

THE STATE GUARD EXPERIENCE AND HOMELAND DEFENSE ¹

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The attacks on the World Trade Center Towers on 11 September 2001 brought Homeland Security to public attention in a most dramatic way. While such an assault on recognized national symbols was a shock, it did serve us to refocus on an old strategic concern. The mission for homeland defense is not new, yet in each age must be rethought within the context of our overall National Security Strategy, Ends, and Ways and Means.

One of the highest “Ends” of any NSS must be the preservation life and property but also the survival of our national institutions. It is these institutions which support our freedoms that must be guarded and protected, even as we work towards other strategic objectives. Under our Federal System, we have also given the States not the Federal Government, the main responsibility for domestic security and the plenary police power necessary to meet that responsibility.¹

THE PROBLEM

The Founding Fathers, who met at Philadelphia in 1787, were interested in on creating a compact between thirteen Confederated states. The earlier Articles Of Confederation had failed to provide the security and efficiencies required for growth and even continued existence. The use of balance of governmental powers and decentralization was designed to ensure neither a dictatorship of an elite nor the chaos of the masses.

THE CONSTITUTIONAL FRAMEWORK

On one hand the nation had to have a central or Federal government with sufficient authority to fulfill the common good. On the other hand it could not have so much authority as to overshadow the authorities of subordinate centers of power. The solution was a division of powers. This separation at the Federal level was horizontal and created an Executive, a legislative and judicial branch. In addition all powers were reserved to the States not specifically delegated to the Federal Government. The States themselves mirrored the horizontal separation of powers at their governmental levels and vertically with county and city/town governments.

Constitutionalists recognized that a major End State of these new relationships was a “Common Defense”. How this was to be accomplished was an early matter of controversy. The generation grew up in the shadow of Oliver Cromwell, the military dictator of England 1649-1657. One school of thought called for a large militia as a primary defense force with a very small full time component or none at all. Others called for something of a full time regular force.

In the end the Constitution allowed for the Legislative branch to raise an army, but did not specifically call for one. A United States Army was organized around two companies remaining from the old Continental Army, followed by a US Navy and Marine Corps ten years later. This Federal military was charged with homeland defense, the States with the domestic and local security mission of the overall defense; however, in fits and starts, federal forces grew by necessity. The Navy grew to protect

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American maritime commerce. The Army grew because of offensive operations against the Indian Nations to our West.

Meanwhile, each state of the new Union had its own militia organized into various types. Some States had Mounted Rangers and Rangers, which were a type of fulltime military police. In addition, in the settled areas, volunteer militia units often copied the latest uniforms from Europe. These units were often expensive in membership dues and carried a very strong political/social nature. The common militia could be organized into units or not and, in general, comprised all white males between 16 and 60, depending on the State.

The Militia Act of 1792 was to comprise the basic law and governance for the military structure to support our National Military Strategy for the first 125 years.² The Act did not provide for any Federal Reserve, rather it codified the relationship of the State to the overall national defense. In effect, the President, in his role as Commander In Chief, could direct forces into war. He could neither support nor reinforce without Congress and the States. Although the Act allowed the President to call the militia of the states into Federal service it did not provide the authority to do so. Militia forces remained under state control unless authorized to volunteer for Federal service. The States were to be the source of military manpower, but with no requirement to provide it.

In practice, states could respond or not. If they responded, they could either raise entire new units or authorize State Militia units to “volunteer” for Federal service. The State however could determine what elements of their militia they could retain within their boundaries for local defense and domestic security.

Homeland defense, therefore, comprised an exterior function which was a federal responsibility. There was also an interior one of domestic security and local defense which fell to the State. These functions however were not coordinated. The system was not designed to be efficient; it was designed to be a decentralized responsibility to defend our national territory from outside forces. It was not envisioned that such a system would be used to sustain wars conducted beyond our borders. Within the second generation an attempt would be made to support a second war with Britain using this system.

WHAT IS HOMELAND DEFENSE?

A basic “End” of any National Security Strategy is the protection of the life and property of our citizens. The military element of national power is designed to prevent the accomplishment by force of arms of the strategic objectives of our enemies. These strategic objectives may involve direct and indirect attacks to disrupt, destroy and demoralize the Homeland of America and our people. This can involve wide scale destruction of life and property or limited attacks designed to accomplish political or psychological objectives. Wider US Strategic objectives depend on a secure home base and uninterrupted supply to the operational elements of national power.

