

USAWC STRATEGY RESEARCH PROJECT

**The Role, Status, and Command and Control of the National Guard in Homeland Security**

by

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

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## ABSTRACT

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President Bush's top priority for the Federal Government is the defense of our nation against its enemies. Keeping America safe will require resources and attention from a multitude of agencies from every level, including the Department of Defense. But the military is already stretched, supporting Operation Enduring Freedom, and sustaining forces in peacekeeping missions worldwide. Many think that since the National Guard has been defending our homeland for almost 366 years, the Homeland Security mission is best suited for them. But many others think that the National Guard is too crucial in overseas deployments, and that Homeland Security missions could decrease the National Guard's relevance with the total force.



TABLE OF CONTENTS

ABSTRACT .....III

LIST OF ILLUSTRATIONS..... VII

LIST OF TABLES .....IX

THE ROLE, STATUS, AND COMMAND AND CONTROL OF THE NATIONAL GUARD IN.....1

HOMELAND SECURITY.....1

**POLICY ISSUE: THE NATIONAL GUARD ROLE IN HOMELAND SECURITY..... 1**

    PRIORITY ONE: HOMELAND SECURITY ..... 1

    OVERVIEW OF HOMELAND SECURITY..... 2

    SECURING THE HOMELAND: A MISSION FOR THE NATIONAL GUARD?..... 3

**NATIONAL GUARD DUTY STATUSES..... 4**

    STATE ACTIVE DUTY..... 5

    TITLE 32, USC..... 5

    TITLE 10, USC..... 5

    POSSE COMITATUS ACT..... 6

    VETERANS' STATUS ..... 6

**ROLE OF THE NATIONAL GUARD..... 7**

    BEFORE 9/11..... 7

    CHALLENGES AND PROBLEMS IN MOBILIZING THE NATIONAL GUARD FOR  
HOMELAND SECURITY..... 8

**NEEDS AND CHALLENGES OF HOMELAND SECURITY MISSION FOR THE  
NATIONAL GUARD..... 10**

**SPECIAL SKILLS FOR A UNIQUE FORCE..... 12**

**IMPLICATIONS OF MULTI-TASKING..... 13**

**RECOMMENDATIONS ..... 16**

    MISSIONS, STATUS, FORCE STRUCTURE ..... 16

    PRIORITIZATION OF NATIONAL GUARD MISSIONS:..... 17

TRAINING: .....	18
PREVENTION AND PROTECTION: .....	18
<b>Intelligence and Information Warfare:.....</b>	<b>18</b>
<b>Counter-narcotics: .....</b>	<b>18</b>
<b>Security:.....</b>	<b>18</b>
CONSEQUENCE MANAGEMENT:.....	19
<b>Detection and Assistance:.....</b>	<b>19</b>
<b>Medical Treatment:.....</b>	<b>19</b>
<b>Crowd control: .....</b>	<b>19</b>
<b>Rebuilding the infrastructure:.....</b>	<b>19</b>
<b>SUMMARY.....</b>	<b>19</b>
ENDNOTES.....	21
BIBLIOGRAPHY .....	27

LIST OF ILLUSTRATIONS

FIGURE 2: ARNG PERSTEMPO FY95-FY02 SOURCE: NGB-ARO..... 8





LIST OF TABLES

TABLE 1: TITLE 32 AND TITLE 10 COMPARISON. SOURCE: OSD-RA-ESGR..... 4



## THE ROLE, STATUS, AND COMMAND AND CONTROL OF THE NATIONAL GUARD IN HOMELAND SECURITY

### **POLICY ISSUE: THE NATIONAL GUARD ROLE IN HOMELAND SECURITY**

#### PRIORITY ONE: HOMELAND SECURITY

President George W. Bush's top priority for the Federal Government, as published in the National Security Strategy of the United States of America, is the defense of our nation against its enemies.<sup>1</sup> He also emphasized the importance of the defense of our nation in the National Strategy for Homeland Security.<sup>2</sup> The National Guard is best suited to take the military lead in protection of the homeland from terrorist attack due to their training, equipment, community ties, and geographic displacement. But what role should the National Guard play in Homeland Security? If given the Homeland Security mission under what authority should they serve? Could the National Guard still perform the overseas missions and give Homeland Security the time and attention it requires?

The Secretary of Defense guidance for Homeland Security is clearly stated in the Quadrennial Defense Review: The United States Armed Forces will "protect the U.S. domestic population, its territory, and its critical defense-infrastructure...provide strategic deterrence and air and missile defense...and support to civil authorities...and be prepared to respond in a decisive manner to acts of international terrorism committed on U.S. territory or the territory of an ally".<sup>3</sup> The report also stipulates that "Protecting critical bases of operations," including homeland defense is one of the operational processes within the transformation goals.<sup>4</sup>

The Department of Defense role in Homeland Defense includes overseas military operations, homeland security, and providing support to civil authorities. If the situation warrants, the military would conduct military operations in the United States, such as combat air patrols or maritime defense operations. Of course, the military would be the lead agency, supported by others, in defending the citizens and property of our nation. The Department of Defense would also respond to natural disasters as well as attacks on our nation. They could be asked to respond to provide equipment or trained personnel that other agencies do not have. Additionally, the military could assist other agencies in "limited scope" operations such as the security at the Olympic games conducted within our borders.<sup>5</sup> The Civil Support role is where the Defense Department changes focus from defense of its own forces, facilities, and equipment, to protect and defend "people, facilities, and systems that the department does not own or need".<sup>6</sup>

## OVERVIEW OF HOMELAND SECURITY

In order to analyze the roles, it is important to first understand the structure and missions of Homeland Security. President Bush's 2003 budget proposal for homeland security outlined in Securing the Homeland: Strengthening the Nation, states that all federal agencies and organizations involved in homeland security are to strive for a "permanent level of security for America." It outlines the budget priorities as: Supporting first responders, defending against bio-terrorism, securing U.S. borders, and using 21<sup>st</sup> century technology to secure the homeland.<sup>7</sup>

To meet these objectives, the Department of Homeland Security was created, and given the responsibility for oversight and coordination of all of the hundreds of agencies that either already have or potentially will have requirements in securing the homeland. It must "implement a national strategy – not just a federal strategy", which emphasizes the importance of coordinating with and working together with state and local governments as well as industry.<sup>8</sup>

Keeping America safe will require resources and attention from a multitude of agencies from every level, including the Department of Defense. United States Northern Command or NORTHCOM is a combatant command that was established effective 1 October 2002. Since the United States is geographically located within its regional area of responsibility, NORTHCOM is charged with the Department of Defense portion of the Homeland Security mission. Director of Homeland Security, Tom Ridge has made statements that indicate the military's involvement will be in a support role, not as the lead provider.<sup>9</sup> Additionally, Secretary Rumsfeld emphasizes the military's primary mission is still "fighting and winning the nation's wars" and that commitment of armed forces to perform tasks typically performed by civilians would only be under emergency situations and only with a "clear exit strategy".<sup>10</sup>

The National Strategy of Homeland Security defines Homeland Security 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."<sup>11</sup> It is defined in the Terms of Reference for the 2002 Unified Command Plan as "the preparation for, prevention of, deterrence of, preemption of, defense against, and response to threats and aggression directed towards U.S. territory, sovereignty, domestic population, and infrastructure; as well as crisis management, consequence management, and other domestic civil support."<sup>12</sup> There are then two sub-sets: Homeland Defense and Civil Support. The Civil Support is the "Department of Defense support to U.S. civil authorities for domestic emergencies and for designated law enforcement and other activities."<sup>13</sup>

Emergency Preparedness, defined as “planning activities undertaken to ensure DoD processes, procedures and resources are in place to support NCA in a designated National Security Emergency “ is considered by some as a third sub-set of Homeland Security. But Peter Verga, Special Assistant for Homeland Security, says that Emergency Preparedness is imbedded in all Homeland Security tasks. While Department of Defense has the lead in the Homeland Defense missions, which are for the most part, performed outside of our nation’s borders, it has a supporting role to other federal agencies for the Civil Support missions, usually performed inside our borders.<sup>14</sup> This helps ensure the military remains subordinate to civilian authority, the concept from which the Posse Comitatus Act was borne.

