the governor via FEMA). Once present, the responding active components were still forbidden from conducting active law enforcement activities by the PCA. The active components would not have been restricted by the PCA if the President had invoked the Insurrection Act; however, he did not. Consequently, the legal flexibility that permitted the NG to quickly respond and legally conduct active law enforcement activities was a significant advantage of the NG's employment during that disaster.

Capabilities. The research also uncovered a multitude of NG capabilities for its use in HS operations. The NGB's doctrine stresses that all states must possess the "Essential 10 Capabilities" for use by their governors during an immediate response to a domestic incident. The NGB's "Essential 10 Capabilities" are ground transportation, maintenance, CBRNE response, logistics, aviation, communications, medical, command and control, security, and engineering. The "Essential 10 Capabilities" are inherent capabilities that the NG possesses as a result of the equipping and training that it receives for its wartime mission. Additionally, the NGB recognizes that not every state will possess all ten of these core capabilities. Thus, NGB directs the states to utilize EMAC agreements to coordinate with their surrounding states to overcome any deficiencies in their "Essential 10 Capabilities."

Although the NG inherently possesses the previously discussed “Essential 10 Capabilities” within its war-fighting units, it also possesses numerous unique capabilities that are specifically useful for HS operations. Some of these specific capabilities discovered include: WMD-Civil Support Teams (WMD-CST), Reaction Forces, CBRNE-Enhanced Response Force Packages (CERFP), Critical Infrastructure Protection-Mission Assurance Assessment Detachments, NG Modular Airborne Fire Fighting System, Fatality and Services Recovery Response Team, and Expeditionary Medical Support. Hurricane Katrina also demonstrated that the WMD-CSTs were extremely useful in situations other than responding to a CBRNE attack. The nine WMD-CSTs that responded to Hurricane Katrina utilized their vast communications capabilities to bridge the gap left when the hurricane devastated the local communication infrastructure. Also, they successfully identified thousands of unknown chemicals remaining after the flood waters receded. Another capability that the NG possesses is its numerous facilities. Its facilities could be utilized as temporary shelters or other purposes during HS operations, especially considering they are situated in more than 3,000 communities across the nation.

The NG’s organizational structure also possesses numerous capabilities beneficial to HS operations. The NGB is responsible for the federal oversight of the NG forces; however, the NGB has no command authority over the states’ NG forces. As a result, the state governors fulfill the duties of the Commander in Chief for their state NG forces. Each state possesses a portion of the NG’s 464,000 volunteers (106,000 airmen and 358,000 soldiers). Consequently, each state governor delegates the state’s command and control of the state’s NG forces to his or her TAG. As a result, the TAG executes the

command and control duties for the state's joint forces through the JFHQ-State. Thus, the JFHQ-State provides the TAG with a common operating picture for all the military situations within the state. All of the JFHQ-States are networked with NGB. In turn, the NGB has liaisons located at FEMA and NORTHCOM. Therefore, the NGB can provide continuous information regarding HS activities that occur within any state or territory.

Persistent conflict. This era of persistent conflict has resulted in numerous implications for the NG. The DOD could not sustain its operational requirements while conducting combat operations in two separate theaters. Therefore, the NG transitioned from a strategic reserve to an operational force. Consequently, the NG began alternating rotational deployments along with the active components. Eventually, the Secretary of Defense addressed the lack of policies regulating the NG's repeated deployment by issuing a policy that supported a more predictable and effective mobilization process. The Secretary's policy outlined an objective of deploying the NG for a maximum of twelve months, followed by five years of dwell time. On average, the ANG is in compliance with the new policy; however, the ARNG's dwell time averages less than four years. Additionally, the NG's repeated deployments also concerned the governors. The governors were alarmed that their NG forces would not be available when the states required their assistance for a domestic response. Consequently, the CNGB pledged to the governors that 50 percent of each state's ARNG and ANG would remain in their state to perform their HD and DSCA missions.

The NG's continued deployment overseas have also impacted its equipment readiness levels, this was especially evident during the NG's response to Hurricane Katrina. Prior to 9/11, the NG's percentage of equipment on-hand averaged

approximately 70 percent; however, the rates of some of the units responding to Hurricane Katrina had plummeted to less than 35 percent. The CNGB recognized that the shortages were especially detrimental to the NG's inventories of trucks, radios, and heavy engineering equipment. Consequently, the NG began identifying all its equipment that could be used for a dual purpose of domestic response and wartime mission, referring to them as CDU.

