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AMERICA'S STATE DEFENSE FORCES: AN HISTORICAL COMPONENT OF NATIONAL DEFENSE

Dr. Kent G. Sieg

Throughout American history, the bulk of U.S. military forces fighting during the nation's major wars at least through the end of the 19th Century were men who volunteered for state militia units, whether organized or unorganized. The currently existing state defense forces are the direct descendent organizations of such traditional American militias. For national or homeland defense, the U.S. military has always relied upon these militias, which are groups of part-timers assembled for contingencies.

In accordance with the militia tradition of the United States, all able-bodied young and middle-aged men are members in a particular state's branch. Traditionally, militia units have provided for their own equipment, met at periodic musters, and elected officers from the ranks. The militias would serve limited tours of active duty for discrete periods of time within defined geographical areas. They could be quickly organized and just as expeditiously disbanded, all at a minimal expense in comparison to the maintenance of large standing armies. In the U.S. Constitution, Congress was given powers to raise armies for a period of two years, after which time funding would be cut off. Article I, Section 8, incorporated the original Confederation articles regarding state control of the militia and its officers. Article I, Section 10 of the Constitution mandated consent of the Congress for states to keep military units during peacetime. The Second Amendment allowed the states to retain their militias. Title 32 U.S. Code Sec. 109 also reaffirmed for a state the right to maintain troops "within its borders in time of peace" or for policing actions. Washington also was instrumental in putting forward what became the Uniform Militia Act of 1792, which defined militia membership and specified that Adjutant Generals would be in charge for the military in every state.

The U.S. Army's mobilization scheme for national defense basically relied upon the states to provide troops. This reached its ultimate end-state during the Civil War, when eventually almost all Union and Confederate forces were volunteers. In spite of being circumscribed in the postwar years, during Reconstruction, many of the Southern militias were entirely black in racial makeup. Following the negative political fallout from the use of the Army for occupation duty in the South and for policing of northern labor strikes, Congress passed the *Posse Comitatus* Act of 1878 (18 USC 1385), the provisions of which prohibited the federal military from engaging in civil affairs. This exclusion did not apply to state militias, however, since these were not federal military troops, and still does not.

The federal regulation of militias accelerated soon after the Spanish-American War. In late 1903, Representative Charles Dick, a Republican from Ohio and a state militia general himself, sponsored legislation for a new militia act. The Dick Act of 1903 designated the state militias as the reserve forces of the nation. In turn, the federal government dramatically increased funding for the organized state militias. An organized militia was termed "National Guard", and an unorganized militia (which was the traditional militia of the minutemen and essentially were the state guards) was also defined as the "reserve militia". This law was the first step towards the eventual federalization of the traditional organized militia.

The next significant legislation of relevance was promulgated during the First World War. The federal government would subsequently assume control over much of this militia apparatus, and by the advent of World War I had activated organized National Guard units to federal service domestically or overseas, which in effect removed these units from the control of the state governor. The National Defense Act of 1916 both created an Army Reserve organization and gave the federal government greater powers to call the militias into federal service. The act doubled the National Guard it received federal funding, but in exchange for this support the act basically gave the President full authority over the National Guard and authorized its federalization at the President's order. It also mandated that National Guardsmen take dual oaths of loyalty to both the state governor and the President. Under this act, the federal government also recognized the state commissions of militia officers. As well, the term "National Guard" became legislated nomenclature.

But state defense forces continued to exist as they became regarded by the national military establishment as an excellent force-multiplying mechanism. In practical terms, such units freed up men for service in the regular military or in the defense industry. They also served as a de facto initial training ground for personnel later inducted into federal service. Perhaps most importantly from a cultural perspective, they also allowed average citizens to serve in a uniformed, dedicated capacity. In its Section 79, the National Defense Act of 1916 had stated that when the National Guard was federalized, states had the authority to organize military reserve units for duty. The mission of such troops was strictly prescribed, though, solely to policing activities.