The Department of Defense already has a responsibility and authority to assist Civil Authorities. 42 United States Code 5170b gives the President the power to authorize the Department of Defense to use Department resources to provide emergency response that could later qualify for assistance necessary to preserve life and property.<sup>15</sup> A request for immediate assistance made to any Component or Command may be made by civil authorities for urgent response to “save lives, prevent human suffering, or mitigate great property damage under imminent serious conditions.<sup>16</sup>

Fulfilling the Homeland Security mission will not be easy. It is a mission with no end in sight, and one that can be resource intensive. The military certainly has a role in the broad array of tasks, but the armed forces are already stretched, supporting Operation Enduring Freedom in Afghanistan, sustaining forces in places such as Bosnia and Kosovo, and now heavily engaged with operations in Iraq. With a downsized military, the increased numbers of missions have personnel tempo at a peak. So far, the military organizations that will be tasked with Homeland Security missions have not been identified. The subject is currently under careful review and discussion to ensure the best and most appropriate forces are assigned to complete the mission.

#### SECURING THE HOMELAND: A MISSION FOR THE NATIONAL GUARD?

National Guard soldiers are trained and equipped in some of the areas that could greatly contribute to Homeland Security. The National Guard has ties to both rural and metropolitan communities in 54 states and territories. Secretary of the Army, Thomas E. White said that the National Guard soldiers are the “Army’s greatest link to the American people”.<sup>17</sup> By this, he referred to the fact that as citizen-soldiers, guardsmen live and work in communities. He has a strong conviction that the National Guard will be relied upon even more than ever in Homeland

Security as well as supporting war fighting missions. He further assured the funding to support the Guard of the future, along with the new roles, force structure, and missions to be assigned.

Recently, the National Guard has been sustaining record numbers of soldiers on extended active duty supporting missions both overseas and in CONUS. While they have served admirably, some are concerned that they cannot sustain the pace of the recent past and take on a Homeland Security mission simultaneously.

### NATIONAL GUARD DUTY STATUSES

If the National Guard is going to have a role in Homeland Security, it will be important to determine the best authority under which the soldiers should be called. First, it is necessary to understand that there are three types of duty status in which a National Guard soldier can be called to serve. The statuses differ in funding, rules, regulations, and benefits. Significant issues for the analysis in this paper are the differences in regulating National Guard soldiers under the two federal titles, and the benefit and protection differences covered by the two statuses.

	<b>State Active Duty</b>	<b>Title 32</b>	<b>Title 10</b>
<b>Command &amp; control</b>	State Governor	State Governor	Federal President
<b>Who performs duty</b>	Federally organized NG	Organized NG in service of US	AC <sup>6</sup> , RC and National Guard of US
<b>Where duty performed</b>	IAW state law	CONUS	Worldwide
<b>Pay</b>	IAW state law	Federal pay & allowances	Federal pay & allowances
<b>Federal reimbursement</b>	IAW Stafford Act or Coop Agreement	N/A personnel costs paid by Federal funds	N/A personnel costs paid by Federal funds
<b>Tort immunity</b>	IAW state law	FTCA	FTCA
<b>PCA application</b>	No	No	Yes
<b>USERRA</b>	No, IAW state law	Yes	Yes
<b>SSCRA</b>	No, IAW state law	No	Yes
<b>Mission types</b>	IAW state law	IDT, AT, state AGR & other Federally authorized	ODT, ADT, AGR & as assigned, subj. to PCA
<b>Discipline</b>	State military code	State military code	UCMJ
<b>Fed retirement pts</b>	No	Yes	Yes
<b>Other benefits</b>	IAW state law	Federal	Federal
<b>Medical</b>	IAW state law	Federal	Federal
<b>Disability</b>	IAW state law	Federal	Federal
<b>Invol order to duty</b>	IAW state law	Yes	Yes <sup>8</sup>
<b>Vol order to duty</b>	IAW state law	Yes	Yes

TABLE 1: TITLE 32 AND TITLE 10 COMPARISON. SOURCE: OSD-RA-ESGR Secretary of Defense Rumsfeld testified to the Senate Appropriations Committee, explaining that the three types of duty status for National Guard personnel “have worked well in

the past and said that our challenge for the future is to translate them into the new security environment".<sup>18</sup> However, it is imperative that soldiers are called under the title that will best serve the mission.

#### STATE ACTIVE DUTY

State Governors can call up National Guard soldiers under an authority referred to as State Active Duty. This is purely a state status, which is under control of the state governor, and is paid with state funds. The soldiers can be called to support civil emergencies or disturbances, such as earthquakes, floods, and riots. Benefits and protection rights are determined by individual states as outlined in their respective State Code. It is possible for a governor to call National Guard soldiers under State Active Duty, then if the event is later determined to qualify for military response, the duty can be retroactively changed to a federal status. State Active Duty will not be discussed further in this paper.

#### TITLE 32, USC

Title 32 of the United States Code authorizes the training of National Guard soldiers in a federal status, while under the control of the state governor. The Code directs that "the training of the National Guard shall be conducted by the several States...".<sup>19</sup> This training is normally in the form of Inactive Duty Training (commonly referred to as weekend "drills"), Annual Training (normally 15 days in duration), and military schooling. If necessary to activate soldiers for Title 32 duty, states can request volunteers to serve, since individuals, rather than units, are called up. This status also gives commanders more flexibility, in order to maximize training for the unit as well as to accommodate individual soldier's circumstances. Soldiers can perform Title 32 duty, rotate to a training status to attend a school or to attend Annual Training with the unit, then revert back to the previous duty again.<sup>20</sup> Active Guard and Reserve (AGR) soldiers working in the states are Title 32, as are soldiers working in support of the counter-narcotics effort.

While under control of the governor, the respective State Code is applied for disciplinary actions as opposed to the Uniform Code of Military Justice.

#### TITLE 10, USC

Any time a soldier is mobilized for presidential call up, or performs duty overseas (to include OCONUS Annual Training), the authorization is covered under United States Code, Title 10. The President can call up the National Guard to augment our Active Component forces in meeting our global military commitments. These soldiers are in a Federal status and are also



under federal control, including chain of command and the Uniform Code of Military Justice. Training with, or supporting a combatant commander is always in Title 10 status.

Title 10 of the U.S. Code states that the National Guard units will “provide well-trained and well-equipped units capable of augmenting the active forces in the time of war or national emergency”.<sup>21</sup> Active Guard and Reserve (AGR) soldiers working for National Guard Bureau and attached to TRADOC, FORSCOM, or combatant commands are on duty under the authorization of Title 10.

#### POSSE COMITATUS ACT

The term “posse comitatus” is Latin for “the Force of the County”. The Posse Comitatus Act was passed in 1878 to protect civil liberties and to end the reign of militarized civil law enforcement. During the Civil War, law enforcement powers were applied in the South for actions such as capturing bootleggers and arresting Ku Klux Klan members.<sup>22</sup> The United States Code Title 18, Section 1385 states, “Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise execute the laws shall be fined under this title or imprisoned not more than two years, or both.” DoD Directive 5525.5 included the Navy and Marine Corps through national policy, but the National Guard (in state status) and the Coast Guard were intentionally excluded. The intent was to ensure that local law enforcement authorities could be supplemented if needed. Of course in emergency situations, federal troops can be used in a law enforcement role with approval and authorization from either congressional or presidential directive.

The Posse Comitatus Act applies to National Guard soldiers serving under the authority of Title 10 only. Although the Act does not state it that specifically, “It is commonly believed, however, that National Guard units and personnel come under the Posse Comitatus Act when they are on federal active duty, and this interpretation is followed today”.<sup>23</sup>

#### VETERANS' STATUS

Soldiers serving under Title 10 are granted all veterans benefits that come with receiving veterans' status, while Title 32 soldiers are not. Further, Title 10 soldiers are protected under the Soldiers' and Sailors' Relief Act (SSRA), but Title 32 soldiers have no rights under the act's provisions.<sup>24</sup>

In other words, a soldier serving under Title 32 cannot request financial relief in the event that military pay earned during activation is less than the pay normally received from the civilian job. A soldier activated under Title 10 can request adjusted loan payments for the period of

duty, and can have loan interest adjusted during that time without penalty. Title 32 soldiers are not afforded the same legal or financial liability protections.

## **ROLE OF THE NATIONAL GUARD**

### **BEFORE 9/11**

The National Guard's history is rich with its members defending our homeland for almost 366 years. The first National Guard units were organized on 13 Dec 1636. Their mission was "to defend the settlement and colony in case of attack".<sup>25</sup> The National Guard formally originated in the United States Constitution, which calls for the training of a militia to "fill the needs of the armed forces whenever, during, and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components."<sup>26</sup>

Historically, the National Guard trained and waited, ready to augment the Regular Army in case of major war, or to answer the call of the state governor for local disasters or emergencies. National Guard soldiers have served in every conflict since the Pequot War of 1637, World Wars I and II, Korea, Vietnam, Desert Shield/Desert Storm, as well as Small Scale Contingency Operations around the world.<sup>27</sup> One of the reasons that former Presidents Johnson and Nixon were very reluctant to mobilize Reserve Components for the Viet Nam War was the "fear of generating greater opposition to it".<sup>28</sup> When a guard unit is mobilized, a large number of citizens from a localized area are called away at the same time, so an entire community suffers. For example, a rural town with a population of 2500 could feasibly lose 150 citizens, including civil servants, business owners, teachers, and parents. When an entire area is impacted, it is not unusual for congressional leaders to be barraged with phone calls and letters.

