

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

AD-A217 252

1b. RESTRICTIVE MARKINGS
NONE3. DISTRIBUTION/AVAILABILITY OF REPORT
APPROVED FOR PUBLIC RELEASE;
UNLIMITED DISTRIBUTION

4. PERFORMING ORGANIZATION REPORT NUMBER(S)

5. MONITORING ORGANIZATION REPORT NUMBER(S)

AFIT/CI/CIA-89-126

6a. NAME OF PERFORMING ORGANIZATION
AFIT STUDENT AT CALIFORNIA
STATE UNIVERSITY @ SACRAMENTO6b. OFFICE SYMBOL
(If applicable)7a. NAME OF MONITORING ORGANIZATION
AFIT/CIA

6c. ADDRESS (City, State, and ZIP Code)

7b. ADDRESS (City, State, and ZIP Code)

Wright-Patterson AFB OH 45433-6583

8a. NAME OF FUNDING / SPONSORING
ORGANIZATION8b. OFFICE SYMBOL
(If applicable)

9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER

8c. ADDRESS (City, State, and ZIP Code)

10. SOURCE OF FUNDING NUMBERS

PROGRAM
ELEMENT NO.PROJECT
NO.TASK
NO.WORK UNIT
ACCESSION NO.11. TITLE (Include Security Classification) (UNCLASSIFIED)
State Defense Forces: Past, Present and Future12. PERSONAL AUTHOR(S)
Ronald Ray Armstrong and Alexander Philip Gisoldi13a. TYPE OF REPORT
THESIS13b. TIME COVERED
FROM _____ TO _____14. DATE OF REPORT (Year, Month, Day)
198915. PAGE COUNT
6816. SUPPLEMENTARY NOTATION
APPROVED FOR PUBLIC RELEASE IAW AFR 190-1
ERNEST A. HAYGOOD, 1st Lt, USAF
Executive Officer, Civilian Institution Programs

17. COSATI CODES

18. SUBJECT TERMS (Continue on reverse if necessary and identify by block number)

FIELD

GROUP

SUB-GROUP

19. ABSTRACT (Continue on reverse if necessary and identify by block number)

DTIC
ELECTE
FEB 01 1990
S E D
Co20. DISTRIBUTION/AVAILABILITY OF ABSTRACT
☒ UNCLASSIFIED/UNLIMITED ☐ SAME AS RPT. ☐ DTIC USERS21. ABSTRACT SECURITY CLASSIFICATION
UNCLASSIFIED22a. NAME OF RESPONSIBLE INDIVIDUAL
ERNEST A. HAYGOOD, 1st Lt, USAF22b. TELEPHONE (Include Area Code)
513-255-225922c. OFFICE SYMBOL
AFIT/CI

STATE DEFENSE FORCES: PAST, PRESENT AND FUTURE

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THESIS

Submitted in partial satisfaction of
the requirements for the degree of

MASTER OF SCIENCE

IN

CRIMINAL JUSTICE

AT

CALIFORNIA STATE UNIVERSITY, SACRAMENTO

Summer
1989

Accession For	
NTIS GRA&I	<input checked="checked" type="checkbox"/>
DTIC TAB	<input type="checkbox"/>
Unannounced	<input type="checkbox"/>
Justification	
By _____	
Distribution/	
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A-1	



STATE DEFENSE FORCES: PAST, PRESENT, AND FUTURE

A Thesis

by

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Department of Criminal Justice

Abstract
of
STATE DEFENSE FORCES: PAST, PRESENT AND FUTURE
by
Ronald Ray Armstrong and Alexander Philip Gisoldi

Statement of the Problem

At present, individual states rely on their National Guard as a standing manpower pool to respond to emergencies, both civil and military, within their respective states. The current federal policy of integrating the National Guard and Reserves with active duty forces, the Total Force Doctrine, is to respond to a national crisis; however, this doctrine removes the National Guard from the state almost immediately after they are federalized. This creates a void which will need to be filled with trained, readily available personnel. Hence, the creation of and mission for state defense forces.

Present day state defense forces are the result of many years of evolution. They began as state militia forces during the Revolutionary War and over the years have variously been called "home guards," "home militia," or "state reserve forces," but their primary mission has

been the same: the internal protection, both civil and military, of the state, during a time of national crisis and federalization of National Guard and Reserve forces. In all states, the state defense force is ultimately under the control of the governor, through the state military department.

Controversy is no stranger to this group of citizen-soldier volunteers. Historically, there have always been questions as to how to employ these forces, what exactly is their organization and mission, and how to keep these forces from becoming a private army for the governor's or other politician's political gain. These questions are still pertinent to today's modern state defense forces. This research attempts to answer these questions and makes recommendations for a model organization with a specific mission and roles for both civil and military contingencies.

This thesis will also explore the most controversial issue regarding the modern day SDF's. This is the question of funding and training. Both the federal and state governments recognize the need for establishing and maintaining a SDF, but neither entity can arrive at a compromise solution regarding these issues.

Sources of Data

Information for this research comes from available books, journals, military papers and handbooks, and professional papers related to this topic.

Conclusions Reached

There is a well documented need for state defense forces. There is also an urgent requirement for centralized direction of these forces from either the federal government or a national organization to direct the individual state organizations toward uniform training, funding, and organizational structure with well defined roles and missions.

Collaboration

Responsibilities were divided among the authors for some sections of the thesis; other sections were cooperative efforts. Chapters 1 and 2 were cooperative efforts, with Chapter 3 prepared by Alexander Gisoldi and Chapter 4 prepared by Ronald Armstrong.

Committee Chair's
Signature of Approval



Dr. Thomas R. Phelps

DEDICATION

This thesis is dedicated to all those United States Air Force Security Police men and women who have paid the ultimate price in the pursuit of freedom for all the people of this great nation. They are gone, but not forgotten.

ACKNOWLEDGEMENTS

We thank the United States Air Force for providing the opportunity to pursue this project. We also wish to express our sincere gratitude to the entire Criminal Justice faculty and staff, especially Dr. Thomas R. Phelps and Dr. Brian Parker, for their invaluable guidance and assistance.

Also, our sincere thanks to Lieutenant Colonel Fulton G. Bullock of the Georgia State Defense Force who sparked our interest in this topic and provided invaluable support and assistance in our research.

Additionally, we must mention the Texas State Guard, in particular Colonel Thomas E. William, for their valuable contribution.

TABLE OF CONTENTS

	Page
DEDICATION	vii
ACKNOWLEDGEMENT.....	viii
Chapter	
1 INTRODUCTION.....	1
Statement of Problem.....	4
Purpose of Study.....	5
Scope and Limitations of Study.....	5
Methodology.....	6
Definition of Terms.....	7
Organization of Remainder of Study.....	9
Notes.....	10
2 LITERATURE REVIEW.....	11
Background and Historical Review.....	11
Scholars.....	15
Military.....	22
Legislation.....	24
Notes.....	36
3 ISSUES AND CONTROVERSIES.....	39
Federal Support.....	39
Mission.....	42

	Page
Personnel.....	45
Notes.....	49
4 CONCLUSIONS AND RECOMMENDATIONS.....	50
Recommendations.....	51
Conclusion.....	53
Notes.....	55
BIBLIOGRAPHY.....	56

Chapter 1

INTRODUCTION

With the implementation of the Total Force Doctrine, the National Guard is now more likely to be quickly federalized and mobilized to integrate with active duty forces in the event of hostilities. In fact, National Guard units have been employed in every major and minor conflict this century, starting with the Mexican border crisis of 1916 and including the invasion of Grenada in 1983.¹ The Total Force Doctrine is based on the assumption that a ready military-trained manpower pool must exist to quickly augment the standing active forces. The current policy is to readily integrate the active duty forces, National Guard, and Reserves into a "homogeneous whole."² In fact, one can expect at the onset of major hostilities, one out of every three soldiers on the battlefield will be a National Guardsman or Reservist.³ This has dispelled the myth of the National Guard as only "weekend warriors" with their primary responsibility for riot control and natural disasters. Today they not only

perform those roles, they will deploy immediately with active duty forces when called into federal service.

