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**MASTER OF MILITARY STUDIES**

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**ELEVATING NATIONAL GUARD BUREAU TO A COMBATANT COMMAND.  
ACHIEVING STRATEGIC UNITY AND FISCAL EFFICIENCY  
IN THE DOMESTIC AOR.**

SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR THE DEGREE OF  
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**MAJOR ROBERT W. FORD JR, ARMY NATIONAL GUARD**

AY 12-13

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## **Executive Summary**

**Title:** Elevating National Guard Bureau to a Combatant Command. Achieving Strategic Unity and Fiscal Efficiency in the Domestic AOR.

**Author:** Major Robert Ford, Army National Guard

**Thesis:** As a four star led activity, the National Guard Bureau (NGB) has the attributes necessary to replace the essential functions of USNORTHCOM. Transformation of NGB from a DOD joint activity to a combatant command (COCOM) responsible for the continental United States is a fiscally efficient option to achieve strategic unity of effort and synchronize all military phases of homeland security and homeland defense.

**Discussion:** From the beginning, critics have questioned the design of USNORTHCOM. Over the first ten years of its existence, the combatant command (COCOM) has come to appreciate the unique legal and cultural advantages of the National Guard and has steadily increased the participation of Guardsmen. Fiscal constraints are forcing DOD to identify efficiencies that do not compromise mission effectiveness. In response, the National Guard must assume an even greater leadership role in domestic security to reduce the impact of force reductions on DOD's external security operations. The elevation of NGB to a domestic COCOM to replace USNORTHCOM would allow it to synchronize its existing subordinate Army and Air National Guard headquarters with the standing service components commands and joint task forces. Additionally, it could leverage its strong ties with the state adjutant generals to ensure synchronization of federal forces with other first responders within the homeland security enterprise. Although the establishment of dual status commanders was a vital step to improve unity of effort at the tactical level, it does little to address strategic unity of effort concerns. Providing NGB with the authority to coordinate directly with Title 10 service component commands and states requesting Emergency Management Assistance Compact resources will improve pre and post incident coordination regardless of where the capability resides. The mix of military and civilian responders to a crisis prohibits a true unity of command. A domestic focused COCOM must be capable of facilitating unity of effort and mission command is critical to achieving unity of effort. NGB is the DOD organization with the key mission command attributes described in the CJCS Mission Command White Paper. Additionally, with the DOD budget expected to remain at roughly the 2013 level for the next five years, a search for efficiencies has led some analysts to revisit the Unified Command Plan. The elimination of the USNORTHCOM four-star headquarters and the reassignment of its essential functions to USSOUTHCOM and NGB would result in significant fiscal efficiencies.

**Conclusion:** The time has come for NGB to perform a role commensurate with its four-star designation. The need for fiscal efficiencies can no longer tolerate two separate four-star Title 10 organizations with nearly identical AORs. Only NGB has the cultural fit and command attributes necessary to coordinate the use of all forms of military capabilities in HLS and HLD incidents. Homeland Defense and DSCA operations are part of the DNA of the National Guard and deeply rooted in its history. Its unique mix of constitutional and operational advantages makes NGB the most appropriate organization to lead DOD's domestic operations.

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## ***Preface***

I wish to extend my sincere gratitude to the members of my thesis committee, Dr. Brad Wineman, Dr. Robert Bruce, LtCol Tim Bryant, and LtCol Jeff Riley. Their knowledge, guidance, and patience throughout this process was integral to the successful completion of this project. Their mentoring and timely constructive feedback greatly improved my critical thinking, research, and writing skills. The time and effort they devoted to guide my efforts positively affected the final product; I am in their debt. My deepest appreciation goes out to my family for their patience and understanding throughout this project. Without them, I never would have stayed motivated to finish this process.