General Creighton Abrams, serving as the Army Chief of Staff after serving as the U.S. military commander in Vietnam, restructured the composition of Active and Reserve Component force structures. His intent was that the next time the United States was involved in a major conflict or war, the Reserve Component would have to be mobilized. Aside from the monetary savings, General Abrams believed that the necessity of calling Reserve Component forces would "prevent the country from becoming involved in protracted, unpopular wars",<sup>29</sup> and that the political leaders would not be as quick to commit Armed Forces in combat if the Reserve Component had to be called up.

After the end of the Cold War, the active component strength dropped about 40%, while deployments overseas increased. The combination of these actions requires mobilizing the

National Guard to augment almost every conflict and small-scale contingency around the globe.<sup>30</sup> 71,000 Army Guard soldiers supported the active component in 64 countries in the year 2000. By 2001, the Army Guard's deployments increased 27%, with soldiers in 87 countries.<sup>31</sup> Today, we have Guardsmen deployed to Southwest Asia, Bosnia, Kosovo, the South Pole, Central and South America, augmenting every conflict and small-scale contingency around the globe. Additionally, the Partnership for Peace Program keeps Guardsmen in 30 countries for ongoing training and continuous reciprocal visits.<sup>32</sup>

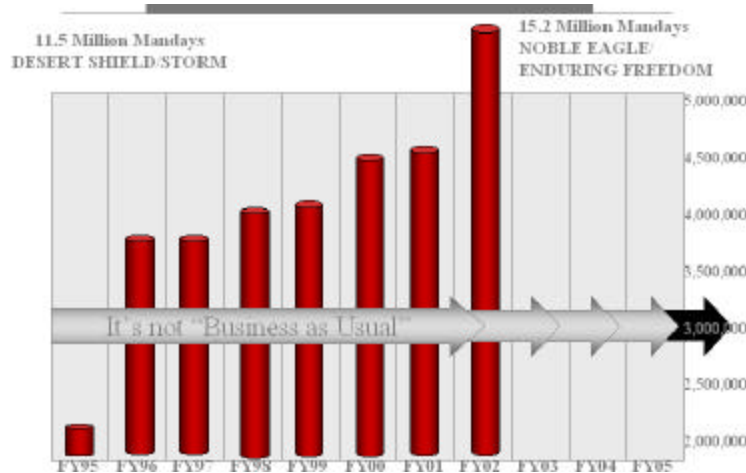


FIGURE 2: ARNG PERSTEMPO FY95-FY02 SOURCE: NGB-ARO

#### CHALLENGES AND PROBLEMS IN MOBILIZING THE NATIONAL GUARD FOR HOMELAND SECURITY

Regardless of MOS, most National Guard units train for possible duty in crowd control, security of public buildings, and civil disturbance procedures. Responding to our country's needs in the wake of terrorist attacks on our country that took place September 11, 2001, the National Guard answered the call to provide additional security for the Homeland. President Bush and Secretary of Defense Rumsfeld asked the state governors to activate National Guard soldiers in Title 32 status for Airport Security duty.<sup>33</sup> Under Title 32, the soldiers could be armed for the airport security mission. Over 7000 Guardsmen were notified and reported within seven days to augment security in more than 440 airports in the United States.<sup>34</sup> From September 2001 until May 2002, these National Guard soldiers not only provided security to the

infrastructure against further attacks, but they also provided assurance and peace of mind to the American public.<sup>35</sup>

There was a deliberate decision to call up these soldiers under a state-controlled status. Partly due to the fact that Posse Comitatus would not apply,<sup>36</sup> and also because the airports in which they would be working are not federal property, Title 32 seemed to be the logical choice. Additionally, under Title 10 status, entire units are typically activated, whereas under Title 32, individual soldiers could volunteer for the duty, providing more flexibility to soldiers and commanders. Individuals can also volunteer to be cross-leveled into a unit activated under Title 10, but since the unit is called up, the volunteer would have to match the MOS and grade requirement of the vacant position in accordance with the MTOE, then be transferred into the activated unit.

MG Raymond F. Rees, former Acting Chief, National Guard Bureau, indicates some difficulty in this activation, because up to this point, there was no precedence of a presidential request of the governors to activate Guardsmen under Title 32. There were no doctrines, regulations, and resourcing rules changed almost daily.<sup>37</sup> This further complicated pay for these soldiers, as orders were amended numerous times with changes to funding sources. National Guard soldiers' pay is processed only with the submission of a valid order, so sometimes pay was delayed, or paid, collected, then paid again under a new funding code. Additionally, payment of Basic Allowance for Housing was affected, because although the duty was continuous, it was not continuous under one order. This confusion emphasizes the importance in making decisions in advance regarding the status and rules of these types of activations.

Also in response to September 11, 35,000 National Guard soldiers were called up under Title 10 providing security within CONUS at various sites including federal property, borders and key assets.<sup>38</sup> These soldiers were paid by federal funds, and were under federal control. While called to duty during the same timeframe as the Airport Security soldiers, different rules and benefits applied. These soldiers were granted all veterans benefits that come with receiving veterans status, while the Title 32 soldiers were not. They were also protected under the Soldiers' and Sailors' Relief Act (SSRA), but the Title 32 soldiers had no rights under these provisions<sup>39</sup>. Additionally, the soldiers on Title 10 status were subject to the Uniform Code of Military Justice, while Title 32 soldiers were disciplined under applicable state codes.

## **NEEDS AND CHALLENGES OF HOMELAND SECURITY MISSION FOR THE NATIONAL GUARD**

Even prior to the terrorist attacks on our country, President Bush said that the National Guard would be “more involved in Homeland Security, confronting acts of terror and the disorder our enemies may try to create.”<sup>40</sup> Several of his Cabinet members including Secretary of Defense, Donald H. Rumsfeld, Secretary of the Army, Thomas E. White, and Secretary of Transportation, Norman Y. Mineta, cited the National Guard’s skills, experience, professionalism and community ties in its possible nomination for Homeland Security missions.<sup>41</sup>

The commander of NORTHCOM, General Ralph Eberhart, stated that “we can’t have a Northern Command, we can’t provide for the homeland defense and the homeland security of this great nation and this area of responsibility without the Guard.”<sup>42</sup> But he also acknowledges that the global missions of the military cannot be completed without the Guard either. General Eberhart said that to assign Homeland Security as the only National Guard mission would significantly degrade other military operations.

Our elected officials see a viable role for the National Guard in Homeland Security. Senator Joseph Lieberman, Senate Governmental Affairs chairman says that “no part of our military is better suited to aid in providing for the common defense of our homeland than the National Guard. As the national militia, under the direct command of each of the 50 state governors, its core mission naturally extends to homeland defense.”<sup>43</sup> Senator Lieberman was referring to the geographical representation that the National Guard provides. The Army Guard has over 3,000 armories nationwide including rural areas, and the Air Guard is located in 140 locations that are more centralized metropolitan areas. Senator Lieberman also cited the fact that National Guard soldiers have proven themselves in previous global and domestic operations as a factor in being right for the Homeland Security role. He introduced legislation to require the Director of the new Department of Homeland Security to coordinate not only with the Secretary of Defense, but with the state governors as well, “regarding the integration of the United States military, including the National Guard, into all aspects of homeland security strategy”.<sup>44</sup>

Senator Diane Feinstein has introduced a bill stating that National Guard units should be trained and equipped for responding to emergencies within our country. Her bill would authorize the Secretary of Defense to provide funding to the states activating the Guard for Homeland Security tasks. State governors would be required to first submit a plan showing how they would deploy and use the Guard for these purposes. The Defense Secretary would also be required to submit a report reflecting funding by state and the impact that the Homeland