This new doctrine has created a void in the standing pool of trained military forces needed to support the civil missions of the National Guard when they are federalized from their respective states. The governor, without a National Guard to call on, would be unable to properly respond to civil disorders, natural disasters, or acts of war waged within his state. To fill this void, many states are organizing and supporting state defense forces to step in and provide a force capable of performing the National Guard's peacetime missions.

There are many controversies and opinions as to the need for state defense forces, their composition and interplay with the National Guard and active duty forces. Most states have decided to organize a state defense force, such as the one found in Texas, which is very well organized and active in community affairs. While others, like Montana, feel no need to establish a state force. There are also fears of state forces being misused for political aims or employed inappropriately and becoming a private army for the governor. However, the major question is: If national hostilities occur, who would provide the internal security of the United States if its National Guard and Reserve forces are employed overseas? In the next war, the United States itself may very well

be invaded with the fifth column which could sabotage our key war fighting assets.

Modern warfare no longer allows a time interval for the call-up and training of additional forces, as was possible in the past. In fact, the next war may be decided within days, with the key to success being the ability to maintain a continuing supply of troops and equipment. Where will the "strategic reserve" of manpower come from with the new Total Force Doctrine?⁴

6. p. 1 — This study will be a research of available literature on key issues surrounding the need for and employment of state defense forces. It will gather available information to include policies, regulations, laws, arguments and positions from military experts and writers, state defense members, and government officials. Once compiled, a recommendation will be made on the validity of state defense forces and their future military roles.

Collaboration: Responsibilities were divided among the authors for some sections of the thesis; other sections were cooperative efforts. Chapters 1 and 2 were cooperative efforts, with Chapter 3 prepared by Alexander Gisoldi and Chapter 4 prepared by Ronald Armstrong.

STATEMENT OF PROBLEM

The present Total Force Doctrine, employed by the federal government, has created the problem of who will replace and perform the National Guard's peacetime mission when they are federalized? This concern is shared by over one-half of the states who have taken it upon themselves to create their own state defense forces (SDF) as provided for in Title 32, United States Code, Section 109, which states in part " . . . in addition to its National Guard, if any, a state or territory . . . may, as provided by its laws, organize and maintain defense forces." The SDF's mission includes, but is not limited to:

- 1) Taking over the states' armories and property.
- 2) Prepare to assume the National Guard's state peacetime mission.
- 3) Provide assistance to dependents of Guardsmen and active duty forces, if possible.
- 4) Assist with selective service and mobilization of forces.⁵

At present, a lack of funding has hampered the development and creation of many of these SDF's. Most states cannot afford to properly fund their forces and have requested federal assistance in the form of equip-

ment and training. We must review the need for SDF's and their contribution for defense and community service. Most SDF positions are composed of volunteers. This is in keeping with President Bush's statement, "the thousand points of light" -- there is a need for volunteerism. The financial support and encouragement of SDF's by the federal government will provide more positive results for their investment, thus saving money and lives in the long run.

PURPOSE OF STUDY

The purpose of this study will be to examine and clarify the need for SDF's and the impact, both positive and negative, which they have in performing their intended missions. In this age of a reduced budget and a lessened manpower pool to draw from, the SDF's use of retirees and others, who otherwise would not qualify for active duty service, could be a very valuable strategic reserve force to provide internal security for our nation in time of war.

SCOPE AND LIMITATION OF STUDY

This study will focus on the issue of states needing to form and maintain state defense forces. Viewpoints of

politicians, military personnel, military writers, and SDF members will be discussed and reviewed. The study will address the controversies and legalities of maintaining such a force and their implied missions. However, the study will not cover every state's SDF's, only a selected few who have an established SDF. It will also include the national organization that promotes the state defense force issue, the State Defense Force Association of the United States.

The scope of this study will include a historical and systematic review, beginning with World War I and continuing to the present day. Few books have been published concerning this topic and most articles were written prior to 1970. With the renewed interest in SDF's, a few outstanding articles have appeared since that time, and one in-depth federal study was conducted in 1981. The results of this research will provide an objective view on the necessity for state defense forces and the need for the federal government to support these forces.

METHODOLOGY

The majority of information gathered for this study was taken from available journals in the field of military science. Also included were SDF regulations,

scholarly studies, books, periodicals, past and pending legislation, and position papers on this topic. Interviews were also conducted with professionals in the field of state defense forces. A concerted effort was made to ensure all facets of this topic were presented, to include opposing opinions of how these forces should or should not be employed. Major controversies were identified and discussed in order to provide an objective overview of SDF's. This study will be in the form of a descriptive analysis.

DEFINITION OF TERMS

1. Active Duty: Full-time active service with a component of the United States Armed Forces. The President is Commander-in-Chief.
2. Federalized: Mobilization into active federal service of National Guard or Reserve forces by order of the President.⁶
3. Fifth Column: In-place, underground enemy personnel who are ready upon order to sabotage the defense-related infrastructure, commit espionage, and make efforts to foment civil disturbance.⁷
4. Military Police (MP): Members of active duty, National Guard, Reserve, or state defense forces whose military specialty allows them to perform law enforcement and security duties as well as enforce the tenets of the Uniform Code of Military Justice (UCMJ). They have powers of arrest on federal military reservations and on property under United States control in overseas locations.

5. Militia: The militia of the United States consist of all able-bodied males at least 17 years of age and . . . under 45 years of age who are, or have made, a declaration of intention to become, citizens of the United States.⁸
6. National Emergency: An emergency declared by the President or the Congress.⁹
7. National Guard: A reserve component of the military services of the United States consisting of federally recognized National Guard units which had been specifically admitted into it. The President has the power to order the individuals and units of these reserve components into federal service any time when Congress has declared a national emergency. During "non-federalized" periods, the National Guard is under command of its respective state governor through the state military department.¹⁰
8. Reserves: Individuals or units available to fill out national forces, when needed . . . have skills which the military needs and have at least rudimentary military training. The Army and Air Force Reserves differ from the National Guard in that their chain of command starts with federal military departments and does not run through the state military hierarchy.¹¹
9. State: Includes the District of Columbia and any territory or commonwealth that has an organized National Guard.¹²
10. State Defense Force (SDF): A military force or defense force organized by a state to serve as a state military reserve force that would train to become actively operational when the state National Guard forces are federalized or otherwise not available or adequate to the needs of the state.¹³
11. Strategic Reserve: An essential reserve of trained personnel available for mobilization to active service with the regular Armed Forces of the nation.¹⁴
12. Total Force Policy (Doctrine): A military strategy based on realistic interface of the active, the National Guard and the Reserve forces.¹⁵

ORGANIZATION OF REMAINDER OF STUDY

This thesis is composed of four separate chapters. Chapter One is the introduction to "State Defense Forces: Their Past, Present, and Future." Chapter Two is a review of the literature pertaining to this topic, and includes books, professional papers, military handbooks, magazine and newspaper articles, and legal documents. The primary theme is the historical background of this topic. Chapter Three will explore the controversies and issues surrounding the current doctrine and employment of state defense forces. Chapter Four presents a series of conclusions drawn from the research. It also presents recommendations for future roles and use of these forces.