Various changes have been implemented to improve the NG's equipment levels. Policies were enacted that outlined the extreme circumstances in which NG equipment could be left overseas, the Army and Air Force began considering CDU items in their overall budget plans, and funding was increased to record levels. As a result, the ARNG now possesses 81 percent of its CDU items. However, 16 percent of its CDU items are deployed with units overseas; therefore, only 65 percent of the ARNG's CDU items are truly available to the governors for domestic operations. On the other hand, the ANG now possesses approximately 84 percent of its CDU items. However, the ANG does have 2 percent of its CDU items deployed overseas, resulting in 82 percent of the ANG's CDU items being available for the governors' use. Despite the NG's vast improvements in its equipment levels, it remains a critical issue. Deploying units must deploy fully equipped. Therefore, the NG units that remain at home routinely cross-level the required items to deploying units. The habitual cross-leveling results in reduced readiness for NG units remaining at home, thus negatively affecting their response to any domestic incident. Accordingly, the NG must be fully equipped in order to forgo the domestic equipment shortages which have historically resulted from the numerous cross-leveling occurrences.

In contrast to the detrimental effect that the persistent conflict has had on the NG's equipment levels, the NG's personnel readiness levels have all improved. The NG reached its recruiting goals last year, surpassing both components' authorized end strengths. Additionally, increased funding coupled with focused coordination by NGB resulted in vast improvements within the NG's medical readiness, dental readiness, and training levels.

### Recommendations

As previously stated, the NG is well-suited to perform the DSCA portion of the DOD's HS mission given DOD's doctrine that has separated its possible DSCA missions into the four following types: disasters and declared emergencies, support or restore public health and services or civil order, national special events, and periodic planned support. Additionally, the NG is well suited given the DOD is not the lead federal agency for the DSCA missions, rather serves only in a supporting role to other agencies.

Within this construct, the NG JFHQ-State residing in the state or territory of the DSCA mission would be the responsible headquarters. Thus, it would maintain command authority over all responding NG resources via the EMAC agreements. Hence, the NG would fulfill its role as the governor's first responder to any DSCA mission. However, the NG would continue its liaison with the CNGB. This association would prove very beneficial should a gap arise between the NG's on-hand capabilities and its needs necessitating a request for DOD assistance.

The NG offers an enormous legal benefit for use in DSCA missions. The NG's statutory exception to the PCA's prohibition of active law enforcement activities is its legal advantage. The NG's ability to perform active law enforcement activities was an

enormous catalyst in restoring civil order following Hurricane Katrina. NG soldiers and airmen legally conducted various searches of the Gulf Coast's citizens and residences, as well as executed arrests in the wake of the disaster.

The NG also possesses numerous capabilities for employment in the DSCA missions. The NGB's "Essential 10 Capabilities" (ground transportation, maintenance, CBRNE response, logistics, aviation, communications, medical, command and control, security, and engineering) are all inherent capabilities that the NG possesses as a result of its wartime mission. Additionally, the NG also possesses the following capabilities that are specifically relevant for the DSCA mission: WMD-Civil Support Teams (WMD-CST), Reaction Forces, CBRNE-Enhanced Response Force Packages (CERFP), Critical Infrastructure Protection-Mission Assurance Assessment Detachments, NG Modular Airborne Fire Fighting System, Fatality and Services Recovery Response Team, and Expeditionary Medical Support.

Although the NG is well-suited for the DSCA missions, its equipment levels are a critical concern. They will remain an immediate obstruction to its employment should a mass domestic response be required. NG units have relied heavily on the EMAC agreements to overcome local equipment deficiencies during this time of persistent conflict. This strategy has been very effective for situations that allowed prior coordination. However, an unplanned event will overburden the responding units' equipment levels. Consequently, additional funding should be allocated to fully equip all NG units. Once fully equipped, NG units will no longer experience the critical shortages that have resulted from routinely cross-leveling the required equipment to deploying units.

This research has also demonstrated that further analysis should be conducted to examine the reported shortage of NG military police during Hurricane Katrina's response. The research indicated that military police were the only personnel deficiency that impacted operations during that incident. Further, additional research is necessary to determine if better communication is necessary to inform the civil authorities of the law enforcement capabilities possessed by non-military police NG soldiers and airmen, or if the NG should consider additional law enforcement training for its non-military police personnel.