Security training has on readiness. This bill would also permit activating guardsmen in a Title 32 status to allow more flexibility for soldiers, employers, and families.<sup>45</sup> Another provision would authorize funding of Guard personnel and equipment to work with the immigration affairs directorate of the Department of Homeland Security to transport aliens who are in violation of state or federal laws relating to terrorist acts.<sup>46</sup> Senator Feinstein's bill is supported by the co-chairs of the Senate National Guard Caucus, the National Governors' Association, the Adjutants General Association of the United States, the National Guard Association of the United States (NGAUS), and the Hart-Rudman task force.<sup>47</sup> These groups and individuals support the bill because of the funding assistance and flexibility the bill provides to the states and to National Guard members. Senator Feinstein says the National Guard should have a key role in Homeland Security because of the ties to local communities, their "capabilities, legal authority and structure to help respond to attacks on the homeland".<sup>48</sup>

Both ends of the political spectrum agree that the National Guard should have a viable role in Homeland Security, given their ability to respond quickly and to remain flexible as missions change.<sup>49</sup> Jack Spencer, an author for The Heritage Foundation, a conservative organization, has strongly endorsed the National Guard as the military's lead agency for the Homeland Security mission due to its organization, skills, technology, and equipment.<sup>50</sup> He sees the National Guard, under command of the State Area Commands (STARCs), linking the military to the local level. He thinks their responsibilities should include training of state and local agencies' first responders in weapons of mass destruction (WMD), responding to crises with combat support and combat service support assets, rebuilding mitigating infrastructure (roads, bridges, water supplies), and providing backup power, water, and communications. Mr. Spencer strongly believes that the National Guard should not be guarding airports or borders. That work should be routinely be accomplished by the Transportation Security Administration or the Border Patrol. He stresses that the special skills and training that the guardsmen have should be used wisely, giving these soldiers meaningful missions that will greatly assist the local community. Because of the importance that the Homeland Security mission has, Mr. Spencer encourages equalizing the benefits and respect given with overseas service.

Steven Nider, director of foreign and security studies at the Liberal Progressive Policy Institute thinks that Homeland Security should be the priority mission for the Guard, but thinks they should continue global missions as well. To the other extreme, a non-partisan think-tank, the Center for Strategic and Budgetary Analysis has indicated their support for the Guard carrying Homeland Security as its key role.<sup>51</sup>

Paul McHale, President Bush's nominee as the Assistant Secretary of Defense for Homeland Defense recently met with the Senate Armed Services Committee to answer questions regarding his nomination. He expressed his opinion that the National Guard "should be a 'balanced' force, in the sense members are equally as trained and prepared for new, major roles in Homeland Defense as for potential overseas missions".<sup>52</sup> Mr. McHale believes that the National Guard should have a key role in Homeland Security, but should not be eliminated from global missions.

Most of the Adjutants General want the National Guard have a role in Homeland Security, but do not want it to be their *only* role.<sup>53</sup> The states' leaders feel that if the National Guard does not continue to work global missions alongside the active component counterparts, it will not only lose optimal training opportunities, but it could lose relevance as well. The soldiers are more likely to be working in their assigned MOS in a global mission, where state missions could be regarded as little more than a security guard. Soldiers feel good about being called to do a job for which they have trained hard, and being able to demonstrate proficiency in that job. On the other hand, unless the importance and value is evident, going to guard a bridge when you are a tank gunner can degrade morale.

Adjutants General, governors, and the National Guard Bureau want their units structured so they can accept the full range of Army missions.<sup>54</sup> History provides a lesson learned by the Canadian military, when they sought civilian missions to justify their existence during peacetime. When it was time to fight and defend, they were not trained, and readiness suffered.<sup>55</sup> When the governors provided input to the then Office of Homeland Security for the National Strategy for Homeland Security, they indicated that the National Guard would best serve the mission, regardless of the soldiers' status. However, Title 32 was their preferred status for the duty, since it would provide more flexibility for other training, other requirements and soldiers' personal circumstances.<sup>56</sup>

The Adjutants General want to back Senate Provision 2514, which calls for activating National Guardsmen for Homeland Security duty for up to 179 days with possibility of extension. This bill specifies that the duty would be performed in Title 32, under control of the state Governor.<sup>57</sup>

### **SPECIAL SKILLS FOR A UNIQUE FORCE**

The National Guard currently has 32 Civil Support Teams (Weapons of Mass Destruction), also known as CSTs, which are manned with 22 full-time personnel (Army and Air National Guard in Title 32 Status, Active Guard and Reserve). These federally funded units

were established beginning in 1999, in accordance with Presidential Decision Directive 39. These units are equipped, trained and ready to respond to attacks on our country with weapons of mass destruction.<sup>58</sup>

The CSTs were designed to “augment local and regional terrorism response capabilities in events known or suspected to involve Weapons of Mass Destruction. WMD events are incidents involving hostile use of chemicals (such as nerve or blister agent), biological (for example, anthrax), or radiological agents.”<sup>59</sup> A team can be ready to deploy within four hours of notification to support civil authorities. The CST’s main mission is to assess a suspected WMD event, advise the first responders with actions to take in accordance with the assessment, and to assist in the process of saving lives, prevent or minimize human suffering, and alleviate property damage.

It is important to remember that the CSTs were not created to substitute as first responders, but rather, to supplement the civil resources as military responders with special skills and equipment. The capabilities that the teams bring to the scene are crucial for the period between the initial local response and the arrival of federal assistance assets. A WMD attack could easily overwhelm the local and state resources in a time when quick, accurate identification is crucial.

The Hart-Rudman task force made a recommendation to the Department of Defense to establish a total of 66 teams so that larger states would have multiple teams for better coverage and decreased response time.<sup>60</sup> The goal is to stand up CSTs in the remaining states and United States Territories by the first quarter of 2004.<sup>61</sup>

The National Guard also has trained personnel including linguists, and equipment located throughout the country that can assist in intelligence and information management. While these soldiers cannot collect and store data on individuals, they can augment other agencies that have that responsibility by providing skills as they currently do in counter-narcotics. The Executive Order 12333 and Chapter 3, DoD Regulation 5240.1-R, are currently under review to determine if the existing limitations should be changed or removed.

#### **IMPLICATIONS OF MULTI-TASKING**

As of 15 March 2003, over 130,000 National Guard members had been notified, mobilized or deployed; and more are preparing to go.<sup>62</sup> Some were providing security in CONUS, but others were deployed overseas. While it is too early to speculate on the total number of Guardsmen that will be called up to support the military action in Iraq, 83,304 have been mobilized to date, surpassing the 63,000 in the Gulf War.



Historically, mobilizations have been for periods of 180 days to one year. Last year in support of Operations Noble Eagle and Enduring Freedom, guardsmen were activated for a period of two years, for the first time since the Vietnam War.<sup>63</sup> Unfortunately, the active duty period for 14,000 National Guard and Reserve members was extended from one to two years, just as their initial tour of duty was coming close to an end.<sup>64</sup> This can create difficulty and frustration in the disruption of the Guardsmen's' civilian lives. Although most National Guard soldiers are happy to serve, they have employers back home still trying to run businesses. Some soldiers suffered a substantial decrease in income while on active duty, and others have lost their career or student status due to long and sometimes multiple periods of mobilization in the past decade.

Prior to the end of the Cold War, a National Guard member rarely wondered *if* he or she would ever be mobilized. Things have changed dramatically since then -- now the questions are *when* and *for how long*. Even the Department of Defense Homeland Defense Office admits that answers to these activation questions have not been decided yet.<sup>65</sup>

Supporting overseas deployments, homeland security, plus working state missions such as disaster relief and support to civil authorities, leaves little time for a Guardsman's professional development, personal life, or civilian career. The negative impact on recruiting and retention is already surfacing. According to the "State of the ARNG, 9/11 +1 Year Soldier Survey Feedback Report, there is a "correlation between deployments and challenges in attrition/retention".<sup>66</sup> A military analyst for the Center for Strategic and International Studies estimates that "there is a morale problem in 70 percent of those [soldiers who were] mobilized".<sup>67</sup>

Further, the patience of some employers is wearing thin. The Employer Support of Guard and Reserve, the national organization that provides ombudsmen as mediators for problems between reservists and their employers, has been very busy since September 11th. "The problem is that many employers either don't know the law or have taken a financial hit since last September and don't want to know it."<sup>68</sup> In all fairness to employers, some businesses have suffered from the absence of a deployed soldier. Small businesses in particular, feel the pain of long deployments. Some had to either work other employees overtime, or hire a temporary employee to backfill the vacated position. When the duty is extended at the last moment, the employer is left with a difficult situation that can severely impact the business.