In homeland defense, political, economic and informational elements play key roles in an integrated approach to achieve our national objectives while denying those of our enemies. Homeland defense are the active measures taken to repel or defeat enemy attacks. Military Support To Civil Authorities, which herein will also include domestic security, are more passive support measures. Operations, such as the

² Joseph R. Barnes, “Amend the Stafford Act to Fund Emergency State Use of the National Guard,” ANSER Journal of Homeland Security, February 2002 Issue, 2.

attack on the World Trade Center, are an integrated attack making use of enemy political, economic and informational elements as well as military. Homeland defense includes those measures designed to defeat attacks on the National Territory prior to actual impact, and those focused on preventing disruption of that National Territory on a local or domestic basis.

In the current political climate the focus has been on terrorism and the use of the military element to combat this. This view may be narrow and unbalanced as planning criteria for the use of the military elements.³ The initiative can be lost in homeland defense planning by a narrow focus on the military element alone or the excessive use of elements of national power. In the overall protection of our national base a number of other threats exist, both natural and man-made. Defense planners, in coordination with other branches of government and in coordination of the other elements of national power, must consider floods, hurricanes, earthquakes, fires, strikes, riots and a host of internal threats.

THE HISTORICAL EXPERIENCE

Although the basic concept of Homeland Defense has remained unchanged, its conduct has changed over the years. The key issues have been the developing role of national objectives beyond our borders and the evolving concept of Federalism.

Prior To World War I

The Militia Act of 1792 was the essential governing document until the National Defense Act of 1916. The War of 1812 became the first major test of the Federal-State relationship within Military Policy. The State Militia was designed for defensive service within the United States. Offensive limitations of the system were demonstrated when US Forces invaded Canada and the New York Militia refused to cross the border.

The development of State Volunteer Regiments beginning in 1806 was grounded on quasi Constitutional grounds.⁴ These units were either based on existing volunteer militia or brand new units created against Presidential levies for troops. It was this application of the Militia Act that was used for the Mexican War and later the Civil War. The vast majority of Civil War units were raised this way; however, the State still had final authority over its manpower. This allowed local authorities to meet state requirements first. Domestic security was provided at the expense of the overall defense effort.

Before the 20th Century the US Navy had no reserve per se. In the early days of Confederation each state had a maritime cutter service or patrol. In the 19th Century many coastal states maintained a Naval Militia. This Militia was patterned after the Navy and became a kind of reserve along with commercial maritime workers; California even had a Marine Corps battalion.

With the Spanish American War and the Philippine Insurrection the old system showed its unsuitability. Supply and transportation broke down. Other scandals of that period paved the way for reforms and the fruition of years of National Guard lobbying. Since the 1870s, the National Guard, through its association (NGA), had extensively advocated to become the primary reserve for the active Army. Based on the Civil War experience, National Guard enthusiasts argued that their service, if benefited by

³ Ian Roxborough, The Hart-Rudman Commission and the Homeland Defense (Carlisle Barracks, PA.: Strategic Studies Institute, 2001), 7.

⁴ Stentiford, 7.

federal support and standardization, offered a means to a trained, organized reserve for the army. In other words a National Guard based in the states, but with a primary Federal reserve role, offered an updated version of the federal concept.

Regular army followers of Brigadier General Montgomery Upton argued that the National Guard would never be a suitable reserve for the army because of the lack of Federal standards and political intrigue. What was needed was an expansible regular army on the European model. This concept was too advanced for the time and only a small Enlisted and an Officer Reserve Corps existed by 1908.

Meanwhile, the Dick Bill of 1903 began the arguous process of replacing the Militia Act. Under the Bill, the Federal Government could set standards, provide funding and proscribe organization. States still appointed Officers and set personnel policies. The National Guard was still a state organization but the process to convert the Guard to a Federal reserve had begun.⁵

The World War I Era

In March 1916, President Wilson called up the National Guard to protect the Southwest borders. This was in response to a Terrorist attack on Columbus, New Mexico led by Poncho Villa. At that time, National Guard units still had state titles and their uniforms bore state insignia. These forces did not cross into Mexico in support of the punitive expedition because the laws of that time precluded it. Change was coming, however, with the Defense Act of 1916.