Since 1636 the NG has provided a valuable dual-service to the federal and state governments. While the original militias were formed to protect their fellow citizens from attacks from Indians and foreign invaders, today's NG is an operational force that is trained, equipped, and ready to perform its wartime mission abroad or in support of its local leaders during disaster response or other DSCA missions (NGB 2009a). As a result of this era of persistent conflict, today's NG has transformed to a force of seasoned veterans supplied with record levels of modern equipment. General McKinley (CNGB) summarized the NG's recognized transformation below.

I grew up with a National Guard that was built around training with equipment that wasn't necessarily first line. . . and it was designed around a force that was predominantly civilian in nature-75 percent to 80 percent of our force were civilians who for a very brief period during a month would come to training. For many, the NG meant one weekend a month and two weeks in the summer. . . . That NG no longer exists. After the attacks of September 11, 2001, and Hurricane Katrina in 2005, today's NG isn't your father's NG. (Greenhill 2009, 1)

Remaining true to its heritage, the NG will continue to provide an immediate response for the states and nation while remaining "Always ready, always there" (NGB 2010, 5).

## GLOSSARY

Air National Guard (ANG). The Reserve Component of the Air Force, all of whose members are members of the Air National Guard in accordance with Title 10 USC Section 101. (NGR 500-1)

Chemical, Biological, Radiological, Nuclear, and high-yield Explosive (CBRNE) Enhanced Response Force Package (CERFP). CERFPs respond to a CBRNE incident and support local, tribal, state, and federal agencies managing the consequences of the event by providing capabilities to conduct casualty/patient decontamination, medical support, and casualty search and extraction. They provide immediate response capabilities to the Governor to include searching an incident site (including damaged buildings); rescuing any casualties (including extracting anyone trapped in the rubble); personnel decontamination; and performing medical triage (including trauma resuscitation and stabilization). (NGR 500-1)

Civil Support (CS). DOD support to US civil authorities for domestic emergencies, and for designated law enforcement and other activities. (JP 3-26)

Economy Act (Title 31 USC 1535). The Economy Act permits one federal agency to request the support of another provided that the requested services cannot be obtained more cheaply or conveniently by contract. Under this act, a lead federal agency may request the support of DOD without a Presidential declaration of an emergency as required by the Stafford Act. (JP 3-26)

Homeland Defense (HD). The protection of United States sovereignty, territory, domestic population, and critical infrastructure against external threats and aggression or other threats as directed by the President. The DOD is responsible for homeland defense. Homeland defense includes mission such as domestic air defense. The DOD recognizes that threats planned or inspired by “external” actors may materialize internally. The reference to “external threats” does not limit where or how attacks could be planned and executed. The DOD is prepared to conduct homeland defense missions whenever the President, exercising his constitutional authority as Commander in Chief, authorizes military actions. (JP 3-26)

Homeland Security (HS). A concerted national effort to prevent terrorist attacks within the United States; reduce America’s vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur. (JP 3-38)

National Guard (NG). The Army National Guard and the Air National Guard in accordance with Title 10 USC Section 101. (NGR 500-1)

Posse Comitatus Act (PCA). Title 18 USC, Section 1385. This federal statute places strict limits on the use of military personnel for law enforcement. Enacted in 1878, the

PCA prohibits the willful use of the US Army (and later, the US Air Force) for law enforcement duties, except as authorized by the President, congress or the US Constitution, or in certain emergency situations. Although the PCA, by its terms refers only to the Army and Air Force, DOD policy extends the prohibitions of the Act to US Navy and Marine Corps forces, as well. Specifically prohibited activities include: interdiction of a vehicle, vessel, aircraft, or similar activity; search and/ or seizure; arrest, apprehension, “stop-and-frisk” detentions, and similar activities; and use of military personnel for surveillance or pursuit of individuals, or as undercover agents, informants, investigators, or interrogators. (JP 3-26)

Space Control Operations. Activities executed to provide freedom of action in space for friendly forces, while being prepared to deny the same freedom of action to any enemies. (JP 3-27)