Defense Secretary Rumsfeld expressed his unhappiness with the needless hardship for Guard members and their employers. "They're perfectly willing to be called up, but they only want to be called up when they're needed and for something that's a real job", he said. "And

they prefer not to get jerked around and called up two or three or four months before they're needed, and then found they're not needed and send back home with a 'Sorry about that.'<sup>69</sup> For example, Guardsmen were called up to support Airport Security for a period of four months. At the last moment, the duty was extended for another three months. At the last moment, the period of duty was reduced. Not only were the soldiers' lives effected, but the employers who had hired temporary replacements were left in an uncomfortable situation because of the commitments made to the temporary employees.

The recent extended and repeated deployments of the Guard and Reserves have resulted in the Department of Defense considering realignment of Active and Reserve Component units. There are some skills that are mostly or exclusively in the Reserve Component, such as chemical brigades, water supply battalions, civil affairs, psychological operations, and military police. "It doesn't make sense to have the people who are required very early in a conflict in the reserves" according to Secretary Rumsfeld. "We need to have those skills on active duty as well as in the reserves and we need to be able to live in the world we're living in."<sup>70</sup>

General Abrams revised the force structure to integrate reserve and active components "so closely as to make the reserves virtually inextricable from the whole".<sup>71</sup> However, Secretary Rumsfeld wants to ensure that the increased dependence on the reserve component is reversed, and says "we intend to see that we're no longer organized that way in the future".<sup>72</sup> MG Gus Hargett, the Adjutant General for Tennessee National Guard, who also serves as the Chairman of the Board for the National Guard Association of the United States worries about the "waning support for the Abrams Total Force Doctrine".<sup>73</sup>

MG Hargett argues that reorganization is not the solution; he asserts that the problem is the lack of adequate resources for the National Guard.<sup>74</sup> Equipping the force with the equipment as indicated on the MTOE, not substitutes that frequently do not meet the mission requirements, is an absolute must. Further, the National Guard typically has older equipment than the active component counterparts. In some National Guard units, the combat equipment is "three generations older than the active Army".<sup>75</sup>

There have been situations where the Guard was activated but did not have interoperability with the supported Army unit due to outdated equipment. A common example is communications equipment. While most active units are outfitted with SINGARS radios, the National Guard units still use VCR 12 radios. As a result, the units could not communicate unless cross-leveling of equipment is accomplished.<sup>76</sup> LTC Donald Currier was Commander of the 579<sup>th</sup> MP Bn, CA ARNG when the unit was activated for Operation Noble Eagle at Ft. Lewis, WA. His unit not only experienced the radio problem (which was never resolved), but also had

outdated HMMWV vehicles and M-16A1 rifles, for which ammunition was not available. LTC Carrier further stated that his National Guard unit was not unique in the problems encountered with outdated equipment.<sup>77</sup>

Until the expectations for the National Guard's continued support of overseas missions are clearly defined, it will be difficult to determine their role in Homeland Security. While they can contribute significantly to both Homeland Security and support the Active Component in global operations, they cannot do both missions full scale with the current force structure, end strength, and equipment.

## **RECOMMENDATIONS**

### **MISSIONS, STATUS, FORCE STRUCTURE**

The National Guard should be given the key role in the NORTHCOM Homeland Security missions. The skills, equipment, and geographical displacement of the units and soldiers contribute greatly to the requirement of working with civil authorities. However, this must be done while still giving the National Guard global missions next to the active component. The Homeland Security missions should be completed under Title 32 status, allowing maximum flexibility for the states and for the soldiers, and enhancing readiness postures<sup>78</sup>. The Soldiers' and Sailors' Relief Act (SSRA) and other veterans benefit bills should be amended to include active duty under Title 32 duty for 30 days or more.

The National Guard soldiers performing duty in support of Homeland Security should remain under control of the state governor. Standing Memorandums of Agreement (MOAs) should be prepared ahead of time to outline the chains of command and coordination, so that the missions can flow from NORTHCOM, yet coordination can be done at the lowest possible level with local governments. An example of this procedure is the MOAs that were prepared between the Governor of Utah (through the Adjutant General), Commander, U.S. Joint Forces Command (CUSJFCOM), and the Chief, National Guard Bureau. These documents "established the working relationships, policies, procedures, and coordinating responsibilities of organizations/agencies supporting the Olympics"<sup>79</sup> in Salt Lake City, Utah. Similar MOAs were developed for the ten other states that provided National Guardsmen for the Task Force supporting the Utah National Guard in the mission.

The Posse Comitatus Act should be reviewed for possible rewording and clarification. As the military works more and more with communities, the interpretation of the law must be crystal clear to everyone, in order to prevent unneeded additional confusion during a crisis. The national environment has evolved since the act was written after the Civil War. There have

been numerous changes to allow use of the military to support civilian authorities in counter-drug operations, enforcement of health and quarantine laws, immigration enforcement, protection of national parks, supporting the Los Angeles Riot in 1992, the Super Bowl Games, and the Olympic games within CONUS. These changes were brought about through the Enhanced Border Security and Visa Reform Act of 2002, the USA Patriot Act, and Presidential Decision Directive 62.<sup>80</sup> Planning and coordinating for Homeland Security must be a primary consideration in the interpretation of the act and its applications.

The National Guard should be resourced with the equipment it needs to accomplish its missions in the most efficient manner possible. The Guard must have interoperability capabilities to work with Active Component counterpart, which will in turn, contribute greatly to civic operations as well.

#### PRIORITIZATION OF NATIONAL GUARD MISSIONS:

National Guard Units should take part in global operations where soldiers are more likely to be working in their assigned MOS, rather than as security guards. We must ensure that the readiness of the National Guard is not compromised, so that when they are needed to augment our Active Component, they can do so. It is important to remember that the National Guard is the Strategic Reserve, which is needed in every conflict and contingency. Compromising the primary mission would place our nation's vital interests at an unacceptable risk.

I recommend a designation similar to the former CAPSTONE alignments to indicate the primary mission of a National Guard unit, on a rotating basis. For example, some Military Police, Engineer, Aviation, Signal, and NBC units would be "aligned" with NORTHCOM and the Homeland Security mission, with a secondary overseas mission. Unit training would center on deploying within CONUS for MOS-related Homeland Security tasks. Upon rotation, these units would be assigned overseas support as primary mission and Homeland Security as a secondary mission. Under the current force structure, about half of the Army Guard and 20% of the Air National Guard would provide good MOSs for civil support. Most of the combat units should be assigned the overseas primary missions.<sup>81</sup>

Unquestionably, the National Guard has equipment and skilled soldiers to significantly contribute to Homeland Security. The Guard is accustomed to responding quickly, which builds flexibility into every operation; mobilization exercises ensure the soldiers' records are ready and that plans are current. Additionally, the geographic location and ties to local communities make this force very appealing for ease of disbursement. Several options for tasking the National Guard in Homeland Security are:

## TRAINING:

The CSTs could provide training for state and local first responders to prepare for chemical, biological, radiological, or nuclear events. Training could include determining whether or not to enter an area, setting up triage, and coordinating joint training exercises. National Guard armories, training sites, and Regional Training Institutions would provide ideal training locations. With video-teleconferencing already in place, with networks running interstate and intrastate, a large number of personnel other than first-responders could observe the training as well.<sup>82</sup>

Training exercises conducted with federal, state, and local response teams will be critical to ensure the highest level of homeland security. The After Action Reports should be shared with other states and regions to ensure maximum effectiveness of the training to cross over to actual events, if necessary.<sup>83</sup>

## PREVENTION AND PROTECTION:

### **Intelligence and Information Warfare:**

The National Guard could be used to assist in the areas of intelligence and information warfare. Even if the limitations are not lifted regarding military members collecting and storing data on individuals, the National Guard's linguist and interception skills and equipment would still be extremely helpful to the state and local authorities. They could greatly contribute in local investigative agencies' efforts to prevent terrorist attacks, and to minimize consequences should a threat surface.

### **Counter-narcotics:**

The National Guard has worked counter-narcotic missions in concert with federal, state and local agencies for over 12 years now.<sup>84</sup> These programs should be granted a permanent status, and should be expanded, as narcotics are a main source of income for terrorist groups. By choking the source of funding, we can help minimize the effects of terrorist attacks and reduce the effectiveness of terrorist communications network.

### **Security:**

During high threat levels, the Air Guard could patrol the borders and the skies above metropolitan areas, as they did after 11 September. The Army Guard could work with civic leaders protecting infrastructure, including roads, ports, airports, bridges, and railways. This

mission should be done only in extraordinary situations, or else guardsmen could end up with a “rent-a-cop” role.