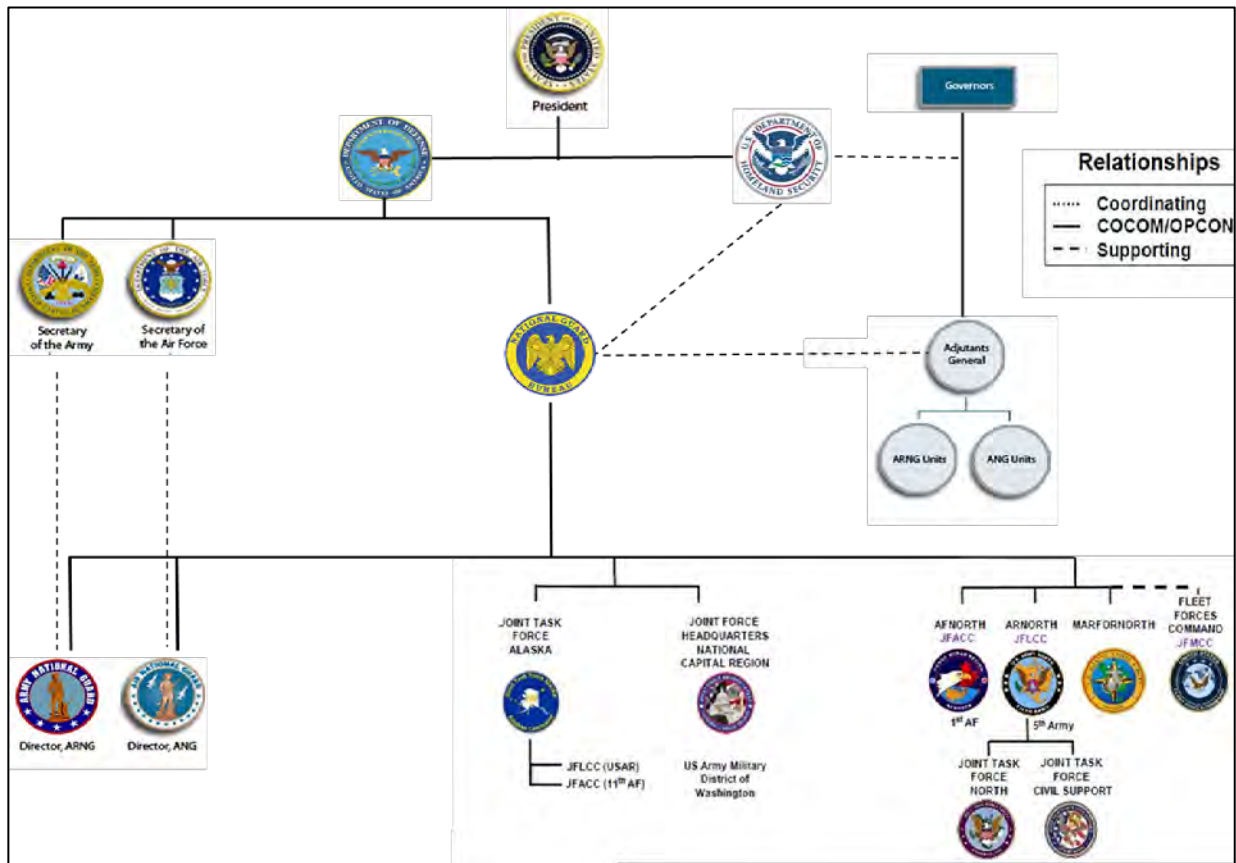
## Introduction

According to its mission statement, United States Northern Command (USNORTHCOM) “partners to conduct homeland defense, civil support, and security cooperation to defend and secure the United States and its interests.”<sup>1</sup> Given the primacy of civil control of the military, USNORTHCOM is a significant but supporting element of US security within the majority of its area of responsibility (AOR). Within the United States, the Department of Homeland Security (DHS) is the lead federal agency for security operations. From the beginning, critics have questioned the design of USNORTHCOM and its ability interface with the homeland security enterprise. At its activation, the Office of the Secretary of Defense (OSD) released a statement claiming the command would provide, “unified action—a unity of effort with the actions of supporting combatant commands, other military forces (i.e., multinational operations), other federal departments or agencies, such as the Federal Bureau of Investigation or a Department of Homeland Security, and nongovernmental organizations.” In response, critics pointed out its unity of effort plans were missing two critical homeland defense partners — the states and their National Guards.<sup>2</sup>

Over the first ten years of USNORTHCOM’s existence, the combatant command (COCOM) has come to appreciate the unique legal and cultural advantages of the National Guard and has steadily increased the participation of Guardsmen. General Charles Jacoby Jr., USNORTHCOM commander, said the significant presence of the National Guard allows “the commands to leverage National Guard expertise and experience bringing the best mix of DOD assets to bear in executing the full spectrum of homeland defense and civil support missions. I [General Jacoby] believe that no force is better suited to help deter, prevent, and defeat many of the threats we face than today’s National Guard.”<sup>3</sup>

Fiscal constraints are forcing DOD to identify efficiencies that do not compromise mission effectiveness. In response, the National Guard must assume an even greater leadership role in domestic security to reduce the impact of force reductions on DOD's external security operations. As a four star led activity, the National Guard Bureau (NGB) has the attributes necessary to replace the essential functions of USNORTHCOM. Transformation of NGB from a DOD joint activity to a COCOM responsible for the continental United States is a fiscally efficient option to achieve strategic unity of effort and synchronize all military phases of homeland security and homeland defense.

Figure 1: Proposed NGB organizational chart  
Adaptation of NORTHCOM and NGB briefing charts



The elevation of NGB to a domestic COCOM to replace USNORTHCOM [Figure 1] would allow it to synchronize its existing subordinate Army and Air National Guard headquarters with the standing service components commands and joint task forces currently commanded by USNORTHCOM. Additionally, it could leverage its strong ties with the state

adjutant generals to ensure synchronization of federal forces with state controlled military forces and other first responders within the homeland security enterprise.

### **Homeland Security and Homeland Defense**

DHS refers to the homeland security enterprise as, “the collective efforts and shared responsibilities of Federal, State, local, tribal, territorial, nongovernmental, and private-sector partners—as well as individuals, families, and communities—to maintain critical homeland security capabilities.”<sup>4</sup> The fact that domestic security acts as an enterprise is a significant strength as well as a significant weakness. As a “shared responsibility,” public and private entities can bring significant resources to bear on a particular problem, but as a “collective effort” without a unifying leadership structure, the enterprise is potentially inefficient and uncontrolled.

DOD’s lead role in combat operations in the Global War on Terror (GWOT) has led some to extrapolate a lead DOD role in GWOT domestic security operations and has blurred the meanings of homeland defense (HLD) and homeland security (HLS). Homeland defense is specifically “the military protection [emphasis added] of United States territory, domestic population and critical defense infrastructure against external threats and aggression. It also includes routine, steady state activities designed to deter aggressors and to prepare U.S. military forces for action if deterrence fails.”<sup>5</sup> Domestically, HLD describes only a very narrow list of activities to include domestic air defense, maritime intercept operations, land-based defense of critical infrastructure and assets, and, when directed by the President or the Secretary of Defense, the protection of US and its territory from attack. However, as the figure in Appendix 1 shows, there is significant overlap between HLD and HLS activities in the form of defense support of civil authorities (DSCA).

DSCA is DOD support for domestic emergencies, law enforcement, and other designated activities. DOD provides defense support of civil authorities when directed to do so by the President or Secretary of Defense or in certain emergencies when an immediate response is necessary. While DOD retains command authority of all federal military capabilities utilized in DSCA operations, the requesting civilian authority has operational control of the assets. Working directly for civilian leadership can be a challenge for active duty military leaders not accustomed domestic operations. However, the unique culture of the National Guard as citizen soldiers and both a state and federal force better prepares its leaders to operate effectively with a wide array of organizations.

### **Key Players in the Homeland Security Enterprise**

The 9/11 Commission Report states, “Before 9/11, no executive department had . . . the job of defending America from domestic attack.”<sup>6</sup> In response, the United States completely redesigned the way it viewed and resourced domestic security with the establishment of the Department of Homeland Security (DHS). The goal for DHS was the merger of 22 different federal organizations into a unified structure for homeland security operations. In the 2010 Quadrennial Homeland Security Review, DHS describes its missions as “...preventing terrorism and enhancing security; managing our borders; administering immigration laws; securing cyberspace; and ensuring disaster resilience.” To achieve homeland security, the agency seeks to develop a coordinated approach that promotes a unity of effort among the diverse partners of the homeland security enterprise each having clearly defined roles and responsibilities, access to information, and a shared understanding.<sup>7</sup> While DHS has an internal security focus, the Department of Defense (DOD) focuses its efforts on external security threats.

The DOD conducts military operations as directed by the President and the Secretary of Defense and is a partner in the homeland security enterprise. The DOD draws its designated responsibilities primarily from Title 10 of the US Code. All military services, both active and reserve, operating under Title 10 authority are federally controlled. The National Guard falls under Title 10 federal control when mobilized for federal service. Joint Publication 3-27 “Homeland Defense” states, “DOD is the primary federal agency for homeland defense operations and USNORTHCOM is the combatant command responsible for commanding and coordinating a response to a homeland defense incident.”<sup>8</sup> USNORTHCOM, like DHS, was created in response to the 9/11 attacks.