Thus, during the preparedness period just prior to U.S. involvement in World War I, Congress consented to establishing home defense forces for the states in the event that the National Guard was federalized. Subsequently, state legislatures authorized defense forces. The Home Defense Act of June 1917 authorized the Secretary of War to equip these "home guards" with missions focused on security and civil defense. Additionally, the nationally-based U.S. Guard, which came to number 26,000, was established as a facsimile of Britain's Home Guard. By 1918, over 100,000 men were serving in 42 state guards. But rather than use the militia to build the regular army, during the war the military relied primarily on draft calls to fill the huge manpower requirement required of the "Army of the United States" formally established in July 1918. The War Department also created the "U.S. Guards", an organization that consisted of 25,000 men culled from the ranks of those deemed unfit for overseas deployment, to oversee internal security.

The coming of the next World War was a turning point for the state militias. Both the state defense forces and the National Guard itself had declined in numbers and readiness during the interwar years. Nevertheless, the National Guard was entirely recalled to federal service (the 1933 National Guard Mobilization Act brought these state units into a permanent federal status and ensured that National Guard units would remain intact when called into federal service). State governors were uneasy over leaving their constituents unprotected, and thus state guards were recreated by the time of American entry into World War II. In 1940, Section 61 of the old National Defense Act of 1916 was modified to again allow the establishment of state defense forces. An amendment specified that state forces would be limited to duties as determined by their respective state governors. Even before Pearl Harbor, state guards were stood up in 37 states and involved 90,000 men. By 1945, 47 states and territories had organized home guards consisting of 150,000 troops. Their primary mission during the war was to engage in infrastructure security, one example being Pennsylvania's Reserve Defense Corps, which initially wore the uniforms of the state police. Other state guards were mobilized as special security units for temporary periods.

The state guards declined again after World War II's conclusion. Operative parts of the 1940 enabling legislation were rescinded, and the National Security Act of 1947 ignored the state guards entirely. Indeed, a 1948 Defense Department board even suggested doing away with the National Guard as a federal reserve force and instead melding it into the Organized Reserve. This trend held until the advent of the Korean War. During the 1950s, the National Guard Bureau directed that states temporarily maintain cadres of military personnel to assist with planning. Federal legislation for the creation of state defense forces was enacted by the 84th Congress in Public Law 364 of 1955 and in the State Defense Forces Act of the United States of 1958.

But in the aftermath of the Korean War, the return home of so many National Guardsmen meant that the state forces were extraneous. Furthermore, a struggle ensued between the federal government and the states over relative control of the National Guard during the 1950s and 1960s. The Pentagon's National Guard Bureau began paying the majority of the costs to maintain each state's National Guard. Furthermore, the Army came to rely more heavily upon the Army Reserve in comparison to the National Guard, thereby further undermining an argument for maintaining solely state forces. Furthermore, by the time of the Vietnam era, the Total Force policy had been put into place as a way of restructuring the reserve forces. Under Total Force, the military would not be utilized if the President and Congress had not gone to the effort to garner popular support for any expedition. The National Guard assumed a major share of the Army's combat reserve while service units became housed within the Army Reserve. There was only a minimal state militia capability left for the National Guard, and state control of the militia was severely curtailed. Thus, at this time most state military forces, to include the state guards, fell moribund.

But the pendulum eventually swung back in the favor of state militia utilization. With the renewed Cold War confrontation of the 1980s, the and consequent emphasis upon a strong military establishment of the Reagan years, and the reliance upon reserve and National Guard forces for the Total Force developed by the Pentagon, state defense forces were broadly revived. Spurred by the danger of bipolar confrontation and the need for internal forces to maintain order, in the early 1980s the Reserve Affairs Office in the Office of the Secretary of Defense assessed the efficacy of state defense forces. As a result, the Department of Defense directed the National Guard Bureau to encourage and militarily support the states with the establishment of defense forces. The end result was National Guard Regulation 10-4, effective 1 October 1987, which set policies for the support of the state militaries. It noted that such forces could not come under federal command and control and were "under the exclusive jurisdiction of the respective governor." The National Guard Bureau also would "monitor" the state guards and provide assistance in training "upon request".