Stafford Act. The Robert T. Stafford Disaster Relief and Emergency Assistance Act sets the policy of the Federal government to provide an orderly and continuing means of supplemental assistance to state and local governments in their responsibilities to alleviate the suffering and damage that result from major disasters or emergencies. It is the primary legal authority for federal participation in domestic disaster relief. Under the Stafford Act, the President may direct federal agencies, including DOD, to support disaster relief. DOD may be directed to provide assistance in one of three different scenarios: a Presidential declaration of a major disaster, a Presidential order to perform emergency work for the preservation of life and property, or a Presidential declaration of emergency. (JP 3-26)

State Active Duty (SAD). The governor can activate National Guard personnel to “State Active Duty” in response to natural or man-made disasters or Homeland Defense missions. State Active Duty is based on State statute and policy as well as State funds, and the Soldiers and Airmen remain under the command and control of the Governor. A key aspect of this duty status is that the Posse Comitatus Act does not apply. (Renaud 2005, 12)

The Adjutants General (TAG). Generally exercises the command authority of the Governor over state National Guard units and forces within their jurisdiction, in accordance with applicable state laws. Typically serves as the principal advisor to the Governor on military matters. The Adjutants General directs and oversees the daily activities of the state National Guard in order to accomplish the statutory and regulatory functions assigned. (NGR 500-1)

Title 10 USC, Armed Forces. Title 10 provides guidance on the US Armed Forces. Guidance is divided into 5 subtitles. One on general military law and one each for the US Army, US Navy and US Marine Corps, the US Air Force and the Reserve Components. Chapter 18 of Title 10 is entitled and governs Military Support for Civilian Law Enforcement Agencies. (JP 3-26)

Title 32 USC, National Guard. Specifically, statutes in Title 32 USC authorize the use of federal funds to train NG members while they remain under the command and control of their respective state governors. In certain limited instances, specific statutory or Presidential authority allows for those forces to perform operational missions funded by the Federal government, while they remain under the control of the governor. Examples of those exceptions include the employment of WMD-CSTs, civil defense missions, and the President of the United States – directed airport security mission. (JP 3-26)

Weapons of Mass Destruction (WMD). Weapons that are capable of a high order of destruction and/or of being used in such a manner as to destroy large numbers of people. Weapons of mass destruction can be high explosives or nuclear, biological, chemical, and radiological weapons, but exclude the means of transporting or propelling the weapon where such means is a separate and divisible part of the weapon. (JP 3-26)

Weapons of Mass Destruction – Civil Support Team (WMD-CST). Joint National Guard (Army National Guard and Air National Guard) team established to deploy rapidly to assist a local incident commander in determining the nature and extent of a weapons of mass destruction attack or incident; provide expert technical advice on weapons of mass destruction response operations; and help identify and support the arrival of follow-on state and federal military response assets. (NGR 500-1)

## APPENDIX

|                                       | State Active Duty                                                    | FTNGD (Title 32)                                                           | Active Duty (Title 10)                                       |
|---------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| <b>Command and Control</b>            | State Governor                                                       | State Governor <sup>i</sup>                                                | Federal President <sup>ii</sup>                              |
| <b>Who performs duty</b>              | The Militia                                                          | The Federally-recognized militia (i.e., the National Guard) <sup>iii</sup> | AC <sup>iv</sup> , RC and National Guard of US <sup>iv</sup> |
| <b>Where duty performed</b>           | CONUS IAW state law                                                  | CONUS                                                                      | Worldwide                                                    |
| <b>Who pays</b>                       | IAW state law                                                        | Federal pay & allowances                                                   | Federal pay & allowances                                     |
| <b>Federal Reimbursement</b>          | IAW Stafford Act <sup>v</sup> or Cooperative Agreement <sup>vi</sup> | N/A personnel costs paid by Federal funds                                  | N/A personnel costs paid by Federal funds                    |
| <b>Tort immunity</b>                  | IAW state law                                                        | FTCA <sup>vii</sup>                                                        | FTCA <sup>vii</sup>                                          |
| <b>PCA<sup>viii</sup> Application</b> | No                                                                   | No                                                                         | Yes                                                          |
| <b>USERRA<sup>ix</sup></b>            | No, IAW state law                                                    | Yes                                                                        | Yes                                                          |
| <b>SSCRA<sup>x</sup></b>              | No, IAW state law                                                    | No                                                                         | Yes                                                          |