A massive 1986 reorganization of the DOD established Geographic Combatant Commands (GCCs). The original Unified Command Plan (UCP) divided the world into four geographical GCCs but did not assign a GCC to the United States. In 2002, in response to criticism that DOD had failed to devote adequate attention to domestic homeland defense activities, President George W. Bush added USNORTHCOM as the geographic combatant commander directly responsible for North America and its surrounding areas. Still, many in DOD viewed domestic defense and civil support operations the primary responsibility of the individual states, domestic law enforcement agencies, and the National Guard.<sup>9</sup>

The National Guard is the oldest component of the Armed Forces. The Constitution empowers Congress “to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States[.]”<sup>10</sup> However, recognizing the importance of militia's state role, the Constitution leaves the appointment of officers and training of the militia to the states making the National Guard, as the modern militia, a unique dual state-Federal force.

As a community-based organization under the control of the state's Governor, the National Guard is often committed early to domestic incidents. DOD Joint Publication 3-27

*Homeland Defense* says,

The NG, by virtue of its unique ability to function in both a state and federal status and community-based presence, is a de facto forward military presence throughout the 54 states and territories which has capabilities that can be readily leveraged for HD mission support as the “first line of military support,” and to provide early situation and status information to CCDRs and other federal stakeholders.<sup>11</sup>

Unlike federally controlled military forces, state controlled National Guard units either operate under authority of Title 32 of the US Code or the laws of the unit's state. However, because of the President's constitutional authority to “call forth the militia,” there are actually two separate but identical National Guard organizational structures: the National Guard of the Several States (NGSS) and the National Guard of the United States (NGUS). When the President mobilizes a National Guard unit for federal service, the unit is administratively transferred from the state controlled NGSS to the federally controlled NGUS. NGUS units are subject to the same legal restrictions as all Title 10 military forces including the Posse Comitatus Act.

The use of federal troops during the Civil War to impose law and order in the South effectively placed the powers of the judiciary under the executive branch, a dangerous violation of the checks and balances design of the Constitution. The Posse Comitatus Act (PCA), passed by Congress following reconstruction, prevents the federal government from using federal troops for domestic law enforcement unless expressly authorized by the Constitution or by an Act of Congress (e.g. Insurrection Act).<sup>12</sup> PCA does not apply to state controlled National Guard units and, therefore, becomes a powerful consideration when selecting and mobilizing units for HLD and HLS missions. Appendix 2 provides additional information on how mobilization authorities affect PCA status. The link from DOD to the NGSS is the National Guard Bureau (NGB).

NGB is the DOD joint activity responsible for the administration of the National Guard. Since it is a federally controlled activity, all the National Guardsmen working within the Bureau, including the Chief of the National Guard Bureau (CNGB), are in a Title 10 status. Created by the Militia Act of 1903 as an office in the Adjutant General's Office, it now has more than 400 officers, enlisted personnel, and civilians. In 2008, National Defense Authorization Act (NDA) elevated the National Guard to a joint function of the Department of Defense and elevated the CNGB from Lieutenant General to General. A 2011 NDA further elevated the CNGB to a voting member of the Joint Chiefs of Staff. Appendix 3 shows the current organizational chart for the National Guard Bureau.

The National Guard Bureau holds a unique status as both a staff and operation agency, but as a Title 10 organization, it is not a part of the reserve component or an operational command. Although it has no command authority over units in the National Guard of the several states or National Guard of the United States, it coordinates between DOD and the several states and territories. Based on constitutional federal authority, it prescribes the discipline and training requirements for the Army National Guard (ARNG) and the Air National Guard (ANG) and ensures states train units in accordance with the programs, policies, and guidance of the Services Secretaries. Recently NGB has also taken on the responsibility of coordinating the movement of National Guard forces in Title 32 status.<sup>13</sup>

The NGB Joint Operations Center (JOC) in coordination with joint force headquarters – state JOCs provide situational awareness and status information to the combatant command and other federal stakeholders as the “first line of situational awareness.

*Joint Publication 3-27 - Homeland Defense*<sup>14</sup>

### **Bridge the Title 10 – Title 32 Gap**

Despite the availability of thousands of Army soldiers located at nearby Fort Drum, no Title 10 military forces were used within New York City following the 9/11 attacks on the World

Trade Centers. In addition to Ground Zero being a crime scene with PCA implications, the avoidance of the Title 10 troops was also in line with the unity of command principle of war. Utilizing only Title 32 Guard forces ensures that all responding military units work under the single authority of the state's civilian leadership. In 2006, Under Secretary of Defense Paul McHale addressed the challenges of multiple military command structures saying,

We in the military, in looking at the goal of maximum operational effectiveness, routinely try to achieve at least two things: unity of command and unity of effort. The Constitution of the United States was not written to support maximum effectiveness in military operations. The Constitution was written to establish a federal system of government under that document, and that means that inevitably, at the beginning of a domestic military mission, the governors, pursuant to their authorities under the Constitution, will have command and control of their state National Guard forces. The president and the Secretary of Defense, under Article II of the Constitution will command the federal forces. So we start any domestic mission with a breach in that principle of unity of command.<sup>15</sup>

While New York leaders deemed federal forces unnecessary at Ground Zero, that is not always the case. Title 10 forces possess a wide range of capabilities that, based on the nature and scope of the event, may be critical to responding to an incident. Therefore, NORTHCOM's ability to integrate effectively federal military forces with other first responders into an incident is critical. In 2005, Hurricane Katrina demonstrated that integrating state and federal leaders had differing opinions of how best to integrate National Guard and Title 10 forces.

Pressed by the activations of their National Guard units to Iraq and Afghanistan, Governors impacted by Hurricane Kristina in 2005 required both the assistance of other state National Guard units and Title 10 military forces. The military's response to Hurricane Katrina consisted of roughly 70 percent Title 32 National Guard forces and 30 percent Title 10 active duty troops.<sup>16</sup> Despite wearing identical uniforms, the two groups could not legally answer to the same military commander. A lack of unity of command among the responding military units

created situational understanding challenges and prompted state and federal leaders to seek a unifying solution.