In the Defense Act of 1916, the militia was divided into an organized militia called the National Guard and an unorganized militia. States were limited to keeping one or both types of Militia. For the first time, the National Guard was identified as the primary reserve of the army. This reserve was to be called before any state or the traditional volunteers were. This was an enormous change not recognized at the time. In effect, the National Guard had achieved its objective, but in so doing placed itself in line for federal control.

National Guard forces were stood down in early 1917 from Mexican Border operations, only to be recalled in July and August. The second recall, however, was for overseas service in World War I. The Defense Act of 1916 allowed the President to call individuals in the National Guard of the several states into federal service as a part of the National Guard of the United States.

The Act mandated that the National Guard was the primary reserve of the army and, for the first time, members swore allegiance to the President as well as the Governor. The National Guard units could not be called up for foreign service, but Guard individuals, all or a portion, could. When this was done, however, all state affiliations were severed. This was a triumph of the NGA position of the previous decades.

An example was the 69th New York Infantry Regiment. This fine old unit, called the "Fighting Irish," had just returned from the Mexican border in February 1917. In July, all personnel were examined and evaluated for federal service at their armory in New York. Members who qualified were called into federal service and assigned to a new unit, the 165th US Infantry Regiment. Personnel unfit due to physical, age or family situation were left assigned to the 69th. In this same way, the 7th New York Infantry became the 107th US Infantry and so on.

⁵ *Ibid.*, 13.

This system allowed the Army to use the bulk of the National Guard exactly as Guard enthusiasts had advocated in the previous forty years; however, in an unanticipated consequence it left the States without a body of troops. We see this mirrored today in calls for the National Guard to assume the bulk of the homeland defense missions. If this is done would that not weaken the federal reserve? ⁶

The solution in 1917 was found as states began to activate units to replace the departing National Guard. Built around the remains of the old State Regiments, these units were called State Guards, Home Guards and later a Federal unit called the US Guard. The US Guard was comprised of 25,000 men who were deemed unfit for overseas service with the American Expeditionary Force.

World War I occurred during a period of stable Nation States. The threat to the homeland was primarily at the Southwest border and internally with sabotage and subversion. In addition, the traditional Guard missions of humanitarian assistance and aid to the civil authority continued. In 1918 an ammunition ship in the harbor at Halifax Nova Scotia exploded, spreading death and fires all along the waterfront. One of the first military units to respond was a medical unit from the Massachusetts State Guard on loan. Canadian forces were either deployed or too distant. The threat of strikes and industrial unrest continued from the pre-war period. These challenges were met by state forces. A very good example of this was the Massachusetts State Guard deployments during the Boston Police Strike of 1919.

Home Guard units of 1917-18 were comprised of the over and underage and men unfit for active service. They played a key role, however, in internal security operations within the homeland base area. World War I ended before the full implications of the reserve role for the National Guard had been digested. Although the National Guard had succeeded in becoming the primary Federal Reserve, in its success it left the states without any trained military body. This void was filled by State forces on an ad hoc basis. When the troops returned from the war, the State and Home Guards were deactivated and the troops sent home. The National Guard resumed its State mission, but now with Federal unit numbers, support and approval. Another step had been taken in the transformation of the Guard from State forces to a Federal reserve for the Army.

World War II

The return of the National Guard to state service after the First World War and the nature of our wartime participation did little to address the problems of homeland defense and wartime domestic security. The Second World War, however, with its greater threats to the US Homeland nearly brought the problem to a head.

In the summer of 1940, President Roosevelt proclaimed an unlimited national emergency. In October of that year he began calling National Guard units into Federal service. The experience of Virginia is interesting.⁷ In anticipation of probable war, the Governor established a State Defense Council, chaired by a retired National Guard Colonel. The Council began to develop plans and coordinate between state agencies for wartime defense. A major concern was to replace the National Guard in both state missions and as a possible auxiliary to Federal forces in the event of invasion, raids or sabotage. The Virginia Protective Force was activated in late 1940. With the departure of the last National Guard units by April 1941 the now renamed Virginia State Guard had grown to over 6,000 men.

⁶ John R. Brinkerhoff, "Restore the Militia for Homeland Security," *ANSER Journal of Homeland Security*, November 2001 Issue, 12.