<sup>i</sup>32 USC subsection 502(f)(1)

<sup>ii</sup>Under Presidential Reserve Call-up (10 USC subsection 12304), partial mobilization (10 USC subsection 12302), or full mobilization (10 USC subsection 12301 (a))

<sup>iii</sup>10 USC subsections 3062(c) and 8062(c)

<sup>iv</sup>Active Component

<sup>v</sup>Stafford Act (42 USC subsection 5121) for disaster-related activities

<sup>vi</sup>Cooperative agreement if to perform an authorized National Guard function

<sup>vii</sup>Federal Tort Claims Act (28 USC subsections 2671-2680) [US represents and pays judgments if any]

<sup>viii</sup>Posse Comitatus Act (18 USC subsection 1385) [SAD & Title 32 not considered part of active military]

<sup>ix</sup>Uniformed Services Employment and Reemployment Rights Act (38 USC subsections 4301-4333)

<sup>x</sup>Soldiers and Sailors Civil Relief Act (50 USC App. subsections 500-548, 560-591)

Figure 10. National Guard Duty Statuses

Source: John Renaud, *National Guard Homeland Defense White Paper: September 11, 2001, Hurricane Katrina, and Beyond* (Washington, DC: Government Printing Office, 2005), 14-15.

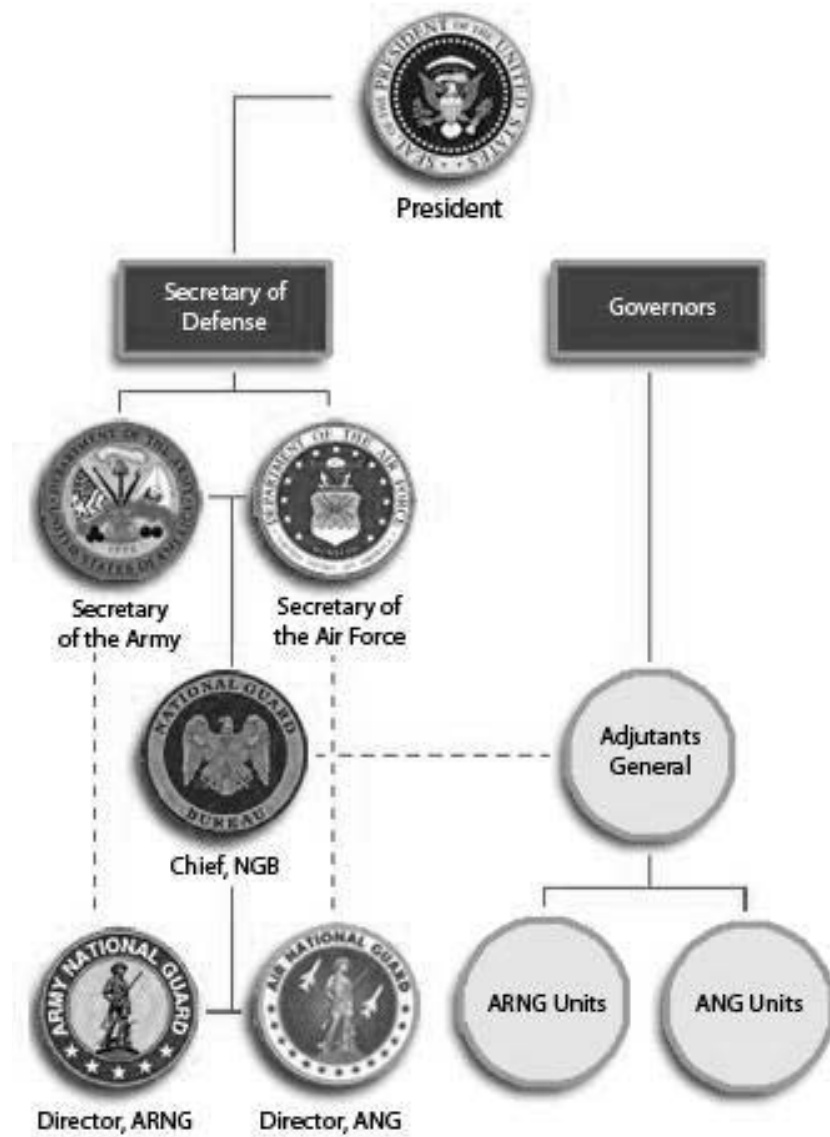


Figure 11. NG Organization Chart

Source: Army National Guard, "Organization," <http://www.arng.army.mil/> (accessed 13 April 2010).