Federal leaders approached Louisiana Governor Kathleen Blanco several times with ideas to improve the military command and control within the state. According to Lieutenant General Steven Blum, the Chief of the National Guard Bureau during Hurricane Katrina, “[T]here were many offers and overtures made to the Governor on command and control, but they all centered on a Federal officer being in charge of the Governor’s National Guard, and that was rejected.”<sup>17</sup> In the aftermath of Hurricane Katrina, state and federal leaders worked to improve coordination between state and federal military units when employed domestically.

The 2012 Unity of Effort Initiative, developed by the Council of Governors and the Department of Defense, delineates the National Guard and DOD’s roles during emergencies and disaster situations. “For governors, Unity of Effort is really about partnerships and maintaining a clear chain of command so we can best serve our citizens in time of crisis,” says Nebraska Governor Dave Heinemann, president of the Council of Governors. One of the most significant elements of the initiative is the authority for a National Guard officer to serve as a dual-status (Title 32 and Title 10) commander, giving them the authority to command both Guard and federal military forces. According to Heinemann, “[Unity of Effort] helped further establish trust between the governors and the Department of Defense, and it is providing the foundation for a new, stronger partnership between state and federal military forces [and is] the cornerstone for a successful emergency response effort.”<sup>18</sup>

Although the establishment of dual status commanders is vital step to improve unity of effort at the tactical level, it does little to address strategic unity of effort concerns. Without strategic unity of effort, the policies, plans, and expectations of federal agencies may differ

substantially from state and non-government organizations and jeopardize efficient and effective responses. Similar to a ground level dual status commander, a domestically focused COCOM must possess the attributes necessary to achieving strategic unity of effort across the public and private sectors through effective mission command. The National Guard, and specifically the National Guard Bureau, is the most appropriate agency to accomplish that task. *Joint Publication 3-27 - Homeland Defense* captured this unique capability saying, “By virtue of its established working relationships with governmental and NGOs at the state/territory and local levels, the NG [National Guard] is in a unique position to serve as a bridge between state/territory/local governmental and NGOs and federal capabilities, including AC forces.”

### **Primary Force Provider**

Historically, the service that is likely to provide the bulk of the forces in a conflict also provides the regional combatant commander. Typically, an Army general officer led US European Command, in part because it was clear that the Army would provide the bulk of forces on a European crisis. For similar reasons, a Navy admiral typically leads the U.S. Pacific Command. In a 2004 article for Joint Forces Quarterly, retired Army brigadier general and National Defense University faculty member Raymond E. Bell Jr. writes, “A major argument not only for a National Guard general commanding USNORTHCOM, but for the command to become primarily a Guard organization, is that most of the units, both air and ground, would come from the Guard.”<sup>19</sup> Just as in the EUCOM and PACOM examples, the selection of a National Guard commander would ensure a COCOM arrives familiar with capabilities and limitations of the majority of the available forces. Knowing those capabilities and limitations is

vital to efficiently providing the correct capability for the requested need, a role NGB already fills.

The figure in Appendix 4 from the DOD civil defense joint publication graphically shows the complex approval system required to use Title 10 forces for civil support operations. On the other hand, a governor can instead submit an Emergency Management Assistance Compact (EMAC) request. Administered by the National Emergency Management Association, the EMAC is essentially a large state-to-state mutual aid agreement that allows states to share resources, including their National Guard.<sup>20</sup> In 2005, over 65,000 personnel deployed through EMAC, including 46,000 National Guardsmen. States simply submit a request for forces (RFF) through the NGB Joint Operations Coordination Center (JoCC). The JoCC searches surrounding state National Guard capabilities and forwards the request to the appropriate state TAG on behalf of the requesting state. Since the requested military forces never transfer to federal control, an EMAC RFF requires only the approval of the governor providing the forces. An RFF for an identical Title 10 capability requires processing through multiple layers of the DOD and ultimately the approval of Secretary of Defense. In 2005, affected governors mobilized their respective National Guard forces within four hours of Katrina's landfall. Within 96 hours, EMAC requests deployed an additional 30,000 National Guardsmen to the affected region. It was a full week later before Title 10 forces from the 82<sup>nd</sup> Airborne and 1<sup>st</sup> Cavalry divisions arrived in Louisiana.<sup>21</sup>

Given official DOD guidance to utilize National Guard forces to the fullest extent possible, it is only after NGB confirms National Guard assets cannot satisfy a request that an RFF passes to USNORTHCOM for action by its service component commands.<sup>22</sup> Senior DOD officers have expressed concern that rapid EMAC deployments inhibit DOD's ability to

coordinate the overall military response in the event of a domestic catastrophe believing that in a catastrophic event NORTHCOM should have a greater control over the deployment process.<sup>23</sup> Providing NGB with COCOM authority and the responsibility to coordinate directly with both the Title 10 service component commands and requesting EMAC states will accomplish that recommendation. It will also reduce the duplication of analysis and effort currently inherent in the system and expedite deployment of the requested capabilities regardless of which organization the capability resides.

### **Mission Command**

As has been discussed previously, the mix of military and civilian responders to a crisis prohibits a true unity of command. A domestic focused COCOM must be capable of facilitating unity of effort. The 2011 Joint Publication 3-0 - *Joint Operations* describes mission command as critical to developing unity of effort. Additionally, in a white paper on the same subject, Chairman of the Joint Chiefs of Staff General Martin E. Dempsey lists “understanding, intent and trust” as the key attributes necessary for the practical application of mission command.<sup>24</sup> Therefore, a domestic COCOM must possess the required attributes to be effective. The following analysis shows, NGB is a DOD organization with the key mission command attributes necessary to achieve effective unity of effort at the COCOM level.

### **Attribute #1: Understanding**

Almost without question, NG units will be the first military units to respond to any natural disaster or terrorist incident. Therefore, a domestically focused COCOM must understand the National Guard to ensure an integrated response. According to Dempsey, understanding provides the commander the “insight and foresight required to make effective decisions, to manage associated risks, and to consider second and subsequent order effects.”<sup>25</sup> Yet, few active

duty officers have enough meaningful experience with both ARNG and ANG units to develop an understanding of its capabilities and limitations. This was perhaps most evident when USNORTHCOM Commander Admiral Timothy Keating admitted that during Hurricane Katrina “he had little sense of National Guard capabilities beyond simply the numbers of troops being deployed.”<sup>26</sup> His statement demonstrates that despite being an immensely intelligent and successful Title 10 military officer with over 30 years of service, his active duty experiences left him without an appreciable understanding of the majority of the military forces responding to the incident. In the *Beyond Goldwater Nichols Phase III Report*, its authors identified the need for a senior National Guard leader saying,

Recognizing that the National Guard is likely to form a significant component of any response force to a major event in the United States it makes sense to have a senior leader from the Guard community directly in the USNORTHCOM chain of command to ensure the capabilities, culture and constraints of the Guard are well understood [emphasis added], and to build partnerships among USNORTHCOM, the states and territories, and the National Guard Bureau.<sup>27</sup>

Since the National Guard will routinely provide the majority of the forces in HLD, HLS, and DSCA incidents, it is questionable if a domestic focused COCOM could ever achieve effective mission command without extensive experience with the Guard and equally questionable if a typical AC career prepares its leaders to understand the unique domestic environment.