⁷ Marvin W. Schlegel, *Virginia on Guard* (Richmond, VA.: Virginia State Library, 1949), 137-141.

By February 1942, with American military defeats overseas in mind, local Virginia civilians began to organize themselves into private militia units to defend the local communities. To establish some semblance of order and coordinate these forces towards the overall security plan, the Virginia Reserve Militia was established. Unlike the State Guard, which deployed throughout the state, the Virginia Reserve Militia was limited to the County. These county based organizations were organized under the supervision of the Conservation Supervisor in each county.

California had one of the largest forces during the war.⁸ For several weeks after Pearl Harbor, over 20,000 men were on state active duty. For the rest of the war California maintained a virtual state army of over 6,000 full time State Guardsmen. These forces supplemented the Federal forces in the state, freeing them from internal security roles as well as assisting them with population controls. In addition the California State Guard was involved in strikes, natural disasters and civil disturbance operations.

Both Puerto Rico and Alaska had robust organizations. The famous Eskimo Scouts originated during this period. The largest State or Territorial Guard was that of Hawaii. The record of this organization is perhaps most instructive for current applications to homeland defense. Plans for a Hawaiian Territorial Guard were in place by the time of Pearl Harbor. The Hawaiian Territorial Guard (HTG) was actually called out by the Governor even as the attack was in progress. At that point it was largely a paper force being called out. The force grew with volunteers from American Legion and Veterans of Foreign Wars posts, and individual veterans. Within a week the Governor had incorporated the high school Junior Reserve Officers Training Corps into the HTG. The Guard established security on key installations, bridges and key road junctions. General Short estimated that the HTG, in the several weeks after the attack, freed up about eight rifle companies for other duties. These duties included defense from external invasion.⁹

As fear of invasion rose in the Islands the State authorized a number of different units often based on ethnic origin. Such units as the Hawaii Rifles, the Oahu Defense volunteers and the Lanai Volunteers brought organized militia strength in the Territory to over 50,000. This was an important contribution to both domestic security and the potential defense of the Islands, had that been required.

The growth and development of State Guards during World War II was ad hoc. Other than some limited State guidance, the program, with the exception of Hawaii, was not well integrated into the overall Homeland Defense Plan. State Guards grew on the initiative of local authorities who appreciated the void that departure of the National Guard created and a groundswell of patriotic feeling among the populace. Between 1940 and 1947 these units grew from a rag-tag, in many cases un-uniformed, militia into a well organized approximation of the pre-war National Guard.

Federal officials did consider Homeland Defense, but from a centralized perspective. To this end, the War Department tasked 48 Military Police Battalions to provide internal security for the entire Continental United States area. Obviously, had the US homeland been systemically targeted, this force would have been insufficient. As the war continued and the majority of Federal forces deployed overseas, these Military Police Battalions followed. Ultimately, the State Guards allowed this to happen as they assumed the domestic security mission of homeland defense.

⁸ Stentiford, 171.

⁹ *Ibid.*, 148.

State Guards for the most part were the only trained force to support local Police in Military Assistance for Civil Disturbance. On a number of occasions State Guard units were activated to control racial riots in a number of cities, including Beaumont Texas, Lynchburg Virginia and the largest was in 1943 in Detroit, Michigan. In that operation, over 2,000 State Guardsmen deployed along side an equal number of Federal troops for over a week of race riots. Detroit was the hub of the automotive industry and other key war industries. One interesting use of the Virginia State Guard occurred during a threatened power strike which would have brought the state to a halt, including war industries, shipping and key communications, as well as jeopardize public health and order. The Governor drafted the power workers under the old militia statutes into the State Guard and sent 1,000 additional Guardsmen to enforce their now military duties of power supply to the state.

The National Guard's departure did not end natural disasters such as flooding, hurricanes and tornado's. As has been mentioned, Humanitarian Assistance was a centerpiece of State Guard operations during the war. State Guard units fought forest fires and in Oregon and Utah searched and found parts of Japanese balloons. Man made disasters in the aftermath of Pearl Harbor continued. State Guardsmen performed Internal Security operations, participating both in securing evading prisoners of war to searches for intelligence agents landed by U-boat.