|                   | ARNG   | USAR   | USNR  | USMCR | ANG   | USAFR | USCGR | Total  |
|-------------------|--------|--------|-------|-------|-------|-------|-------|--------|
| ALABAMA           | 11,346 | 9,158  | 452   | 714   | 2,268 | 1,427 | 167   | 25,532 |
| ALASKA            | 1,972  | 398    | 78    | 46    | 1,920 | 162   | 49    | 4,625  |
| ARIZONA           | 5,313  | 2,241  | 951   | 511   | 2,483 | 1,255 | 3     | 12,757 |
| ARKANSAS          | 8,316  | 4,319  | 173   | 181   | 2,019 | 196   | 0     | 15,204 |
| CALIFORNIA        | 16,052 | 12,131 | 9,494 | 4,868 | 4,313 | 8,139 | 914   | 55,911 |
| COLORADO          | 3,586  | 2,828  | 873   | 407   | 1,422 | 2,541 | 7     | 11,664 |
| CONNECTICUT       | 3,293  | 1,008  | 464   | 256   | 1,079 | 2     | 110   | 6,212  |
| DELAWARE          | 1,495  | 313    | 111   | 155   | 1,028 | 1,703 | 0     | 4,805  |
| DIST. of COLUMBIA | 1,268  | 1,648  | 1,874 | 390   | 1,149 | 246   | 121   | 6,696  |
| FLORIDA           | 9,632  | 10,586 | 5,328 | 1,295 | 1,984 | 5,063 | 977   | 34,865 |
| GEORGIA           | 10,420 | 8,299  | 2,197 | 1,302 | 2,690 | 3,237 | 103   | 28,248 |
| GUAM              | 1,029  | 409    | 16    | 0     | 413   | 273   | 0     | 2,140  |
| HAWAII            | 2,708  | 2,810  | 700   | 72    | 2,295 | 664   | 136   | 9,385  |
| IDAHO             | 3,335  | 741    | 134   | 99    | 1,400 | 47    | 0     | 5,756  |
| ILLINOIS          | 10,040 | 5,478  | 3,364 | 1,232 | 3,152 | 1,491 | 95    | 24,852 |
| INDIANA           | 12,090 | 2,998  | 354   | 593   | 1,892 | 1,490 | 4     | 19,421 |
| IOWA              | 7,525  | 2,175  | 145   | 160   | 2,041 | 0     | 9     | 12,055 |
| KANSAS            | 5,644  | 3,958  | 137   | 202   | 2,102 | 483   | 24    | 12,550 |
| KENTUCKY          | 7,175  | 4,007  | 298   | 271   | 1,193 | 4     | 93    | 13,041 |
| LOUISIANA         | 8,837  | 2,306  | 2,532 | 1,116 | 1,459 | 1,754 | 163   | 18,167 |
| MAINE             | 2,105  | 475    | 607   | 147   | 1,136 | 1     | 92    | 4,563  |
| MARYLAND          | 5,077  | 4,268  | 2,300 | 406   | 1,797 | 1,837 | 214   | 15,899 |
| MASSACHUSETTS     | 6,115  | 3,307  | 380   | 831   | 1,929 | 2,647 | 466   | 15,675 |
| MICHIGAN          | 9,094  | 2,958  | 1,030 | 1,213 | 2,776 | 666   | 177   | 17,914 |
| MINNESOTA         | 11,330 | 6,537  | 739   | 398   | 2,320 | 1,433 | 26    | 22,783 |
| MISSISSIPPI       | 9,591  | 2,076  | 990   | 161   | 2,571 | 1,589 | 128   | 17,106 |
| MISSOURI          | 8,707  | 5,430  | 1,772 | 3,382 | 2,701 | 1,115 | 104   | 23,211 |
| MONTANA           | 2,640  | 697    | 176   | 58    | 1,033 | 60    | 0     | 4,664  |
| NEBRASKA          | 3,609  | 1,361  | 286   | 209   | 964   | 394   | 19    | 6,842  |
| NEVADA            | 2,625  | 524    | 438   | 243   | 1,130 | 394   | 1     | 5,345  |
| NEW HAMPSHIRE     | 1,720  | 692    | 112   | 174   | 948   | 1     | 15    | 3,662  |
| NEW JERSEY        | 5,990  | 3,316  | 954   | 603   | 2,308 | 2,726 | 229   | 16,126 |
| NEW MEXICO        | 3,026  | 388    | 273   | 78    | 961   | 259   | 0     | 4,985  |
| NEW YORK          | 9,582  | 8,334  | 1,982 | 1,866 | 5,918 | 1,341 | 577   | 29,600 |