NOTES

¹U.S. Department of Defense, U.S. Home Defense Forces Study, [by Historical Research and Evaluation Organization] (Washington: GPO, 1981), iii.

²John Turley, "Mobilization Manpower: A Credible Force or an Empty Promise," Military Review 61, no. 8 (1981): 3.

³George J. Stein, "State Defense Forces: The Missing Link in National Security," Military Review 64, no. 9 (1984): 5.

⁴Stein, 5.

⁵Thomas L. Waters, "White Paper: Discussion of State Defense Forces" (State Defense Force Association of the United States, 1986), 1-3.

⁶Stein, 3.

⁷Stein, 4.

⁸Constitution of the United States.

⁹U.S. Cong., 2.

¹⁰John K. Mahon, History of the Militia and the National Guard (New York: Macmillan, 1983), 174.

¹¹Mahon, 4.

¹²U.S. Cong., 2.

¹³U.S., Cong., House, Committee on Armed Services, Subcommittee on Readiness, To Amend Title 32, United States Code, to Authorize Federal Support of State Defense Forces. Hearing, 100th Cong., 1st sess., 29 Sep. 1987 (Washington: GPO, 1988), 2.

¹⁴Stein, 3.

¹⁵Mahon, 256.

Chapter 2

LITERATURE REVIEW

Background and Historical Review

Analyzing the background and historical literature of state defense forces led to the realization that state defense forces were not new. In fact, our modern day National Guardsmen evolved from existing state militias when our nation was young. The need for the modern day state defense force was most evident during World War I and World War II. When National Guard units were federalized and deployed from their respective states, there was a genuine concern by state governments regarding the internal security of their states against sabotage and labor unrest.¹ Until this time, states were forbidden by the U.S. Constitution (Section 10) to "keep troops or ships of war in time of peace." This situation left the states ill-prepared to respond quickly and effectively when their National Guardsmen were federalized.

The federal government realized there was a need for legislation at the turn of this century toward the armed forces. Congress passed the National Defense Act of 1916 which was a comprehensive piece of legislation designed

to develop and modernize the armed forces, to include many provisions for the militias. This act recognized the need for states to have a force in time of peace when the National Guard was federalized. Specifically, it allowed states to organize a National Guard Reserve during peace time, and would not prevent the states from creating and maintaining a state police or constabulary.² In 1917, Congress passed the Militia Act which provided federal aid in support of state militias during the time of war, but it was still unclear if states had the right to form their own state militias.

During this time period, each state provided for its own solution by increasing their state police force or forming Home Guards. After World War I, many of these Home Guard units were used to rebuild the National Guard; or as one state did, Michigan, form a state police from its Home Guard.³ Another state, Massachusetts, used its state guard to take over police operations for the city of Boston when that city's police department went on strike in 1919.⁴ After World War I, states disbanded their Home Guards and interest for the need to maintain a state defense force waned with return of the National Guard, plus it was still illegal for states to maintain troops in time of peace.

It was not until World War II and the federalization of the National Guard that the states began to clamor

again to re-establish their own state militias. The federal government was worried about attacks from the Axis powers and approved a bill that amended section 61 in 1940. In part, this bill allowed states to organize and maintain state defense forces while any part of their National Guard was performing active federal service. The War Department's principle was "that internal security remained a local responsibility to be maintained by the troops under state control, primarily at state expense."⁵ Each state could decide if they needed a force and its composition. The federal government's role would be one of guidance only.

State defense forces were at their highest peak during World War II. Every state, except three (Arizona, Montana, and Nevada) had state defense forces.⁶ The State Guard units had a four-part mission in World War II:

- (1) performing the peacetime duties of the National Guard;
- (2) a full-time emergency guard duty function in coastal regions and other vital areas in the year after Pearl Harbor;
- (3) combat training by all State Guard units from 1942 to early 1944, to better serve with federal troops in the event of an invasion;
- (4) an internal security role after March 1944, but with increased responsibilities.⁷

As happened during the post World War I period, the interest of maintaining state militias after World War II waned with the federal government, ending the State Guard

program in 1947.⁸ That same year Congress repealed the law, allowing states to maintain state defense forces. There was a brief resurgence during the Korean War, but this lasted for only two years. State governments again petitioned the federal government to be allowed to maintain a state defense force under state control when their own respective National Guards were federalized. Finally, in 1956, Congress amended the law (Title 32, Section 109, of the U.S. Code), which allowed but did not require states to organize and maintain a state defense force at state expense.⁹

State defense forces were now allowed to exist during peacetime, with a cadre of state guardsmen to train new state troops and assume the National Guard's civil responsibilities during their absence. Their value as an internal security force has taken a heightened importance with the creation of the Total Force Doctrine. Today there are 27 states which have, at their own expense, established and maintained an active state defense force with more states looking at establishing their own SDF's.¹⁰

Chapter 2 is a literature review of state defense forces by noted experts, SDF members, military writers, and legislators who will ultimately decide the future of these state organizations. Included in this review are newsletters and publications from various SDF's, together

with the publication from the national organization called the State Defense Force Association of the United States. To better understand the topic, this chapter will be broken down into three areas of study. They are:

1. Scholars
2. Military
3. Legislation in place and pending

Although these three areas may not totally cover this subject, it does present a comprehensive overview of state defense forces in regards to their past, present and future employment.

Scholars

In conducting this research, the scholars clearly identified a major problem with the new Total Force Doctrine being implemented by the federal government. The main issue addressed was who would fill the void and accomplish the National Guard's civil missions in their absence? No one more clearly illustrates this point than Dr. George J. Stein. His article, dealing with the question of the missing link in national security, which he identifies as state defense forces, is considered a classic. His work makes an important contribution to the field by focusing on the need for SDF's and how they play an integral part in our nation's security. As Dr. Stein states:

The national guard cannot be an essential element of the Total Force -- a truly effective part of day to day plans for mobilization and national defense -- and simultaneously remain a state militia.¹¹

With mobilization, our nation would have an internal "security nightmare" to deal with, and not enough civil forces to meet the need.¹² Most scholars and the military view the need for a layered defense with the Strategic Defense Initiative (SDI) being on one end of the spectrum, and the state defense forces on the other end.¹³

To compound the problem of not having a large enough civil force to deal with internal security, Dr. Stein points out that many of our civil servants, policemen and firemen are also members of the National Guard or reserve forces, to include approximately 50 percent of the U.S. Border Patrol.¹⁴ All this boils down to the fact that one, with the Total Force Doctrine in place, civil authorities cannot fulfill the National Guard's civil responsibilities in their absence; and two, many civil servants will be lost due to their military obligations. The solution advocated by the leading scholars is the organization and maintenance of state defense forces. Dr. Thomas Waters, a leading scholar and expert in state defense force issues, sums up the need for SDF's pointedly:

A worst case situation would be the occurrence of a natural or technological disaster simultaneously with the mobilization of the National Guard. This would be no time to start with a clean sheet of paper.¹⁵

With scholars in agreement as to the need for SDF's, they have identified areas of concern that have plagued past and present SDF's. These areas include:

- 1) Organizational make-up.
- 2) Training to be received.
- 3) Membership requirement and personnel.
- 4) Interface with federal government.