Currently USNORTHCOM relies upon the State Adjutant Generals (TAGs) to be the unofficial conduit of information to their respective state and local governments. USNORTHCOM has to use the TAGs because they do not have the formal authority necessary to collaborate directly with state and local entities. As a result, several GAO reports have been critical of USNORTHCOM’s ability to synchronize planning and execution across all levels of government. One suggested this lack of synchronization would likely result in critical delays and

a lack of unity of effort in the event that a homeland security scenario required Title 10 augmentation.<sup>28</sup>

Understanding how to coordinate with interagency and state partners is arguably the most important role of a domestic focused COCOM. Since the NGB draws its staff and leaders from National Guard units throughout the 54 states and territories, it has an advantage over active component services in understanding the complex world beyond DOD. In the majority of states, the state military department also acts as an advisor or coordinator for the governor on emergency management and homeland security events.<sup>29</sup> Thus, before advancing the work at NGB, many National Guard staff officers, NCOs and leaders have extensive experience working at state JOCs during state emergencies. Many also gain invaluable operational experience directly coordinating with civilian authorities at the numerous incidents NG units respond to annually. During an incident, National Guardsmen frequently work directly with the state emergency management agencies, FEMA, as well as local, state, and federal law enforcement. The unique experiences of being a National Guard “citizen-soldier” prepare National Guard staff and leaders to understand and unify the efforts of civilian and military agencies. USNORTHCOM has attempted to integrate the National Guardsmen’s unique experiences into its command by accepting significant numbers of Guard soldiers into its HQ. However, instead of attempting to export the necessary level of understanding from the National Guard to USNORTHCOM, DOD can more efficiently leverage NGB’s unique capabilities by simply expanding its authority.

#### **Attribute #2: Intent**

During Hurricane Katrina, the National Guard Bureau served as the central coordination point to organize the flow of National Guard forces from virtually every single state in the nation to the Gulf Coast. The fact that the NGB played this role reflects the level of confidence it holds among individual state adjutant generals.

The most surprising aspect of NGB's role as the coordinator of state-to-state military requests is that NGB has no legal authority over TAGs or governors. Yet, it enjoys almost command-like tasking authority when coordinating mutual aid for states in need of support. Because NGB understands the intent of EMAC relationships and does not attempt to supersede state authority, TAGs are willing to obligate resources based only on a request for forces from the NGB Joint Operations Center.

Intent is the second critical attribute of mission command in the Dempsey white paper. Dempsey defines a commander's intent as "a clear and concise expression of the purpose of the operation and the desired military end state" as well as "in mission command, intent fuses understanding, assigned mission, and direction to subordinates."<sup>31</sup> The intent of DOD's role in homeland security, homeland defense, and civil support has been a point of debate both outside and inside the pentagon.

In 2005, an email from Air Force Major General Timothy Lowenberg, TAG of Washington state, to his fellow TAGs demonstrates a rift between the states and USNORTHCOM. Lowenberg reported comments allegedly attributed to USNORTHCOM's commander Admiral Keating writing,

According to officers who were present at a USNORTHCOM AAR last week, he [Keating] said 'I know the active duty can do this [directing an emergency response]; I simply don't know if a National Guard officer is capable of handling command and control', or words to that effect. These sentiments are consistent with a meeting I attended in which a USNORTHCOM general officer suggested the active duty military should 'train' and 'certify' the competence of governors to handle domestic emergencies.<sup>32</sup>

Too often, comments like Keating's "I know the active duty can" have hinted at NORTHCOM's intent to assume a lead role during an incident despite evidence that suggests

state and local control is more effective.<sup>33</sup> State officials have steadfastly communicated their intent to retain control of incidents believing that, as elected or appointed officials, they are the ultimate response authority in their particular city, county, or state. Therefore, a suggestion that the active duty military should “certify” an elected official’s competence in domestic emergencies reveals a belief that USNORTHCOM has some level of authority over the state officials. In contrast, despite also being a federally controlled Title 10 organization, by virtue of its citizen-soldier composition, NGB understands the intent of state civilian authorities during an incident and possess the trust necessary to influence operations without appearing to usurp state control.

### **Attribute #3: Trust**

Just as understanding informs commander’s intent, trust informs the execution of that intent. Mission command for Joint Force 2020 requires trust at every echelon of the force. Building trust with subordinates and partners may be the most important action a commander will perform.

*CJCS Mission Command White Paper*<sup>34</sup>

The founding fathers captured the state’s distrust of a federal system in the US Constitution. Therefore, it is no surprise that building trust between DOD and state leaders remains an arduous process. The distrust goes beyond issues of state sovereignty and includes interagency and intergovernmental concerns that the DOD is not truly committed to resourcing HLD and CS missions. In 2006, Christine Wormuth, a future assistant secretary of defense for homeland defense and America’s security affairs, condemned DOD for continuing to hold civil support missions “at arm’s length.” She also stated that DOD must embrace the CS mission as a top priority and plan, program, and budget accordingly.<sup>35</sup> In 2008, two separate U.S. Government Accountability Office (GAO) reports specifically criticized USNORTHCOM for focusing on homeland defense at the expense of more likely DSCA missions. The GAO

concluded USNORTHCOMs lack of DSCA focus and its poor synchronization of its efforts with state and local governments negatively affected its ability to support homeland security operations.<sup>36</sup> Even resourcing the National Guard’s civil support requirements was viewed within DOD as a “drain on forces needed for more important overseas missions and as a threat to the defense budget.”<sup>37</sup>

Given its history of policy missteps and inflammatory comments, it will likely take USNORTHCOM considerable time before interagency, state, and local leaders view it as a trustworthy ally. Reassignment of USNORTHCOM’s responsibilities to the National Guard Bureau would greatly accelerate the process. Dempsey’s warns, “Unless these [mission command] attributes are made central to the basic character of the force, Joint Force 2020 will struggle to reach optimal performance levels.”<sup>38</sup> Given time, USNORTHCOM is certainly capable of making understanding, intent, and trust of the civil support mission part of their basic character. However, there is no need to wait for that evolution to happen. Since NGB already possess the necessary basic character attributes, DOD can more efficiently utilize the organization as a domestically focused COCOM. Additionally, given the current pressure to find DOD fiscal efficiencies, the clock may be ticking on USNORTHCOM regardless.