|                |         |         |        |        |         |        |       |         |
|----------------|---------|---------|--------|--------|---------|--------|-------|---------|
| NORTH CAROLINA | 10,173  | 6,724   | 1,284  | 725    | 1,618   | 1,764  | 215   | 22,503  |
| NORTH DAKOTA   | 3,235   | 264     | 90     | 34     | 939     | 45     | 0     | 4,607   |
| OHIO           | 10,349  | 4,787   | 1,381  | 1,064  | 5,192   | 4,202  | 278   | 27,253  |
| OKLAHOMA       | 7,604   | 2,340   | 558    | 346    | 2,296   | 1,898  | 21    | 15,063  |
| OREGON         | 6,539   | 426     | 575    | 346    | 2,131   | 318    | 145   | 10,480  |
| PENNSYLVANIA   | 14,657  | 9,320   | 2,282  | 1,846  | 4,099   | 1,652  | 171   | 34,027  |
| PUERTO RICO    | 7,200   | 4,109   | 373    | 0      | 1,206   | 3      | 53    | 12,944  |
| RHODE ISLAND   | 2,084   | 385     | 810    | 154    | 1,173   | 1      | 65    | 4,672   |
| SOUTH CAROLINA | 9,419   | 3,326   | 821    | 466    | 1,169   | 2,557  | 158   | 17,916  |
| SOUTH DAKOTA   | 3,352   | 306     | 99     | 0      | 1,011   | 44     | 0     | 4,812   |
| TENNESSEE      | 10,785  | 3,571   | 1,261  | 856    | 3,546   | 22     | 43    | 20,084  |
| TEXAS          | 18,610  | 13,674  | 5,862  | 3,115  | 3,161   | 7,282  | 411   | 52,115  |
| UTAH           | 5,231   | 2,444   | 411    | 241    | 1,530   | 1,610  | 0     | 11,467  |
| VERMONT        | 2,655   | 185     | 53     | 0      | 914     | 1      | 18    | 3,826   |
| VIRGIN ISLAND  | 736     | 0       | 0      | 0      | 59      | 0      | 8     | 803     |
| VIRGINIA       | 7,665   | 6,003   | 5,421  | 1,279  | 1,779   | 1,687  | 576   | 24,410  |
| WASHINGTON     | 6,019   | 5,375   | 2,327  | 534    | 2,030   | 2,543  | 437   | 19,265  |
| WEST VIRGINIA  | 4,464   | 1,598   | 123    | 287    | 2,302   | 53     | 29    | 8,856   |
| WISCONSIN      | 7,796   | 4,426   | 583    | 512    | 2,194   | 181    | 91    | 15,783  |
| WYOMING        | 1,847   | 79      | 63     | 0      | 1,103   | 44     | 0     | 3,136   |
| OTHER          | 0       | 2,366   | 3,842  | 3,113  | 8       | 609    | 35    | 9,973   |
| TOTAL          | 352,707 | 189,882 | 69,933 | 38,557 | 106,254 | 71,146 | 7,777 | 836,256 |

Source: Defense Manpower Data Center (DOD), September 2007.

Figure 12. Select Reserve by State

Source: Commission on the National Guard and Reserves, *Transforming the National Guard and Reserves into a 21st-Century Operational Force. Final Report* (Washington, DC: Government Printing Office, 2008), D1-D2.

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USACGSC  
100 Stimson Avenue  
Fort Leavenworth, KS 66027-2301

LTC Dan Longwell  
DJIMO  
USACGSC  
100 Stimson Avenue  
Fort Leavenworth, KS 66027-2301

Dr. Bill McCollum  
DCL  
USACGSC  
100 Stimson Avenue  
Fort Leavenworth, KS 66027-2301