This study first looks at the organizational make-up. To adequately decide the type of organization an SDF should incorporate, one must always look at the mission requirements, and here Dr. Stein provides generic mission objectives for an SDF:

- 1) Maintain law and order.
- 2) Meet domestic emergencies (disaster relief).
- 3) Provide external physical security of key infrastructures and facilities.
- 4) Assist federal, state, and local law enforcement agencies in preventing or suppressing terrorism.
- 5) Perform other duties established under state statute.

- 6) "Cooperate and coordinate with federal military authorities and forces engaged with physical security missions within the state."¹⁶

All this adds up to being able to "render emergency support to civil authority in the preservation of life, the protection of property and the maintenance of law and order."¹⁷ Two operating concepts have emerged, the light infantry model and the military police model. Taking into consideration the mission requirements and the emphasis of maintaining law and order, today's scholars favor the military police structure, as does the federal government. In fact, the military police model has been predominant since World War II, and is best suited for peacetime civil support as is presently done by the Texas State Guard. Dr. Stein and others view states trying to duplicate the National Guard's combat role and constabulary role as a waste of effort and resources.¹⁸ SDF's would not be expected to sustain combat operations as prescribed with an infantry unit.

This leads us into the next point of concern the scholars have, one of training. It must be matched to the objectives stated. Training in the past, and to some degree today, is mismatched for the SDF's perceived mission. The idea of infantry training to sustain combat operations is misleading and a let-down to SDF's members when they are providing for only physical security or

traffic control. Dr. Stein goes as far as to suggest that if realistic training is not followed, whatever federal aid is given should be withheld until that SDF conforms.¹⁹ This question of training and mission has been a controversial political issue, especially for the Texas State Guard. One company of state guardsmen became a maverick unit, calling itself the 1st Texas Light Infantry, Texas Reserve Militia, after disagreeing with the training program of the Texas State Guard. This controversy will be discussed later in Chapter 3.

Another issue of concern by the scholars is membership and identifying the type of individuals who belong to SDF's. Here, Dr. Stein raises questions on the type of people who would volunteer for SDF's. Since a member cannot be on active duty with the armed forces or National Guard, it appears most are retired military personnel. He asks the question, ". . . whether these men, willing as they may be able, most of them appear to be at least a bit out of shape."²⁰ Although his concern is valid, especially for a sustained combat operations mission, one has to remember physical security and traffic control is not physically demanding. The next question Dr. Stein raises concerns whether former military members with combat training and experience can adapt to and conform to a "constabulary mission," or do they just long for a degree of "nostalgia for old

soldiering?"²¹ This is where there is disagreement among scholars. Dr. Waters takes great pride in pointing out the military education level and experience many SDF members possess. He relates most officers in the SDF's are graduates from the U.S. military academies, ROTC programs, and officer candidate schools, and have valuable military training and education from the command and general staff college and the war college. In addition, he also states, "many of the SDF members have combat experience from World War II, Korea, Vietnam, Dominican Republic and Grenada."²² One has to remember that even following a military police model, it is still a military operation which demands a military environment and chain of command. Dr. Waters is quick, however, to not only welcome this type of military talent, but praises the non-prior military members who bring needed skills and "extensive experience in the workings of State government."²³

Finally, one of the last major areas of concern is the interface the SDF's will have with the federal government. Dr. Stein feels there is an ambiguous relationship with the Department of Defense and SDF's. He suggests that even among the National Guard, when responding to natural disasters, there is a "hidden" conflict between the legal requirement of civil authorities and their inability to accomplish their objec-

tives."²⁴ The professional soldier may want to take charge when he knows he may be in a grey area of who is really in charge. This, he fears, may happen to a less organized SDF.²⁵ In fact, unless martial law is declared, a SDF does not legally need to cooperate with the active duty forces. But before martial law is declared, the SDF's are expected to follow the suggestions of the Army area commander.

In dealing with this critical issue, Dr. Waters points out that SDF's are training and planning to assume National Guard civil duties. This planning also includes State Area Commands (STARCs) of the National Guard who have established mission requirements for SDF's, along with the Joint Chiefs of Staff and FORSCOM.²⁶ With joint planning and training by both the state and federal levels, it is hoped that the "conflict of mission", as stated by Dr. Stein, would be resolved before it happens.²⁷ However, as Title 32, United States Code, Section 109, states in part "Such a force (SDFs) may be used within jurisdictions concerned, as its chief executive considers necessary." This means unless martial law is declared, the governor can do as he pleases with his respective SDF.

Military

Like the scholars, the military community notices a genuine need for SDF's. The Total Force Doctrine will have a dramatic impact on the ability to provide internal security for the states in the absence of the National Guard. The Department of Defense (DoD) and the National Guard Bureau itself view the SDF's as part of this doctrine, with its greatest asset in assisting the "uninterrupted mobilization" of the National Guard.²⁸ The DoD envisions each state to maintain, in peacetime, a well-trained cadre that is able to quickly expand and train a state force to meet each state's National Guard duties. In a worst case scenario, that of a nuclear war, they know combat troops would be directed from their primary mission to assist with civil defense and refugees. The problem is significant when one considers that, on the national average, there are two law enforcement officers per 1,000 people in peacetime. Operational doctrine calls for four-plus to one thousand augmentation in a massive catastrophe.²⁹ In the aftermath of a nuclear war, the undamaged or lightly damaged areas would be inundated with refugees, swelling the number of law enforcement personnel needed to possibly 15 to 20 per 1,000 people.³⁰ This could easily require an additional one-half million law enforcement personnel alone!³¹ This

is where the military views the SDF's as an integral part of the Total Force doctrine.

The use of SDF's has, for the most part, been a vital link to the nation's defense. An indepth study was conducted for the U.S. Department of Defense in 1981 and focused on SDF missions performed during this century; more specifically, three wars: World War I, World War II, and Korea. Many times during this period, the DoD received requests for troops to protect private property within the states.³² The study showed states having SDF's, utilized them to provide internal security and to fulfill the National Guard's role while it was engaged in the war effort. The study concludes that it is "desirable" for the existence of SDF's to eliminate the requests for federal troops for internal security in future conflicts.³³ The National Guard Bureau has drafted the "Model State Defense Force Act" which is now used by most states to model their SDF's.³⁴ With this draft and the support from both the Department of Defense and, more specifically, the National Guard Bureau, the impetus is for legislation to help maintain SDF's. The military leadership at the federal level view SDF's as an integral part of their military operations.