However, as the years went by the National Guard failed to oversee, train, and utilize the state guards. Constraints in this complex relationship included the priorities of the National Guard's federal versus state missions, the lack of discipline and command and control within the state defense forces themselves, funding limitations, and legal restrictions. The National Guard simply did not want the state defense forces. A 1995 report by the RAND Corporation noted that the National Guard was fully capable of meeting its state obligations, and a survey of state adjutant generals found that nearly all objected to the formation or continuation of state defense forces. The situation became so dire that even the Supreme Court ruled that the federal government's action were infringing upon the right of states to maintain their militias.

State guards still survive and in recent years have had about 8000 members nationwide. The militia tradition persists in the continued existence of defense forces in two dozen states and a territory. There

are up to 12,000 state defense force members on the official rolls, but many are inactive or, like the Maryland Defense Force, have a reserve militia category which accords rank but requires no participation. Puerto Rico by far outdistances in personnel numbers the other state defense forces; it as well as Texas, South Carolina, and New York all have over 1200 members each. At the lower end is Michigan, which has retained on paper only about a dozen members after the disestablishment of the Michigan Emergency Volunteers. The list of official state defense forces includes: Alaska, Alabama, Mississippi, Florida, Texas, Tennessee, South Carolina, Georgia, California, New York, New Jersey, Maryland, Virginia, Nevada, Puerto Rico, Massachusetts, Vermont, Washington, Oregon, Ohio, Michigan, Indiana, North Carolina, New Mexico, Maine, and Connecticut. Wisconsin, Rhode Island, and Delaware are considering organizing such units, and California is poised to reinstate its naval militia. Other states retain laws allowing state guards but have yet to reconstitute them.

The most active are those in New York, Georgia, Tennessee, South Carolina, Virginia, Oklahoma, Texas, California, Alabama, and Ohio, as well as Puerto Rico. New York, New Jersey, Ohio, and Alaska have naval militias as well. The naval militias in Alaska and New York operate strictly under Title 10 of the U.S. Code under which their membership must be 95% drilling Marine Corps, Naval, or Coast Guard reservists. The other two naval militias fall under Title 32 as well and recruit volunteers along with reservists. Furthermore, some state defense forces, such as New York and Texas, also have aviation components. The air guards primarily provide security to Air National Guard installations in their respective states.

The current status and regard for such units is mixed. There are many positive contributions being made. Maryland used to have 350 members that engaged in activities ranging from snow emergencies to flood relief to wildfire suppression, but currently is undergoing reorganization in order to develop into a service force to the National Guard. Ohio's Naval Militia still patrols a 32 square-mile area on Lake Erie. The Alabama State Defense Force continues to assist with traffic control and search and rescue. Oregon's State Defense Force has integrated with the National Guard and provides emergency services, employer support, recruiting, and family wellness. Indiana's Guard Reserve has patrolled Dunes State Park to supplement security at the understaffed facility. California's State Military Reserve runs the state's military museum activities. Furthermore, its members are allowed to serve in full-time active duty positions with the California National Guard. The Georgia Defense grew to over 300 members in the period after 9-11 and moreover saves the state an estimated \$1.5 million annually due to the donated time and services of its members. The missions of the 500 members of the Virginia Defense Force include aviation support. The South Carolina State Guard has a very active equestrian unit utilized in ceremonial events. Dozens of New York Guard members are routinely utilized for support during ice storms. Tennessee's Defense Force (subsequently renamed the Tennessee State Guard) provided security and evacuation services during the response to a major chemical spill in the eastern part of the state in 1996. Alaska's Naval Militia was mobilized for the Exxon Valdez oil spill and subsequent natural disasters. The Texas State Guard, which can trace its roots to the 1820 Home Guard of the Austin colonists, is an important part of the land and air forces of that state and has its headquarters co-located with the rest of the state militia.

There is an underside, however. The Utah State Guard was dismantled in 1987 after it was found that 400 of its members were affiliated with the Aryan Nations. One unit in Texas was commanded by a former soldier of fortune. Officers in the Virginia Defense Force were preparing to purchase a tank and practicing drug raids. Some officers of the Ohio Military Reserve had participated in the Kent State Massacre decades earlier. Various other defense forces had their own anti-terrorist plans devised or engaged in unsanctioned law enforcement activities. The governor disbanded the 300-member strong

New Jersey Naval Militia in the spring of 2003 after complaints from the adjutant general over the lack of military discipline and the associated costs of maintaining the unit.