#### CONSEQUENCE MANAGEMENT:

##### **Detection and Assistance:**

We should complete the fielding of 66 CSTs in the states. Additionally, we should establish Regional Chemical and Biological Incident Response Teams, manned with 300 personnel to detect and assist in consequence management, to further enhance our ability to assist local communities.<sup>85</sup>

##### **Medical Treatment:**

National Guard medical personnel could augment local hospitals in the event of injuries or illnesses of catastrophic magnitude. Local medical professionals may be either overwhelmed with the volume of patients, or could be directly effected by the crisis. National Guard Medical Corps and Medical Service Corps could be deployed from other states to complement medical staffs. Memorandums of Agreement could be executed among states so that forces in a Title 32 non-federal status can work in another state with parallel chains of command. The National Guard's CSTs already have the mission to respond to use of weapons of mass destruction on our country.

##### **Crowd control:**

In the event of a catastrophe, it may be necessary to control a riot, or to divert masses of people to or from a given area. The National Guard could assist local law enforcement agencies until the situation is under control. While this is currently a state mission, it may be necessary to expand the duty, crossing state boundaries.

##### **Rebuilding the infrastructure:**

National Guard soldiers could assist with the repair or rebuilding of roads, bridges, communication systems, water purification and delivery, and power generation.<sup>86</sup> This should not be a routine mission, but in a catastrophic situation, the Guard can step in until civil assets can absorb the required actions to rebuild the infrastructure.

#### **SUMMARY**

The National Guard is a precious resource. It has provided augmentation to our active duty forces, and has supported the states in civil disasters and disturbances. It can also fill an

important role in Homeland Security provided we ensure balance with the Guard's traditional mission of international operations and support to the governors. We must ensure that the Guard receives the resources it needs for advancement. Giving the Guard the old, obsolete equipment will only hurt the desired outcome. No less important, the soldiers must receive the respect they deserve, to include equal benefits and protections for service to their country. As LTG Roger Schultz, Director the Army National Guard said:

The nation relies on the Army National Guard more than ever before to accomplish an increasing number of vital missions. We owe it to our soldiers to provide them with the best equipment, the best training and the best leadership that we can. As the director of the Army National Guard, I will do everything I can to ensure that our soldiers have adequate resources as a premier fighting force, allowing them to continue to be ready to defend our national interests. Our ability to be ready when called on by the American people is, and always will be, our top priority and our bottom line.<sup>87</sup>

WORD COUNT = 7,682

## ENDNOTES

<sup>1</sup> George W. Bush, National Security Strategy of the United States of America (Washington D.C.: The White House, September 2002), 1, 24.

<sup>2</sup> George W. Bush, National Strategy for Homeland Security (Washington, D. C.: The White House, July 2002), 67.

<sup>3</sup> Secretary of Defense Donald Rumsfeld, Quadrennial Defense Review Report (Washington D.C., Department of Defense, September 30, 2001), 18.

<sup>4</sup> Ibid, 30.

<sup>5</sup> Bush, National Strategy for Homeland Security, 13.

<sup>6</sup> Department of Defense, Military Assistance to Civil Authorities, Department of Defense Directive Number 3025.15 (Washington, D.C., Department of Defense, 18 February 1997), 3.

<sup>7</sup> George W. Bush, Securing the Homeland, Strengthening the Nation (Washington D.C., The White House, 2002), 2.

<sup>8</sup> Homeland Security Director Tom Ridge, in Remarks by Homeland Security Director Tom Ridge to the National Association of Broadcasters Education Foundation 2002 Service to America Summit on 10 June, 2002, Washington, D.C.; available from <http://www.whitehouse.gov/news/releases/2002/06/20020610-7.html>; Internet; accessed 26 September 2002.

<sup>9</sup> Antulio J. Echevarria II, LTC, US Army, "Protecting Americans at Home While Pursuing America's Foes Abroad: The Army and Homeland Security in the 21<sup>st</sup> Century," in Implementing National Security April 2002 (Carlisle, PA: U.S. Army War College, 2002), 11.

<sup>10</sup> Secretary of Defense Donald Rumsfeld, "Military wants to Phase Out of Homeland Security Role, Norfolk Virginia Pilot, 27 October 2001; quoted in Antulio J. Echevarria II "Protecting Americans at Home While Pursuing America's Foes Abroad: The Army and Homeland Security in the 21<sup>st</sup> Century," Implementing National Security April 2002 (Carlisle, PA: U.S. Army War College), 11.

<sup>11</sup> Bush, National Strategy for Homeland Security, 2.

<sup>12</sup> Department of Defense, "Terms of Reference", Unified Command Plan 2002 TOR (Washington, D.C.: Department of Defense, 2002).

<sup>13</sup> Ibid.

<sup>14</sup> Peter Verga, Statement Before the House Armed Services Military Procurement Subcommittee, March 5, 2002

<sup>15</sup> Declaratory Judgment Act, U.S. Code, Title 42, Section 5170b.

<sup>16</sup> Department of Defense, Military Assistance to Civil Authorities, 3.



<sup>17</sup> Secretary of the Army Thomas E. White, in speech from 124<sup>th</sup> NGAUS General Conference (Long Beach CA 8 September 2002); available from <http://www.ngaus.org/resources/whitespeech.asp>; Internet; accessed 1 October 2002.

<sup>18</sup> Secretary of Defense Donald Rumsfeld, Testimony to the Senate Appropriations Committee, referenced by MG Raymond F. Rees, ARNG, Acting Chief, National Guard Bureau, in Speech from 124<sup>th</sup> NGAUS Conference (Long Beach, CA 8 September 2002, p. 4); available from <http://www.ngaus.org/resources/reesspeech.asp>; Internet; accessed 1 October 2002.

<sup>19</sup> Declaratory Judgment Act, U.S. Code 32, Sections 101, 102, 113, 501.

<sup>20</sup> National Guard Association of the United States, "Legislative Alert, subject: Defense Authorization Conference debating Title 10 v. Title 32 for securing the homeland", (Washington, D.C.: NGAUS) 13 Sep 2002, 1.

<sup>21</sup> Declaratory Judgment Act, U.S. Code, Title 10, Sections 10503, 12311.

<sup>22</sup> John R. Brinkerhoff, "The Posse Comitatus Act and Homeland Security", Journal of Homeland Security Feb 2002 [journal on-line]; available from <http://www.homelandsecurity.org/journal/Articles/displayarticle.asp?article+30>; Internet; accessed 5 October 2002.

<sup>23</sup> *ibid.*

<sup>24</sup> National Guard Association of the United States "Legislative Alert, subject: Defense Authorization Conference debating Title 10 v. Title 32 for securing the homeland", 1.

<sup>25</sup> Ronald Hunter, 2002 National Guard Almanac (Falls Church: Uniformed Services Almanac, Inc., 2002), 142

<sup>26</sup> National Guard Bureau, "Army National Guard Fact Sheet"; available from [http://www.ngb.dtic.mil/downloads/fact\\_sheets/arng.shtml](http://www.ngb.dtic.mil/downloads/fact_sheets/arng.shtml); Internet; accessed 2 November 2002

<sup>27</sup> *ibid.*

<sup>28</sup> Thom Shanker, "U.S. Considers Limits on Role of the Reserves", New York Times, 26 January 2003, 1.

<sup>29</sup> *ibid.*

<sup>30</sup> Ann Scott Tyson, "Reservists Now Play Central, Not Backup, Role", Christian Science Monitor, 3 September 2002, 2.

<sup>31</sup> Jack Spencer and Larry M. Wortzel, "The Role of the National Guard in Homeland Security," The Heritage Foundation Executive Memorandum, No. 1532, 8 April 2002, 3.

<sup>32</sup> LTC Doug Wilkinson, ARNG, "Guard One Liners", The TAGram, National Guard Bureau, Sep 2002, 1.

<sup>33</sup> Spencer and Wortzel, 5.

<sup>34</sup> Rees.

<sup>35</sup> Secretary of Transportation Norman Y. Mineta, in speech from 124<sup>th</sup> NGSUS General Conference, Long Beach, CA, 8 Sep 2002; available from <<http://www.ngaus.org/resources/minetaspeech.asp>>; Internet; accessed 2 November 2002.

<sup>36</sup> Brinkerhoff, "The Posse Comitatus Act and Homeland Security," 8.

<sup>37</sup> Rees.

<sup>38</sup> LTG Roger Schultz, Director Army Guard, "Army National Guard: Citizen-Soldiers Protecting and Defending the U.S.A.," Army, October 2002, 104.

<sup>39</sup> Spencer and Wortzel, 5.

<sup>40</sup> Bill Miller, "National Guard Awaits Niche in Homeland Security Plan: White House's Caution Chafes Against Those Urging Action," Washington Post, 11 August 2002, 12.