On the national level, SDF's have an organization called the State Defense Force Association of the United States (SDFAUS). It is a private, non-profit corporation

for SDF members. Its objectives are to support legislation of SDF's, educate the public on SDF's, and to promote professionalism within SDF's.³⁵ Their mission is to:

1. Foster and encourage cooperation between SDF's, DoD, NGB, active forces and reserves.
2. To assist in better public understanding of SDF's and national defense posture.
3. Promote exchange of information among SDF's.
4. Promote interests of SDF's.³⁶

The SDFAUS is a major force in matters concerning SDF's in this nation. They were responsible for initiating additional federal legislation concerning federal aid to SDF's, and in addressing the problems of creating and maintaining an effective organization. The SDF members themselves are volunteers eager to support their respective states and see their role as the last "layer of defense" in the Total Force doctrine. Most SDF's have no problem in supporting the suggested objectives of the Department of Defense and the National Guard Bureau's Model State Defense Force Act.

Legislation

To gain full understanding of how the concept of present day state defense forces evolved, one must review the legislation that has, over a period of almost two hundred years, involved both controversy and compromise,

which are the two major factors which still impact these state forces today. Also, a review of legislation impacting our earliest militia forces and their forbearers, the National Guard, must be reviewed, as it is that legislation which provides the background and cornerstone of the organization of state defense forces today. This section will review that legislation, and identify the relationship of our earliest organized militia to the state defense forces of modern times. A review of major legislation dealing with the militia, the National Guard, and ultimately state defense forces provides the best vehicle for demonstrating the relationship between these different, yet similar, groups of citizen-soldiers.

The Continental Congress established a committee to form a charter of government in 1776; but, because of the intervening war for independence, the document they produced was not ratified until 1781. That document, the Articles of Confederation, "created a decentralized government with sovereignty vested in the state."³⁸

The document declared, "Every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutered, and shall provide, and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage."³⁹ However, this document

authorized no sanctions to enforce these obligations on the states. In essence, the federal government could requisition men and money from the states, but it could not compel their delivery. The same limitation applied to the responsibility of the states to maintain a well-regulated militia. In many ways, this same dichotomy still affects modern day state defense forces in that the states are required to maintain a force, the National Guard, available to the federal government in times of declared national emergencies, yet there is no legislation which requires the states to provide their own internal protection after these forces are federalized. The state defense force is the answer to this perplexing problem, yet not all states provide the funds to train, organize, and maintain these forces.

Another major piece of legislation, the Second Amendment to the U.S. Constitution, which directly affected the militia of the time, created a controversy which is still hotly debated today. The Second Amendment, the right to bear arms, states: "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."⁴⁰ As Mahon states, "In the twentieth century, the Second Amendment has become the center of a controversy between those citizens who want to see gun carrying restricted and those who insist

that free Americans must have the right to be armed. The authors of the amendment left no clues as to their intentions; but it seems likely that they felt scant concern about firearms in the hands of people, and that they had the militia in view when they wrote the clause."⁴¹ This legislation provides a classic case and clearly shows the controversy generated by the concept of citizen soldiers which affected the militiamen of the past, and the present and future forces of their nature. The emotional subject of a citizen's right to bear arms and the intentions of the framers of the U.S. Constitution is currently being debated across the country and will continue well into the future.

May 1792 was a milestone month for the militia. Two Acts passed that month had major impacts on the creation of the militia and the circumstances under which, and who had the authority, to call the militia into federal service. The tenets of these two laws gave a slight central direction to the militia and shaped American military affairs for more than a century. These Acts, passed May 2, 1792 and May 8, 1792, together created the militia and stipulated the missions for which the militia could be called into federal service by the President; to execute the laws of the Union, suppress insurrections, and repel invasions.⁴² While these missions applied directly to the state militia, these same tenets have

been incorporated into most modern state defense force mission statements.

The nineteenth century passed with occasional debate on the subject of the militia and what eventually became the National Guard; but, no major legislation affecting their organization, training, or general circumstances was passed during that time frame. The 1800's saw many laws passed which affected the militia, particularly during and immediately after the Civil War, but this legislation is not germane to the latter day state defense force. However, with the turn of the twentieth century came a flurry of legislation which moved the "old militia" into modern times, created the National Guard as we know it today, and gave rise to the need for a state defense force to replace the Guard when it was called into federal service. These laws, some of which were passed, then repealed, then passed again, vividly illustrate the controversy, and sometimes confusion, which affected the state defense force concept in the early 1900's and continues to this day.

However, with the approach of United States involvement in World War I (WWI), even more legislation was enacted at the federal level. The National Guard Act of 1916 established the several state militias (read National Guard) as integral parts of the U.S. Army; and finally, on August 5, 1917, all National Guard units were

drafted into the regular Army. At this point, the War Department informed the adjutant generals of the state that "the states themselves would have to arrange their own defense of key installations, industries, and general security."⁴⁵ This landmark date signalled the beginning of the modern day organization of home guards or state defense forces and began the evolution process for these forces as we know them today. However, it by no means established these forces as continuous operating agencies in the states.

After 5 August 1917, many states still doubted their authority to establish such new military units. This authority, however, was established in October 1917 when the judge advocate general ruled, "that states may, in time of war, 'maintain forces resembling' the Army of the United States, but whose functions were much more restricted."⁴⁶ Finally, in May 1918, the chief of the Militia Bureau ruled that since the entire National Guard was federalized, there was, in effect, no force available for individual states' internal protection. With this clarification, the states were free to organize such forces, and most states did, in fact, organize "home guards" during WWI. These forces were more or less maintained by the separate states through the 1920's and up to the mid-1930's.

By the late 1930's, it was clear another "Great War" was inevitable and military planners were already assuming another call to service of the entire National Guard. This early recognition of the need to federalize the entire Guard was crucial to the development of an

effective home defense system, beyond the skills of the ordinary civil defense authorities resulting from a 'total war.' It was assumed that the sabotage, and efforts to foment civil disturbance would be attempted.⁴⁷

In October 1940, the United States amended the section of the National Defense Act of 1920 and authorized the states to maintain other than National Guard troops in peacetime. However, the law stopped short of requiring these new forces, and gave the states the right, but not the requirement, to establish military units, "under such regulations as the Secretary of War may prescribe for discipline and training" to function as a state militia when, and if, the National Guard was called into active federal service."⁴⁸

In addition to this legislation, and attempting to avoid the haphazard organization of these state forces which occurred -- WWI, the Federal-State Conference on Law Enforcement Problems of National Defense, and the War Department -- 1940, developed a "model State Guard Act" to guide the states in establishing what were called "State Guards."⁴⁹ The conference also suggested that these forces be organized under an infantry or military

police table of organizational and equipment (TOE), and that their uniforms should be distinctly different than those of the regular Army or National Guard. They further suggested that the federal government should "loan" weapons to these organizations, but that they should be organized, funded, uniformed, and trained at state expense.

Thus, the State Guards were formed, and were very active and well-organized to perform their roles as state constabulary and infrastructure defense during World War I. However, several key problems, both structural and personnel related, limited their effective contribution to national security. The key structural problem was the total independence of these forces from state civil defense and disaster relief agencies. There was, at the top of the system, joint command of these forces by the governor. The coordination of state defense, civil defense, and disaster relief efforts were often vague or non-existent at the local level. Still, from a historical standpoint, the legislation of 1940 was significant to the formation of the state guard concept and worked very well during World War I.