One area which was never resolved was mission priority. The active component's major focus till the end of the war was the fight against Germany and Japan. The State Guards were welcome on one hand, but the idea of providing any Federal support seemed to detract from the primary mission of winning the war. Although the State Guard suffered from a very high turnover due to conscription, this greatly benefitted the Federal forces.

According to reports 130,000 men serving on active duty in mid-1943. Thousands more had begun service with Sgs ¹⁰. A great portion of these personnel tended to become early Noncommissioned Officers or Officer Candidates. The entire period was one of slow acceptance and gradual Federal support in the forms of uniforms (with State insignia), weapons, ammunition, communication equipment and vehicles. Early on, the Army issued caliber .308 Enfield Rifles to serve along side State purchased and personally owned weapons. Later, these were withdrawn in favor of shotguns and submachine guns. By the end of the war over 180,000 men and woman were serving in State Guard with numbers of them in both Federal and State training schools.

The states also supported State Guards with some equipment, weapons and uniforms. Many Governors took great pride in their forces and appreciated the important roles they played. The National Guard Association and the Adjutants General Association supported State Guards for two major reasons: the maneuver elements of the National Guard were now part of the active Army and the command and control of State Guards represented a valid mission for the Adjutants General; and the desire of the Adjutants General Association to control the debate after the war and ensure the outcome of the postwar struggle over the National Guard's role.

The Cold War and After

Nearly all State Guard and State Guard Reserve forces were disbanded by 1947. As the National Guard returned, State Guard units stood down. Some states, such as California, maintained lists, but, in general, the concept was mothballed. There were periodic revivals. During the Korean War a number

¹⁰ Ibid., 173.

of states lost portions of their National Guard to activations. Another revival occurred during the Reagan Administration. Beginning in 1980, with the “Total Force” concept states began to realize they might lose their National Guards very quickly in the event of a war in Europe with the Soviet Union.

In 1981, the Department of Defense commissioned a study by the Historical Evaluation and Research Organization, which examined the World War experience of 44 states that activated State Guards. It was clear from the study that such forces were critical to pick up the State missions of the departing National Guard. These State missions and domestic security had strategic implications from the homeland defense and security aspect. In 1983, the National Defense Act was amended to permit all States to maintain State Defense Forces. The drive to expand the concept peaked by 1989 with over 24 States having such organization.

With the fall of the Soviet Union in 1989 the drive faltered and atrophied. With the threat diminished, such forces were seen as a drain on the “peace dividend.” The Department of Defense saw no reason to expend funds in a time of lowering budgets and drawdown. The states no longer felt they might lose their National Guards. In addition, there were a number of media “exposes” and a few incidents of overzealous State Guard units creating an impression of rogue units. In the 1990s, even the term “militia” came into disrepute after the Oklahoma City bombing and arrests of various Aryan Nation and skinhead types. The National Guard was no longer enthused about an organization who might present an institutional threat. Without the state mission, the old question of why the active Army needs two reserves might arise.

In spite of setbacks, the State Guard movement is not dead. A number of states, with South Carolina and New York in the lead, are involved at the local level of homeland defense. New York has activated an Air Wing and a Civil Affairs Group. South Carolina has activated a Brigade for “Homeland Defense.”¹¹

CONCLUSIONS

In the recent past, both the US and other great powers have faced the issue of how best to meet the challenge of domestic security in support of homeland defense. The State Guards are uniquely American in their concept. These forces originate from an earlier concept of social organization which flourished before the growth of the nation state and mass armies. Unlike the British Home Guard or the German Volkstrum, these forces reflect a military policy based on a decentralized separation of powers. As long as our Constitution is in force this will be an issue. How we provide defense for the homeland and at what institutional price was answered in the last century by installing a dual nature to the National Guard. Now we face a similar problem in the allocation of missions relating to local and internal security in the face of the war on terrorism.

The War on Terrorism has rightfully focused our attentions on terrorism and Consequence Management of terrorist acts. While critical, this focus must not be allowed to cloud our vision for the potential of other threats and of threats to our ability to fight terrorism. We must ensure that defense of the homeland addresses other contingencies from other Theaters to the potential disruption of the home base from natural or manmade disasters. National Guard forces continue to be called up for the War on Terrorism.

¹¹ Colin Robinson, “America’s Forgotten Army: The State Guards,” Center For Defense Information (26 July 2002): 19.