<sup>41</sup> Rumsfeld, Quadrennial Defense Review Report, 30. See also White, and Mineta.

<sup>42</sup> Ralph E., Eberhart, GEN, Commander, U.S. Northern Command and NORAD, in speech from 124<sup>th</sup> NGAUS General Conference, Long Beach, CA, 7 Sep 2002; available from <<http://www.ngaus.org/resources/eberhartspeech.asp>>; Internet; accessed 2 November 2002.

<sup>43</sup> Joe Lieberman, "The Best Defense: Leveraging the Strength of Our Military to Protect the Homeland", as prepared for delivery to the Progressive Policy Institute Forum, 26 June 2002; available from <<http://www.senate.gov/lieberman/speeches/02/06/2002626836.html>>; Internet; accessed 22 September 2002.

<sup>44</sup> Ibid.

<sup>45</sup> National Guard Association of the United States, "Legislative Alert, subject Guard Act of 2003," Washington, D.C., 5 February 2003.

<sup>46</sup> National Guard Association of the United States, "Washington Update: Senate Considers Homeland Security Funding for States" National Guard, March 2003, 10.

<sup>47</sup> Jeremy Feiler, "Senators Want National Guard Role in Homeland Security Defined," Inside the Pentagon, 30 January 2003, 1.

<sup>48</sup> National Guard Association of the United States, "Washington Update: Senate Considers Homeland Security Funding for States", 10.

<sup>49</sup> Lieberman, 4. See also Spencer and Wortzel, 4, and William Matthews and Christopher Pradzick, "Price of Success?," National Guard, September 2002, 41.

<sup>50</sup> Spencer and Wortzel, 4.

<sup>51</sup> Matthews and Prawdzik, 41.

<sup>52</sup> National Guard Association of the United States, "Washington Update: Senate Considers Homeland Security Funding for States", 12.

<sup>53</sup> National Guard Association of the United States "Legislative Alert, subject: Defense Authorization Conference debating Title 10 v. Title 32 for securing the homeland", 1.

<sup>54</sup> Matthews and Prawdzik, 41.

<sup>55</sup> Harry Summers, "When Armies Lose Sight of Purpose," Washington Times, 26 December 1991, D3.

<sup>56</sup> Kristin Patterson Jones, "State Officials Advocate National Guard Be a Lead Domestic Military Force on Homeland Security", (Washington, D.C.:NGAUS 23 August 2002); available from <http://www.ngaus.org/newsroom/nga82302.asp>; Internet; accessed 23 August 2002.

<sup>57</sup> National Guard Association of the United States Legislative Alert, "Defense Authorization Conference Debating Title 10 v. Title 32 for Securing the Homeland", 1.

<sup>58</sup> Patterson Jones.

<sup>59</sup> MAJ Charles Tilton, TNARNG, "45<sup>th</sup> CST-WMD Civil Support Team Fact Sheet", (Nashville, TN: Tennessee Army National Guard, 10 November 2002).

<sup>60</sup> Feiler, 1.

<sup>61</sup> Tilton.

<sup>62</sup> National Guard Association of the United States [ngaus@ngaus.org](mailto:ngaus@ngaus.org), "NGAUS Weekly Update", electronic mail message to LTC Many-Bears Grinder [manybears.grinder@us.army.mil](mailto:manybears.grinder@us.army.mil), 14 March 2003.

<sup>63</sup> Tom Squitieri, "Pentagon Grapples With When to Call Up Reserve, Guard," USA Today, 6 December 2002, 8.

<sup>64</sup> Steve Vogel, "For Reservists, Reservations: Prospect of Lengthy Service Worries Many Troops," Washington Post, 26 September 2002.

<sup>65</sup> Ann Lucius, "Reservists Homeland Deployment: Military Can't Speculate", The Reserve and National Guard, Spring/Summer 2002, 20.

<sup>66</sup> Dave Gauntlet, prepared for NGB, "State of the ARNG, 9/11 +1 Year Soldier Survey Feedback", Arlington, VA March 2003.

<sup>67</sup> Bay Fang, "Off to War", U.S. News & World Report, 11 November 2002

<sup>68</sup> Ibid.

<sup>69</sup> Shanker, 1.

<sup>70</sup> Robert Schlesinger, "Defense Set to Realign Active, Reserve Units," Boston Globe, 27 January 2003, 9.

<sup>71</sup> MG (ret) Bruce Jacobs, "Lessons Lost?", National Guard, March 2003, 31.

<sup>72</sup> Ibid.

<sup>73</sup> MG Gus Hargett, Chairman of the Board, NGAUS and TAG TNARNG, "Transform the Guard, not Total Force Policy", National Guard, February 2003, 10

<sup>74</sup> MG Gus L. Hargett, Jr., Chairman of the Board, NGAUS and TAG, TNARNG, in remarks to the National Guard Association of Tennessee Annual Conference, Nashville, TN, 22 February 2003, cited with permission of MG Hargett.

<sup>75</sup> MG Gus Hargett, Chairman of the Board, NGAUS and TAG TNARNG, "Transform the Guard, not Total Force Policy", 10.

<sup>76</sup> Department of Defense, "Mobilizing the Reserve Forces in the 21<sup>st</sup> Century", Report of the DoD Mobilization Symposium, Version 0123, 18-20 November 2002, 17.

<sup>77</sup> LTC Donald Currier, CA ARNG, <[Donald.Currier@carlisle.army.mil](mailto:Donald.Currier@carlisle.army.mil)> "Question for SRP," electronic mail message to LTC Many-Bears Grinder, <[Many-Bears.Grinder@carlisle.army.mil](mailto:Many-Bears.Grinder@carlisle.army.mil)>, 14 March 2003.

<sup>78</sup> National Guard Association of the United States Legislative Alert, "Defense Authorization Conference Debating Title 10 v. Title 32 for Securing the Homeland", 1.

<sup>79</sup> Joint Center for Lessons Learned, "Homeland Security Authorities", Quarterly Bulletin, Volume V, Issue 1, September/December 2002, 6.

<sup>80</sup> Michael Scardaville and Jack Spencer, "Federal Homeland Security Policy: A Nine-Month Assessment, The Heritage Foundation, 25 June 2002; available from <http://www.heritage.org/Research/NationalSecurity/BG1563.cfm>; Internet; accessed 5 October 2002.

<sup>81</sup> John R. Brinkerhoff, "The Changing of the Guard: Evolutionary Alternatives for America's National Guard", Journal of Homeland Security, May 2002 [journal on-line]; available from <[http://www.homelandsecurity.org/journal/Articles/Brinkerhoff\\_guard.html](http://www.homelandsecurity.org/journal/Articles/Brinkerhoff_guard.html)>; Internet; accessed 5 October 2002.

<sup>82</sup> Spencer and Wortzel, 4.

<sup>83</sup> Scardaville and Spencer.

<sup>84</sup> Rees, 5.

<sup>85</sup> Lieberman.

<sup>86</sup> Spencer and Wortzel, 4.

<sup>87</sup> Schultz, 110.

## BIBLIOGRAPHY

Brinkerhoff, John R. "The Changing of the Guard: Evolutionary Alternatives for America's National Guard." Journal of Homeland Security May 2002. Journal on-line. Available from [http://www.homelandsecurity.org/journal/Articles/Brinkerhoff\\_guard.html](http://www.homelandsecurity.org/journal/Articles/Brinkerhoff_guard.html). Internet. Accessed 5 October 2002.

\_\_\_\_\_. "The Posse Comitatus Act and Homeland Security", Journal of Homeland Security February 2002: Journal on-line. Available from <http://www.homelandsecurity.org/journal/Articles/displayarticle.asp?article+30>; Internet. Accessed 5 October 2002.

Bush, George W. National Security Strategy of the United States of America Washington, D.C.: The White House, September 2002.

\_\_\_\_\_. National Strategy for Homeland Security. Washington, D.C.: The White House, July 2002.

\_\_\_\_\_. Securing the Homeland, Strengthening the Nation. Washington, D.C.: The White House, 2002.

Currier, Donald, LTC [Donald.Currier@carlisle.army.mil](mailto:Donald.Currier@carlisle.army.mil) . "Question for SRP." Electronic mail message to Many-Bears Grinder [Many-Bears.Grinder@carlisle.army.mil](mailto:Many-Bears.Grinder@carlisle.army.mil) . 14 March 2003.

Declaratory Judgment Act. United States Code. Title 10, Sections 10503, 12311.

Declaratory Judgment Act. United States Code. Title 32, Sections 101, 102, 113, 501.