However, with the end of World War II and the return of the National Guard, most states quickly disbanded their State Guard, and in July 1947 the National Defense Act was again amended to prohibit any state military

force other than the National Guard.⁵⁰ In the same month, Congress passed the National Security Act, which created the military establishment as we know it today--the new Air Force, the Army, and the Navy. It gave statutory authority to the Joint Chiefs of Staff and placed a civilian Secretary of Defense at the top of the entire military system. That Act implied, although it did not stipulate in so many words, that the "reserve components of the three services (which included the National Guard) would have to become more and more integrated as smoothly functioning parts of a unified defense system."⁵¹ Again, the point is made very clearly by this legislation that the National Guard was becoming more and more susceptible to federal use; and with the increased integration of the Guard into the components of the active duty forces, there was a need for a state defense force to fill in at the state level when the Guard was federalized.

The two laws passed in July 1947 are a classic demonstration of the contradictory nature of the legislation that plagued state defense force organization through the first half of the twentieth century. One, the National Security Act of 1947, caused more integration of reserve components into active duty forces (and thus more of a need for a force to replace them at the state level); and the other, the National Defense Act of

1947, prohibited the states from maintaining a military force, other than the National Guard, during peacetime. This disjointed approach kept the state defense force concept from achieving maximum effectiveness and continuity.

With the onset of hostilities and U.S. involvement in the Korean War, Congress again amended the law to permit the establishment of State Guards. At the request of several states, the Department of the Army issued AR 915-10, State Guards, General Policy and Regulation for State Guards, which described

a State Guard table of organization of an internal security battalion and company. However, they failed to stipulate equipment and added that these units were to be seen as essentially constabulary rather than combat units.⁵²

At the same time, the Army cut short the revival of State Guards by creating "temporary" new National Guard units and placed active duty military police units in the states most affected by Guard federalization during the Korean War. No new State Guards were formed during the Korean War.

After the Korean War, and believing their system of "temporary" National Guard units put an end to any serious consideration of State Guards, the Army dropped its formal objections to State Guards as long as no federal funds were involved, and as long as no regular,

Guard, or Reserve personnel could enlist in State Guards. Thus, in 1956, through Title 10, United States Code, Section 109, Congress again amended the law to permit, not require, states to "establish and maintain, at state expense, a cadred State Guard to serve as a replacement to a federalized National Guard."⁵³ This current statutory authority permits:

any state, territory, Puerto Rico, the Virgin Islands, the Panama Canal Zone and the District of Columbia to organize and maintain State Defense Forces for state purposes. It prohibits these forces from being federalized as units and further stipulates that membership in a State Defense Force does not exempt any individual from being drafted into federal service.⁵⁴

Thus, today, any state is free to establish a State Defense Force as long as it is willing to fund, train, and equip its force without any federal funds or oversight or advice from active duty federal forces. This law, though amended twice since 1956, is still the guiding statutory authority for State Defense Forces, and remains in effect.

An attempt was made in 1987, through House Resolutions (HR) 3068 and 2581, to amend the Title 32 to authorize federal support of State Defense Forces. HR 3068 proposed by Representative Ike Skelton (D-Missouri) and HR 2581 would have allowed federal support of SDF's by limited loan of equipment and training by active

forces; but, according to Mr. Thomas Glakas, a legislative assistant to Representative Skelton, both bills died in the Appropriation Committee.

.. As evidenced by the changing legislation affecting
.. State Defense Forces, there are many controversies
.. surrounding these forces and they have alternately met
unrestrained opposition and later the blessing of the
federal government from the time of the Revolutionary
War. These controversies have played a major role in the
concept of state defense forces since their very
inception, and still affect the forces of today, and will
no doubt influence such forces in the future. Chapter 3
will examine these past, present, and future
controversies in more detail.

Notes

¹U.S. Department of Defense, U.S. Home Defense Forces Study [by Historical Research and Evaluation Organization, Contract No. MD903-80-C-0594] (Washington: GPO, 1981), 1.

²U.S., DoD, 6.

³U.S., DoD, 33.

⁴U.S., DoD, 33.

⁵U.S., DoD, 35.

⁶U.S., DoD, 66.

⁷James L. Pate, "Citizen Soldiers: Fighting for the Right to Defend America," Soldier of Fortune, May 1987: 61.

⁸Pate, 61.

⁹George J. Stein, "State Defense Forces: The Missing Link in National Security," Military Review 64, no. 9 (1984): 5.

¹⁰Thomas L. Waters, "Position Paper: Discussion of State Defense Forces" (State Defense Force Association of the United States, 1987), 1.

¹¹Stein, 7.

¹²Stein, 7.

¹³"Citizen Soldier Forces Worldwide: Paramilitary Profiles," ICA, Nov. 1986: 98.

¹⁴Stein, 9.

¹⁵Thomas L. Waters, "White Paper: Discussion of State Defense Forces" (State Defense Force Association of the United States 1986), 3.

¹⁶Stein, 12.

¹⁷ICA, 98.

¹⁸Stein, 13.

¹⁹Stein, 14.

²⁰Stein, 14.

²¹Stein, 14.

²²Waters, "White Paper," 1, 4.

²³Waters, "White Paper," 1.

²⁴Stein, 15.

²⁵Stein, 15.

²⁶Waters, "Position Paper," 1-2.

²⁷Stein, 15.

²⁸U.S. Congress, House, Committee on Armed Services, Subcommittee on Readiness, To Amend Title 32, United States Code, to Authorize Federal Support of State Defense Forces. Hearing, 100th Cong., 1st Sess., 29 Sept. 1987 (Washington: GPO, 1988), 18.

²⁹James W. Kerr (Ltc., U.S. Army, Ret.), "Military Support of Civil Authority," Military Review 50, no. 7 (1970): 82.

³⁰Kerr, 82.

³¹Kerr, 82.

³²U.S., DoD, A-2.

³³U.S., DoD, A-2.

³⁴Stein, 11.

³⁵"Report of Annual Meeting, 1986," SDFAUS Journal 1, no. 1 (1986): 5.

³⁶SDFAUS Journal, 5.

³⁷ICA, 98.

³⁸Mahon, 46.

³⁹Henry Steele Commager, ed., Documents of American History to 1898, 8th ed. (Appleton-Century-Crofts, New York, 1968), 112.

⁴⁰Constitution, United States. Second Amendment ratified 15 December 1791. Taken from: Constitution of the State of California and of the United States and Other Related Documents 1987-1988, (Sacramento: California State Senate, 1987).

⁴¹Mahon, 49.

⁴²Mahon, 53.

⁴³Stein, 3.

⁴⁴Mahon, 142.

⁴⁵Stein, 3.

⁴⁶Stein, 3.

⁴⁷Stein, 4.

⁴⁸Stein, 4.

⁴⁹Stein, 4.

⁵⁰Stein, 5.

⁵¹Demetrios Caraley, The Politics of Military Unification (New York: Columbia University Press, 1966), 78.

⁵²Stein, 8.

⁵³Stein, 8.

⁵⁴Title 32, United States Code, Section 109.