### **COCOM Efficiency**

The DOD budget request for 2013 reflects a \$31.8 billion reduction from 2012. In addition to the 2013 reduction, there is also the expectation that the DOD budget will continue to remain at roughly the 2013 level for five years and achieve a total projected savings of \$259.4 billion.<sup>39</sup> To avoid budget reductions affecting mission effectiveness, DOD is delaying major procurement items while also seeking ways to increase efficiencies. The search for efficiencies has led some analysts to revisit the Unified Command Plan.

In 2011, the DOD disestablished Joint Forces Command (JFCOM) with a projected savings of \$292 million in fiscal year 2012 and \$1.9 billion over five years. The elimination of the four-star headquarters, its redundant and non-essential functions, and the reassignment of its essential functions to other organizations allowed DOD to achieve fiscal efficiencies while maintaining effective operational capabilities.<sup>40</sup> Some analysts have proposed additional COCOM efficiencies including the consolidation of USNORTHCOM and USSOUTHCOM into a single “AMERICOM” citing that “USNORTHCOM and USSOUTHCOM are both already hybrid organizations that share a number of common “civ-mil” challenges affecting the Americas[.]”<sup>41</sup>

While USNORTHCOM and USSOUTHCOM may each have “civ-mil challenges,” the distinct legal and political differences of supporting missions within the US compared to outside the US, make the AORs vastly different. Therefore, even a consolidated AMERICOM would likely require virtually two separate staffs to extensively plan and operate both CONUS and OCONUS. Thus, the required redundancies on an AMERICOM staff would significantly reduce any potential efficiency.

Using the disestablishment process of JFCOM as a model, the elimination of the USNORTHCOM four-star headquarters and the reassignment of its essential functions to USSOUTHCOM and NGB would result in significant fiscal efficiencies. The NGB staff and its four-star commander already have expertise in the CONUS planning, experience missing in USSOUTHCOM. It would allow DOD to maintain a more effective span of control across the GCCs.

Like USNORTHCOM, the NGB operates with active duty military commands as well as federal and state government agencies at both interagency and intergovernmental levels.<sup>42</sup> The

CNGB and the NGB Joint Staff are responsible for the strategic direction of the National Guard; their operation under a unified command; and the integration of NG Forces into an efficient team of land and air forces. Currently operating as a Joint Staff with service members from the Army and Air National Guard, NGB billets also include Title 10 service members from the Army, Air Force, Navy, and Marine Corps and Canada and liaison officers from several federal agencies. Its current organizational design is similar to USNORTHCOM. Appendix 5 compares the headquarters designs of USNORTHCOM and NGB.

### **Issues and Concerns**

The most common concerns of an NGB-NORTHCOM consolidation fall into three general categories: Impacts on USNORTHCOM's current missions, negative impacts on National Guard funding, and the qualifications of the CNGB to serve as a COCOM.

Some critics of the concept were quick to point out that USNORTHCOM's mission includes more than just support to civil authority and includes the lead role in homeland defense. While true, it is difficult to theorize any probable HLD task or incident occurring within the United States in which DOD would assume the lead role. Although the term combatant command appears throughout this paper, it is difficult to imagine actual combat activities occurring within the United States. Thankfully, it appears unlikely that the US will face a surprise hostile invasion or armed insurrection. Therefore, while not completely ignoring other threats, it is more appropriate to focus plans and resources against the more likely HLD threats of a chemical, biological, radiological, nuclear, or high yield explosive (CBRNE) attack or other terrorist activity. As was illustrated previously in this report in Appendix 1, the significant overlap between HLS and HLD will most likely result in DHS or other federal agency leading the federal response with states retaining control of their first responder forces. Using the 9/11

attacks as an example, although it was a terrorist act and a HLD incident, DOD was not the lead agency. Additionally, as the current standing Joint Task Forces (e.g. JTF-CS) and service commands (ARNORTH as the JFLCC) remain under a NGB led COCOM; the impact on current HLD plans would be negligible.

There is a legitimate argument that USNORTHCOM's AOR extends beyond the continental United States (CONUS). A NGB led USNORTHCOM would likely require a return of Central America to USSOUTHCOM's AOR, however, this change would actually result in a more effective boundary. The analogy of "legal authority is maneuver space" is particularly appropriate when discussing international borders. Returning the AOR boundary to the US-Mexico border would again homogenize a COCOM's legal authority within each AOR.

There are also questions of USNORTHCOM's operational control of ballistic missile defense (BMD) capabilities. Control of BMD missiles and NORTHCOM's connection to North American Aerospace Defense Command (NORAD) is a complex issue requiring further research. One potential solution is to again separate NORAD from USNORTHCOM. Currently, they are two separate commands under one dual-hatted commander. Returning autonomy to NORAD, along with operational control of BMD or including US Strategic Command (USSTRATCOM) in its chain of command, could provide a method of separating the two organizations. However, since the National Guard currently operates the majority of the BMD forces supporting NORTHCOM, retaining operational control at a NGB led COCOM is also a reasonable solution.<sup>43</sup>

Within the National Guard community, concerns centered on becoming "pigeon holed" into homeland defense activities. Some National Guard leaders interviewed fear a potential loss of resources if relegated to HLD missions. Very little of the National Guard's budget is from

dedicated HLD or CS budget activities. The majority flows from DOD through HQDA and HQAF to pay, train, and equip NG forces as a part of the wartime reserve. Consequently, if the NG were to transition to focusing solely on HLD and CS activities, it would lose the requirement for the majority of its current funding. While a legitimate concern, if NGB were to transition to a domestically focused COCOM, the transition of the entire ARNG and ANG to only a HLD mission seems unlikely. To replace the capabilities currently in the NG, the Title 10 active and reserve forces would have to grow significantly and governors are not likely to reduce their available forces by transferring NG units to the federally controlled reserve components. If NGB were to elevate to a COCOM, the ARNG HQ and ANG HQ would continue to coordinate with their respective service to provide trained and ready forces to the war fight when needed.