The Utah National Guard is currently 88% on active duty and that state has no State Guard.¹² The experience of the two World Wars, while largely forgotten today, is very clear what this means.

The historic record shows us the adaptability of our Constitutional government in the face of great change. Half of the states currently maintain some form of State Guard. These forces range from administrative cadre to some fairly robust organizations. Without federal funding and limited state interest these forces number around 10,000. Homeland defense requires forces oriented towards local security, trained and organized, but coordinated within a national strategy. In two World Wars this challenge was met with local volunteer forces on an extremely cost effective basis. State Guards have represented a smart investment because they make use of local military retirees, veteran organizations and other volunteers who know their area.

The current War on Terrorism is based on a Continental United States (OCONUS) offensive effort concurrent with a defense in depth of the Homeland. The Federal Government has recognized the need for a high level of volunteerism. The initiative for local homeland defense came from local and State government in the World Wars, consistent with the concept of Federalism. Today the Federal Government is attempting to “Top Load” this concept. One program with great promise is the Department of Homeland Security Grant Program. These grants totaled \$3.9 billion in 2002 and were provided to qualified organizations that provide support to homeland security. States that have implemented Defense Forces are eligible.¹³ Another good concept is the AmeriCorps which has just made a \$1 million grant to the South Carolina Department of Military Affairs. State Guards provide the local basis to homeland defense consistent with our laws and Institutions. Preservation of these institutions along with life and property of our citizens is the highest “End State” of our National Security Policy.

The challenge, therefore, is and has been historically to conduct defense of the homeland within the constraints imposed by the very institutions we seek to preserve. In addition, the initiatives must be fiscally supportable. Should the Federal Government take responsibility for Homeland Security? If conducted at the federal level the expense will be both fiscal and Constitutional. There is no guarantee that domestic security, as a part of the overall homeland defense effort, will be improved proportionate with the cost. Rather, the historic record of the State Guards in the last century document a model for the current War on Terrorism that is both legally and fiscally supportable.

RECOMMENDATIONS

State Guards need clarification and recognition of their mission. The Department of Defense does not need to nor should it take charge of state forces, but must clarify how these organizations support the overall defense effort. In the late 19th century the National Guard and its Association struggled for recognition as the primary Federal Reserve. Today, the State Guard and its Association need recognition as the primary State Reserve. While this is primarily a political question, it will have profound impact at the strategic level. Without a primary State Reserve the actual utility of the National Guard is a question mark. Today, the National Guard has been effectively integrated into the Department of Defense planning process. We will no longer have months to build a State Guard. Without a State Guard, Federal forces might be diverted from a defensive combat contingency to conduct both domestic security and the former State missions of the Guard.

¹² Ibid., 22.

¹³ Brinkerhoff, 12.

Resourcing will be critical. States should fund State missions. In some ways the Civil Air Patrol is a model. The Air Force invests very little in its auxiliary. The funding it does provide primes the pump, the volunteers do the rest. Today, State Active Duty for National Guard personnel is state funded. That was the practice during the World Wars as well. The Department of Defense can support the growth of State Guards by opening such agencies as the Defense Reutilization and Management Office to supply surplus equipment, such as uniforms, equipment, communications gear and vehicles at a no cost basis. In addition, the Department of Defense can allow State Soldiers to attend select schools on a State Active Duty basis and the establishment of specialized training courses within the Army Correspondence Course Program and local US Army Reserve training units.

States must write Tables of Organization and Equipment for State Guard units. This has already begun and is essential for the use of the Defense Reutilization and Management Office. These units should be Military Police, Civil Affairs, Engineers, Medical, logistics and Light Infantry. As was the practice in the World Wars, limited issue of weapons and ammunition from War Reserve Stocks should be made. The Civilian Marksmanship Program does this for gun clubs. Until recently the Civilian Marksmanship Program was giving away M-1 Rifles to such clubs. Selective Service should create a specialized classification for State Guardsmen. This would enhance recruiting, in particular, of those with dependency or health issues and also minimize turnover in State Guard units in the event of a draft. This turnover was a major problem for the states in the World Wars.

As during the World Wars, the State Adjutants General coordinated State Guard efforts through the National Guard Bureau. This Command and Control extended to NORTHCOM will ensure "Unity of Effort."

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