Chapter 3

ISSUES AND CONTROVERSIES

From the beginning of this nation's military establishment, the state militias have been surrounded by controversies and major issues regarding their mission, organizational make up, funding, and personnel. This chapter will explore in depth these present day controversies and issues to include:

1. Federal support and direction
2. Mission
3. Personnel

Federal Support

The federal government is split on its support for State Defense Forces (SDF's). The Department of Defense (DoD) actively supports the development and employment of SDF's. The National Guard Bureau (NGB) is quick to endorse the SDF's and sees them as a logical choice to fulfill their state civil duties during their absence. As pointed out in Chapter 2, DoD envisions each state to maintain a SDF with their main objective of providing

assistance for the "uninterrupted mobilization" of the National Guard.¹ DoD is naturally ready to receive this support freely, the problem is the lack of federal support and funding needed to make all this happen. Congress has passed the necessary legislation to allow the establishment of SDF's, but has quickly pointed out that "internal security is a state's problem."² This position is not valid. If our infra-structure is threatened or destroyed by either strategic warfare, to include terrorism, or a technological or natural disaster, it could quickly impair the ability of our nation to project and sustain our active duty forces in any future conflict. One has to remember that SDF's are made up of volunteers! No one recognizes this more than Congressman Ike Skelton from Missouri. He authored H.R. 3068, which addresses solutions for some of the needs of SDF's. The bill would have provided limited support to SDF's in regards to issuing or selling of surplus military equipment, and allowing trained retired military personnel to join SDF's in order to share their experience and knowledge. It would provide training supplies, classrooms, and SDF members admittance, at their own expense, to military service schools on a space available basis.

Lastly, the bill would allow the National Guard Bureau to help states organize and establish mission objectives for their SDF's.³

Unfortunately, this bill died in the appropriations sub-committee, and no other federal legislation is pending to provide support to the SDF's.⁴ One of the major reasons for this situation is a lack of real understanding by the U.S. Congress of today's nuclear age warfare and the employment of the Total Force Doctrine. To sum up the feelings of the sub-committee who heard HR 3068, one Congressman stated ". . . but there are many people who believe after 40 years or more with no serious conflicts that we have more people than we need right now in the Services."⁵ Another member, Congressman Jack Davis from Illinois, didn't even bother to read the bill before the hearing.⁶ What the U.S. Congress has failed to realize is that there is no longer a strategic manpower pool to pull from in the event we experience a major conflict. The military, by employing the Total Force Doctrine, has changed how this country responds to an internal threat or how the states could cope with a major technological or natural disaster with their respective National Guard units deployed overseas. The prevailing attitude by the members of this sub-committee is we haven't had a major conflict in 45 years and don't foresee any, so why bother to maintain SDF's.

The consensus of the scholars and military experts strongly points out the valid need for the federal government to provide limited support and direction to all the SDF organizations. Both the military and the scholars are in agreement that many states lack the resources and experience in setting up and maintaining and effective SDF. As Dr. Stein states, in part, ". . . while being sensitive to state-specific missions, a nationwide, effective SDF program needs to be both well thought out and coherently organized."⁷ With the Total Force Doctrine in place, the federal government needs to complete the last layer of national defense in providing limited funds and guidance to the SDF program.

Mission

A major controversy affecting state defense forces has always been, and at least for the foreseeable future, will continue to be, the mission of these units. Most supporters of the SDF concept regard the mission to be to render emergency support to civil authority in the preservation of life, the protection of property, and the maintenance of law and order. However, there are those who favor more of a combat role for these forces. A classic example of the consequences of this difference of opinion occurred within the Texas State Guard (TSG) in 1986.

The population concept of the SDF is one which envisions the SDF as a "home guard" entity that would mobilize and fill in for a federalized National Guard. This concept is officially embraced by the TSG and is the basis for their organization and training. However, one member of the TSG, Robert Holloway, disagreed with this official policy and favored a combat orientation to the point of quitting the TSG and forming an entirely separate organization which he calls the Texas Reserve Militia (TRM).

The open rift on the mission of the TSG became a media event and drew criticism on both theories of the mission of SDF's. The event snowballed from the media coverage and "the exposure eventually cost the state guard 60 percent of its budget and it suffered one of the most embarrassing episodes in its history."⁸

This controversy clearly delineates the harmful effects of such a disagreement and the need to educate legislators and the general public on a clear-cut mission statement for the SDF as outlined in the draft Model State Defense Force Act. Most states, which currently have organized SDF's, follow the tenets of the Draft Act, and model their programs after a military police organization as opposed to one of an infantry model. The military police organization readily allows the employment of SDF's to fulfill their intended mission of assistance to

civil authorities and performance of law enforcement duties. As Dr. Stein notes, "The military police model is seen as the appropriate configuration for a state defense organization." As the draft Model State Defense Forces Act notes:

. . . this fact is emphasized that by organization, equipment, and training, State Defense Forces are designed and prepared for law enforcement and civil emergency assistance operations, rather than for sustained combat operations against hostile armed forces.⁹

An expanded mission which includes many forms of community assistance enhances the stature of SDF's. It not only creates a positive image in the community, but also is cost effective. One of the SDF's which has actively pursued an expanded mission of civic involvement is the Texas State Guard.

In fiscal year (FY) 1987, the TSG budget, as approved by the legislature, was approximately \$95,000. During FY 87, the TSG was involved in many civic functions, and saved the cities involved several times the amount the TSG was allocated by the State of Texas. The following examples show the myriad of assistance the TSG provided. The figures provided for each instance is given in two parts; the first figure is savings to the city, and the second figure is cost to the TSG unit:

1. Traffic and crowd control assistance to City of Galveston during Mardi Gras, \$113,436, \$2,926.
2. Assistance to Galveston County Sheriff's Office in searching for murder victim, \$780, -0-.
3. Traffic and crowd control for air show in Houston, \$13,400, -0-.
4. Crowd and traffic control for Brazoria County Fair, \$4,500, -0-.
5. Security at shelter for victims of a severe ice storm - Abilene, \$3,600, -0-.
6. Security for VIP's at governor's inauguration - Austin, \$6,300, -0-.¹⁰

The list is not all inclusive, but does show the many different activities conducted by the TSG and vividly illustrates the cost effectiveness of using SDF's to assist in local law enforcement and civil emergencies. The six events cited resulted in savings to the respective cities of a total of approximately \$142,000, an approximate \$3,000 expense to one TSG unit, and, importantly, no cost to the state.

Personnel

Another major issue facing the modern day SDF is that of personnel. The modern SDF is, and following the

tradition established by the earliest militias in this country, an all-volunteer force of citizen-soldiers. While the sense of volunteering to serve one's state is laudatory, many states carry the term "volunteer" to its extreme range of interpretation, and provide no support whatever to their SDF. Hence, a problem exists by varying degrees in each state with an established SDF.

In states where there is at least basic support in the form of uniforms, equipment, and training (such as Texas, Georgia, and California, to name a few), SDF's have become a viable and dependable source of assistance to the state in providing internal security and service to the community. Other states, which provide little or no support to their SDF, have trouble recruiting and keeping members to sustain a dependable force for emergencies. While many people would otherwise volunteer to serve their state, a lack of support from the state government, of recognition for their efforts, causes these people to become apathetic toward volunteering, in the worst case; or, in the best case, grudging volunteers who continue to serve, but with less enthusiasm and dedication.

The issue of personnel in SDF's also raises the question of the law pertaining to who can belong to a SDF. Current law prohibits any member of the Active Duty force, the Reserves, or the National Guard from belonging

to a SDF. Also, membership in a SDF does not preclude someone who is eligible from being called to federal service. This leaves the majority of membership eligible persons as those who are retired and have no further mobilization commitment and those who have no prior military experience. This span of difference in military experience creates a problem that in reality benefits the SDF in the end.