The most common reaction to a NGB COCOM was that active duty leaders would never allow it because it violates a long-standing military cultural norm. From Emory Upton's post-Civil War anti-militia proposals to Samuel Huntington attacks on NG professionalism, there is a long history of active duty military leaders disparaging the National Guard. Even today, despite ten years of exceptional performance by National Guard commanders in Afghanistan and Iraq, some in the DOD still do not believe National Guard officers are as capable as their Title 10 counterparts. As evidence, some pointed to the fact that despite being eligible for the position, the president still has not nominated a NG officer to command USNORTHCOM. Depending on their perspective, critics see the snub as either evidence of an anti-national guard bias or as a lack of presidential confidence in NG officers. As further evidence of a bias, it took congressional intervention to get DOD to appoint a NG officer as a USNORTHCOM deputy.<sup>44</sup> Nevertheless, there is precedence for NG officers commanding Title 10 forces.

The commander of AFNORTH is currently Title 10 National Guard officers and has command authority over assigned Title 10 units. The issue appears to be at the flag officer level and whether a Title 10 Active Duty General Officer would accept to being subordinate to a Title 10 NG officer. Overcoming the “Uptonian” cultural chasm could prove the most difficult aspect of implementing a NGB led COCOM.

Finally, there exists the question of a member of the Joint Chiefs of Staff also acting as a COCOM. Within the NGB, there were apprehensions over the impact of the CNGB developing divided priorities of effort. A planner on the NGB Joint Staff voiced the concern of the COCOM role inhibiting the NGB’s ability to advocate for NG issues. Additionally, since the CNGB is now a voting member of the JCS, it will require additional research to determine if there is legal precedence or additional legislation required to dual-hat a JCS member.

### **Conclusion and Recommendations**

The rapid creation of USNORTHCOM in the months following 9/11 was a predictable and necessary response. However, in retrospect, tasking traditional Title 10 officers to coordinate and integrate capabilities within the unique homeland security enterprise is akin to tasking the US Army instead of the US Marine Corps to conduct amphibious landings. Both services are capable of conducting an amphibious landing, but while the US Army has conducted successful amphibious landings, it is not a traditional mission. Marine commanders and planners by contrast have grown up in with “amphibiosity” as a centerpiece of the USMC cultural DNA. Homeland Defense and DSCA operations are part of the DNA of the National Guard and deeply rooted in its history.

Its unique mix of constitutional and operational advantages makes NGB the most appropriate organization to lead DOD’s domestic operations. The time has come for NGB to

perform a role commensurate with its four-star designation. The need for fiscal efficiencies can no longer tolerate two separate four-star Title 10 organizations with nearly identical AORs. Only NGB has the cultural fit and command attributes necessary to coordinate the use of all forms of military capabilities in HLS and HLD incidents.

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- <sup>12</sup> Title 18, United States Code, §§ 1385
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- <sup>31</sup> Dempsey Mission Command White Paper
- <sup>32</sup> <http://www.fas.org/sgp/news/2005/12/lowen103105.html>
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## APPENDIX 1

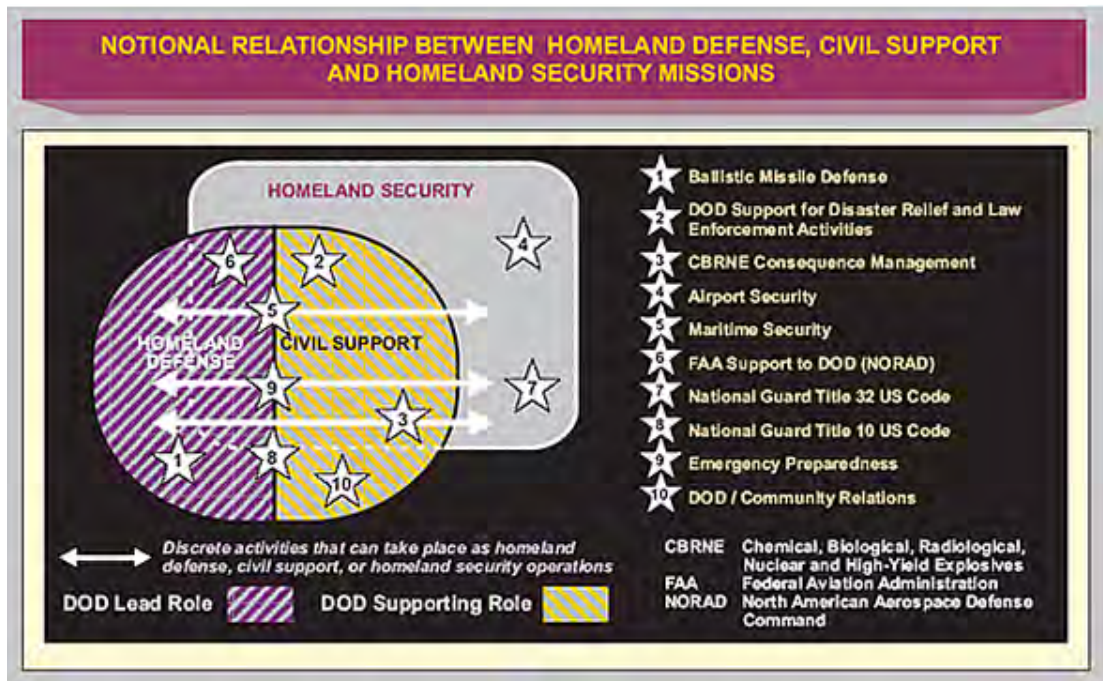


Figure 2. From JP 3-57 “Civil Affairs”

## APPENDIX 2

|                                                 | <b>State Active Duty</b>                                                         | <b>Title 32</b>                                                                                                                | <b>Title 10</b>                                                             |
|-------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b><i>Civilian Command and Control (C2)</i></b> | Governor                                                                         | Governor                                                                                                                       | President                                                                   |
| <b><i>Military C2</i></b>                       | TAG                                                                              | TAG                                                                                                                            | COCOM                                                                       |
| <b><i>Duty Assignment</i></b>                   | IAW state law                                                                    | U.S.                                                                                                                           | Worldwide                                                                   |
| <b><i>Pay</i></b>                               | State                                                                            | Federal                                                                                                                        | Federal                                                                     |
| <b><i>Domestic Law Enforcement</i></b>          | Yes                                                                              | Yes                                                                                                                            | No <sup>1</sup>                                                             |
| <b><i>Mission Examples</i></b>                  | Civil Support; Law Enforcement; Others as determined by Governor                 | Training; Civil Support; Law Enforcement; Counter Drug; WMD Response; Other missions at the request of the President or SecDef | Overseas training; expeditionary missions; civil support to law enforcement |
| <b><i>Activation Examples</i></b>               | Kent State Riots; Oklahoma City Bombings; Kansas Tornadoes; California Wildfires | Border Security; Post 9/11 Airport security; Olympic Security; Hurricane Katrina                                               | Bosnia; Afghanistan; Iraq; L.A. Riots <sup>2</sup>                          |

**Figure 3. Reserve Forces Mobilization Authorities by Title**

<sup>1</sup> Except with the invocation of the Insurrection Act.