Declaratory Judgment Act. United States Code. Title 42, Section 5170b.

Department of Defense. Military Assistance to Civil Authorities, Department of Defense Directive Number 3025.15, (Washington, D.C.: Department of Defense, 18 February 1997).

\_\_\_\_\_. "Mobilizing the Reserve Forces in the 21<sup>st</sup> Century", Report of the DoD Mobilization Symposium, Version 0123 (18-20 November 2002): 17.

\_\_\_\_\_. "Terms of Reference". Unified Command Plan2002. TOR., (Washington D.C. 2002: Department of Defense 2002).

Eberhart, Ralph E., GEN, Commander, U.S. Northern Command and NORAD. Remarks to the 124<sup>th</sup> NGAUS Conference, LONG Beach, CA, 7 September 2002. Available from <http://www.ngaus.org/resources/eberhartspeech.asp>. Internet. Accessed 2 November 2002.

Echevarria, Antulio J., II, LTC, US Army. "Protecting Americans at Home While Pursuing America's Foes Abroad: The Army and Homeland Security in the 21<sup>st</sup> Century," Implementing National Security. (Carlisle PA: U.S. Army War College , April 2002).

Fang, Bay. "Off to War," U.S. News & World Report, 11 November 2002.

- Feiler, Jeremy. "Senators Want National Guard Role in Homeland Security Defined." Inside the Pentagon, Washington, D.C., 30 January 2003.
- Hargett, Gus L., Jr., MG. "Transform the Guard, not Total Force Policy". National Guard (February 2003), 10.
- \_\_\_\_\_ in remarks to the National Guard Association of Tennessee Annual Conference, 22 February 2003. Cited with permission of MG Hargett.
- Hunter, Ronald. 2002 National Guard Almanac. Falls Church: Uniformed Services Almanac, Inc., March 2002.
- Jacobs, Bruce, MG, ret. "Lessons Lost?". National Guard March 2003, 31.
- Joint Center for Lessons Learned. "Homeland Security Authorities". Quarterly Bulletin, Volume V, Issue 1. September/December 2002.
- Lieberman, Joseph, Senator. "The Best Defense: Leveraging the Strength of our Military to Protect the Homeland," Remarks to the Progressive Police Institute Forum on "Making America Safer: Next Steps for Homeland Security," 26 June 2002. Available from <http://www.senate.gov/lieberman/speeches/02/06/2002626836.html>. Internet. Accessed 22 September 2002.
- Lucius, Ann. "Reservists Homeland Deployment: Military Can't Speculate," The Reserve and National Guard, Spring/Summer 2002, 20.
- Matthews, William and Christopher Prawdzik. "Price of Success?," National Guard, September 2002, 41.
- Miller, Bill. "National Guard Awaits Niche in Homeland Security Plan: White House's Caution Chafes Against Those Urging Action," Washington Post, 11 August 2002, 12.
- Mineta, Norman Y., Secretary of Transportation. Remarks to the 124<sup>th</sup> NGAUS Conference, Long Beach, CA, 8 September 2002. Available from <http://www.ngaus.org/resources/minetaspeech.asp>. Internet. Accessed 1 October 2002.
- National Guard Association of the United States "Legislative Alert: Defense Authorization Conference Debating Title 10 v. Title 32 for Securing the Homeland" 13 September 2002.
- \_\_\_\_\_ "Legislative Alert: Guard Act of 2003", Washington, D.C., 5 February 2003.
- \_\_\_\_\_ [ngaus@ngaus.org](mailto:ngaus@ngaus.org). "NGAUS Weekly Update". Electronic mail message to Many-Bears Grinder [manybears.grinder@us.army.mil](mailto:manybears.grinder@us.army.mil). 14 March 2003.
- \_\_\_\_\_ "Washington Update: Senate Considers Homeland Security Funding for States." National Guard March 2003,10.
- National Guard Bureau. "Army National Guard Fact Sheet". Available from [http://www.ngb.dtic.mil/downloads/fact\\_sheets/arng.shtml](http://www.ngb.dtic.mil/downloads/fact_sheets/arng.shtml). Internet. Accessed 2 November 2002.

National Guard Bureau – ARO – “ARNG Operations Brief,” briefing slide for 0030050 Japan Delegation received from COL Dan Jensen <Daniel.Jensen@carlisle.army.mil> Electronic mail message to Many-Bears Grinder <Many-Bears.Grinder@carlisle.army.mil> 24 February 2002.

OSD/RA Employer Support of Guard and Reserve (ESGR) provided from R. Brian Arnold, Lt Col, USAF <Ralph.Arnold@osd.mil> Electronic mail message to Many-Bears Grinder <manybears.grinder@us.army.mil> . 12 March 2002.

Patterson Jones, Kristin. “State Officials Advocate National Guard be a Lead Domestic Military Force on Homeland Security,” NGAUS, Washington, D.C., 23 August 2002. Available from <http://www.ngaus.org/newsroom/nga82302.asp>. Internet. Accessed 23 August 2002.

Rees, Raymond F. MG, Acting Chief, National Guard Bureau. Remarks to the 124<sup>th</sup> NGAUS Conference, Long Beach, CA, 8 September 2002. Available from <http://www.ngaus.org/resources/reesspeech.asp>. Internet. Accessed 1 October 2002.

Ridge, Tom, Director, Department of Homeland Security. Remarks to the National Association of Broadcasters Education Foundation 2002 Service to America Summit, Washington, D.C., 10 June 2002. Available from <http://www.whitehouse.gov/news/releases/2002/06/20020610-7.html>. Internet. Accessed 26 September 2002.

Rumsfeld, Donald H., Secretary of Defense. “Military Wants to Phase Out of Homeland Security Role” Norfolk Virginia Pilot, 27 October 2001. Quoted in Antulio J. Echevarria II, “Protecting Americans at Home While Pursuing America’s Foes Abroad: The Army and Homeland Security in the 21<sup>st</sup> Century,” Implementing National Security, 11. Carlisle, PA: U.S. Army War College, 2002.

\_\_\_\_\_. Quadrennial Defense Review Report. Washington, D.C.:Department of Defense, 2001.

\_\_\_\_\_. Testimony to the Senate Appropriations Committee. Referenced by Rees, Raymond F. MG, Acting Chief, National Guard Bureau. Remarks to the 124<sup>th</sup> NGAUS Conference, Long Beach, CA, 8 September 2002. Available from <http://www.ngaus.org/resources/reesspeech.asp>. Internet. Accessed 1 October 2002.

Scardaville, Michael and Jack Spencer. “Federal Homeland Security Policy: A Nine-Month Assessment,” The Heritage Foundation, 25 Jun 2003. Available from <http://www.heritage.org/Research/NationalSecurity/BG1563.cfm>. Internet. Accessed 5 October 2002.

Schlesinger, Robert. “Defense Set to Realign Active, Reserve Units,” Boston Globe, 27 January 2003, 9.

Schultz, Roger, LTG, Director Army National Guard. “Army National Guard: Citizen-Soldiers Protecting and Defending the U.S.A.” Army. October 2002, 103.

Scott Tyson, Ann “Reservists Now Play Central, Not Backup, Role”. Christian Science Monitor. 3 September 2002, 2.



- Shanker, Thom. "U.S. Considers Limits on Role of the Reserves," New York Times, 26 January 2003, 1.
- Spencer, Jack and Larry M. Wortzel. "The Role of the National Guard in Homeland Security". The Heritage Foundation Executive Memorandum. No. 1532: Washington, D.C., 8 April 2002.
- Squitieri, Tom. "Pentagon Grapples With When to Call Up Reserve, Guard." USA Today, 6 December 2002, 8.
- Summers, Harry. "When Armies Lose Sight of Purpose," Washington Times, 26 December 1991 D-3.
- Tilton, Charles, MAJ. "45<sup>th</sup> CST-WMD Civil Support Team Fact Sheet", (Nashville, TN: TNARNG, 10 November 2002)
- Verga, Peter. Statement Before the House Armed Services Military Procurement Subcommittee. Washington, D.C., 5 March 2002
- Vogel, Steve. "For Reservists, Reservations: Prospect of Lengthy Service Worries Many Troops," Washington Post, 26 September 2002.
- White, Thomas E., Secretary of the Army. Remarks to the 124<sup>th</sup> NGAUS General Conference, Long Beach, CA, 8 September 2002. Available from <http://www.ngaus.org.resources/whitespeech.asp> Internet. Accessed 1 October 2002.
- Wilkinson, Doug, LTC. "Guard One Liners," The TAGram, , Arlington, VA: National Guard Bureau, September 2002.