The retired military member brings to the SDF the experience gained from military service in terms of understanding better how the military operates and the specific skill the person obtained by performing a particular military occupation specialty. The experience and skill of the retired military member are essential to the basic foundation of the SDF. Conversely, the person who has no prior military experience may bring to the SDF a different perspective, and, more importantly, a superb understanding and experience in the workings of state government. As Dr. Waters noted in his White Paper Discussion of State Defense Forces:

The Members of the State Defense Forces are . . . from each profession (lawyers, including district attorneys and state judges from all levels of the court system; accountants, legislators, state and federal, including at least one U.S. Senator; civil servants of federal and state offices; physicians, engineers, college professors and other teachers and educators; nurses, computer specialists,

media professionals (newspaper and broadcast); peace officers and policemen, emergency medical technicians, etc).¹¹

.. Though these people may lack professional military training, they bring with them their civilian experience, and quite frankly, their substantial influence and standing in the civilian community. The SDF's need this mixture of prior military and civilian experience to effectively maintain their status as a military organization, yet at the same time maintain close ties to, and an understanding of, the civilian community.

Another issue facing SDF's is whether they can avoid, as Dr. Stein points out:

. . .the old National Guard problems of being local, white, male, social clubs. As the typical SDF is based on local units, it is easy to imagine its membership as being composed of the local "good old boys." Here, however, the evidence is encouraging. While existing SDF units are overwhelmingly male, they are multiracial. There is no evidence of any covert or open discrimination against minority membership.¹²

Dr. Stein, quite correctly, points to the factor as an issue, but not a problem for SDF's.

NOTES

¹U.S., Congress, House, Committee on Armed Services, Subcommittee on Readiness, To Armed Title 32, United States Code, to Authorize Federal Support of State Defense Forces. Hearing 100th Cong., 1st sess., 29 Sep. 1987 (Washington: GPO, 1988), 18.

²U.S. Department of Defense, U.S. Home Defense Forces Study, [by Historical Research and Evaluation Organization, Contract No. MD903-80-C-0594] (Washington: GPO, 1981), 5.

³U.S., Congress, House, Committee on Armed Services, Subcommittee on Readiness, 4.

⁴Thomas Glakas, telephone interview, 12 June 1989.

⁵U.S., Congress, House, Committee on Armed Services, Subcommittee on Readiness, 21.

⁶U.S., Congress, House, Committee on Armed Services, Subcommittee on Readiness, 31.

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⁸James L. Pate, "Citizen Soldiers: Fighting for the Right to Defend America," Soldier of Fortune, May 1987: 59.

⁹Stein, 12.

¹⁰Texas State Guard "Civil Report," January 1989, 1-17.

¹¹Thomas L. Waters, "White Paper: Discussion of State Defense Forces" (State Defense Force Association of the United States) 1986, 2.

¹²Stein, 14.

Chapter 4

CONCLUSIONS AND RECOMMENDATIONS

The research conducted for this thesis clearly shows a valid mission and need for State Defense Forces. SDF's were formed and successfully used earlier in this century when our nation was insulated and protected by oceans on the East and West.

However, the world has seen major technological advances in this century, and, with the advent and deployment of intercontinental ballistic missiles and sophisticated aircraft, the United States no longer has the luxury of depending on geographic insulation as a major part of national defense. Due to these factors, it is more than a probability that the next major conflict involving the United States will require deployment of forces overseas as well as the requirement to defend against internal threats to the country. To further compound the internal defense problem, the employment of the Total Force Doctrine, by our military, has changed how the National Guard will be used in future conflicts. In past major conflicts, National Guard units were selec-

tively called to active duty to provide a strategic manpower pool. Prior to the TFD concept, states had time to start their own SDF's. However, this will not be the case today. National Guard units will be quickly called up and deployed with their active duty parent units in the event of hostilities, leaving the states and our internal security exposed and without in-place, trained forces.

Throughout this century, there has been a "knee-jerk" reaction toward the development and support of SDF's. The federal government has voted for legislation to allow SDF's, and then has rescinded it when a particular crisis had passed. Currently, federal legislation allows SDF's in peacetime, but the commitment by the federal government to ensure a successful, comprehensive SDF program is lacking. As was evident in the House hearing on HR 3068, the prevailing attitude by Congress is the United States has not had a major conflict in 40 years, so why bother with SDF's. This prevailing philosophy by the U.S. Congress is extremely short-sighted and dangerous toward our national defense and internal security.

Recommendations

The following are recommendations that would improve the effectiveness of SDF programs:

- Education is the key to better understanding the role of SDFs. The national SDF organization, SDFAUS, views this as one of their primary objectives. Continued meetings with state and federal law makers to better inform them of military planning and internal threats for each state is absolutely necessary.¹

- The federal government must provide the direction and limited support in the form of funding for SDF's to become successful. The passage of legislation, specifically HR 3068, would meet many of these needs, to include:

1. Allowing states to purchase equipment and supplies needed for SDF operations.
2. Training of SDF's and the use of DoD facilities, schools, and personnel.
3. Guidance by the NGB in organizing and defining mission requirements for SDF's.²

- Every state, once the proper legislation and support is provided by the federal government, should be strongly encouraged to form a SDF following the draft Model State Defense Force Act.

- Each SDF should follow the military police model for their organizational make-up and concept of operations. This would better allow SDF's to perform the mission objectives of internal security, protection of essential strategic resources, and law enforcement assis-

tance to communities during peacetime, and also in the event of hostilities.

Conclusion

State Defense Forces are an idea whose time for expanded national implementation has arrived. Past experience shows quite clearly the need for in-place, trained personnel to replace the National Guard after they are federalized and removed from state control. The implementation of the Total Force Doctrine further strengthens the need for SDF's. The TFD virtually assures that National Guard units will be quickly integrated into the active force, therefore stripping the respective state of the resource it relies upon during peacetime. SDF's are the logical choice for the state to fill the void left by the departure of its National Guard personnel.

However, as Dr. Stein points out, "it is clear that national standards for organization, training and preparation are needed for an effective program."³ A clear, concise mission statement and employment policy must be established by federal and state authorities which applies to all states supporting a SDF.

Federal support, not control, of SDF's is the key to SDF's supplying the vital last layer of national defense. The respective state must retain operational control of

these forces and be able to employ them as the state sees fit, without federal interference.

State Defense Forces have proven they are cost-effective and also allow the state to tap an unused reservoir of talent, that of retired military personnel and prior military people who no longer have a mobilization commitment. Add to this the large number of civilian patriots willing to serve their state, and there is certainly a formula for success.⁴

The blending of these people into a cohesive, unified force will enhance the tradition established by our earliest militias and ensure continued protection of our country by citizen-soldiers.

NOTES

¹"Report of Annual Meeting 1986," SDF AUS Journal 1, no. 1 (1986): 5.

²U.S. Congress, House, Committee on Armed Services, Subcommittee on Readiness, Amend Title 32, United States Code, to Authorize Federal Support of State Defense Forces. Hearing, 100th Cong., 1st Sess., 29 Sep. 1987 (Washington: GPO, 1988), 4.

³George J. Stein, "State Defense Forces: The Missing Link in National Security," Military Review 64, no. 9 (1984): 16.

⁴Stein, 16.

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