<sup>2</sup> Insurrection Act invoked.

## APPENDIX 3

Current relationship of NGB to other agencies.



Figure 4. Current NGB Organizational Chart

## APPENDIX 4

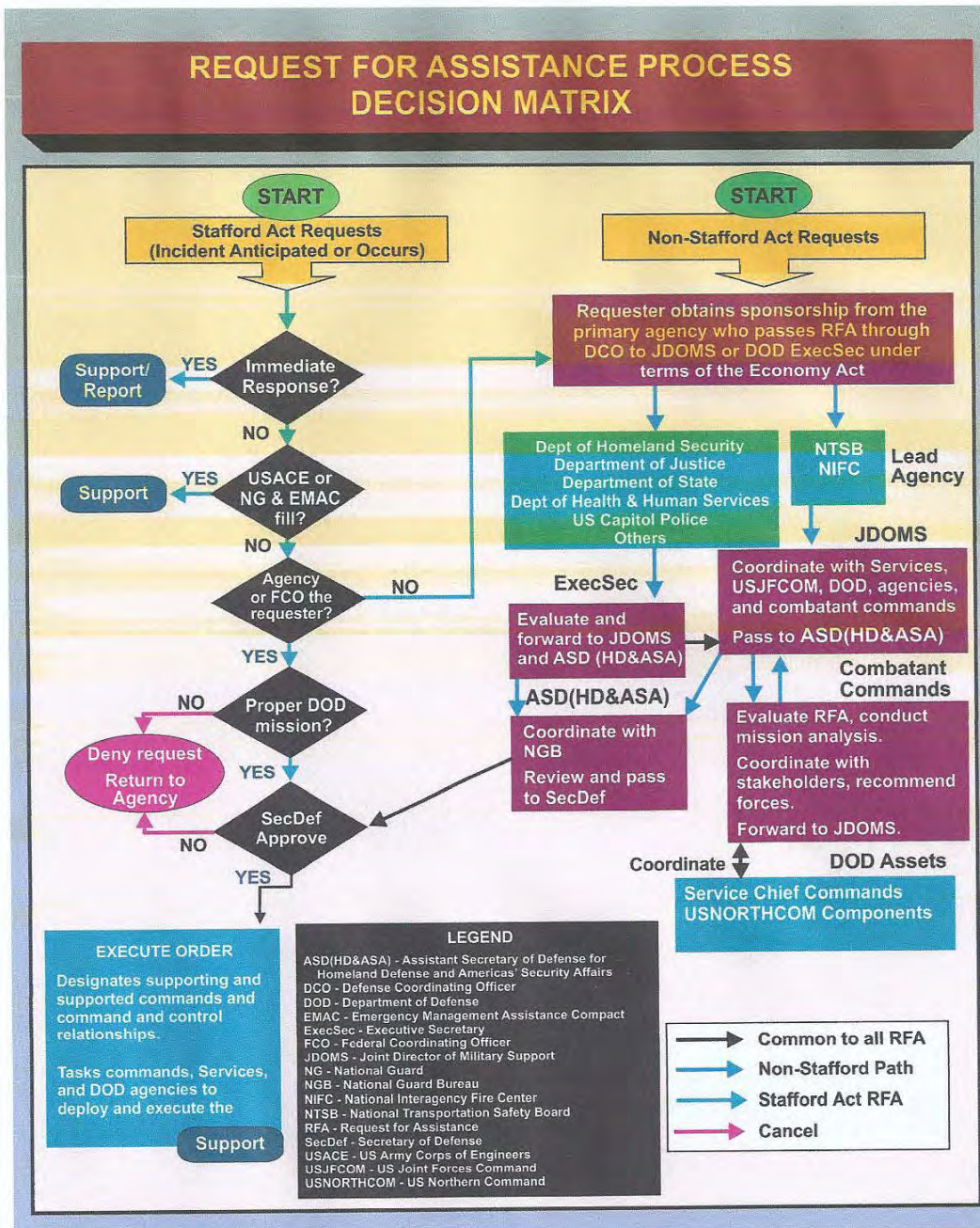


Figure II-2. Request for Assistance Process Decision Matrix

Figure 5. Request for DSCA Support

## APPENDIX 5

| <u>U.S. Northern Command Organization</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>National Guard Bureau Organization</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Headquarters, USNORTHCOM</li><li>• Personnel and Manpower Directorate (J1)</li><li>• Intelligence Directorate (J2)</li><li>• Operations Directorate (J3)</li><li>• Logistics and Operations Directorate (J4)</li><li>• Strategy, Policy, and Plans Directorate (J5)</li><li>• Command Control Systems Directorate (J6)</li><li>• Training and Exercise Directorate (J7)</li><li>• Programs, Resources, and Analysis Directorate (J8)</li><li>• Interagency Coordination Directorate (IC)</li><li>• Science and Technology Directorate (S&amp;T)</li><li>• Special Staff</li></ul> | <ul style="list-style-type: none"><li>• Headquarters, NGB</li><li>• Manpower and Personnel Directorate (J1)</li><li>• Intelligence Directorate (J2)</li><li>• Domestic Operations Directorate (J3)</li><li>• Logistics Directorate (J4)</li><li>• Strategic Plans and Policy Directorate (J5)</li><li>• C2, Communication &amp; Computer Dir (J6)</li><li>• Joint Force Development, Doctrine and Training Directorate (J7)</li><li>• Force Structure, Resources &amp; Assessment (J8)</li><li>• Special Staff</li></ul> |

**Figure 6. A comparison of USNORTHCOM and NGB organizational structure**