The widespread mobilization of National Guardsmen as well as reservists following the onset of the war against terrorism, the largest use of them since World War II, have wrought the need for a re-examination of the role and use of the state militias as an augmentation force for homeland security. The specter of international terrorism striking against U.S. soil, in conjunction with the call-up in some cases of 50% of National Guard units to federal service to fight the war on terror overseas, again made state-specific military units viable and necessary. As marked by the formation of Northern Command and the Department of Homeland Security, the new emphasis placed upon homeland defense by the administration of President George W. Bush is launching a reinvigoration of the state forces. This resurgence is abetted by the fact that the National Guard is consumed by fulfillment of its augmentation mission for the regular forces at home and abroad as well as by the fact that resources available to respond to state disasters are scarce. A secondary factor derives from the extreme investment that the federal government has been making in the reserve components. With the emphasis on intensive training in order to make National Guardsmen and reservists equivalent in readiness to their active counterparts, these part-timers are in essence too expensive and valuable to use for some of the more routine homeland defense missions.

A strong argument has been made for a national-level Homeland Defense Force to be created under the Department of Homeland Security. Such a "Home Guard" already exists in the state defense forces already in place. Individual members of these guards can be trained to provide for physical security, crowd control, and medical and logistical support to reserve and regular forces as well as to local and state authorities. The state guards would not interfere with federal or National Guard missions but would instead complement them. "The State Guard/Home Guard company costs virtually nothing in new budget appropriation," former longtime State Guard Association of the United States (SGAUS) President Paul McHenry noted back in 1998. "It supports but does not lead the civil government. It fills in behind police, the emergency manager, and any other agency within the purview of its function. The home guard company has support as its function – support of those with expertise. Home guard has nothing to do with warrior classes of the Armed Forces."

The post-September 11th period is an opportunity to carefully strengthen the military's connection to overall society and to trade upon the goodwill that the military response to the war on terrorism that has been generated. In the aftermath of that tragedy, another SGAUS president wrote to former Governor Thomas Ridge (who later became the first Secretary of the Department of Homeland Security) and urged him to provide training, equipment, missions, and recognition to state defense forces. The state guards can provide trained emergency response personnel intimately familiar with local and regional mission requirements. Indeed, state guards "can play an important role in enhancing the ability of the state through planning, coordination, and rehearsals during times of normalcy in order to bring effective organizations and their capabilities to bear in times of crisis." In fact, the overall numbers of state guardsmen have swollen by upwards of 25% after the terrorist attacks of 2001. Also, within Congress efforts have been made to introduce legislation to allow federal recognition and formal support to the state defense forces.

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THE STATE MILITIA IN NEVADA: A HISTORY

Dr. Michael J. Brodhead

The United States has always relied upon its part-time citizen-soldiers as a key cornerstone in national defense. In fact, marking nearly 400 years in existence, the militia is the oldest branch of the American military. The first militia units were organized in colonial times to defend against attack on the European settlers. England's North American colonies established militias, consisting of citizens who were subject to periodic mustering and drilling, and could be called into active service to defend the nation, and after the Revolution the independent states continued to maintain them. The United States Constitution designated the president as commander-in-chief of the state militias when they were called into federal service. A 1792 act of Congress required all able-bodied white males between the ages of eighteen and forty-five to be enrolled in the militias of the states and sought to impose uniform regulations for their organization and discipline. Another act of the same year authorized the president to call them into national service to repel invasion, suppress insurrection, and to enforce federal laws. The "minutemen" turned out for every major war beginning with the American Revolution up through present-day Global War on Terrorism. The military forces of Nevada have been no exception.

The state militia of Nevada is not only what we now term the "National Guard", but includes a large unorganized component as well as state forces controlled only by the governor, which is now known as the Nevada National Guard Reserve. This little-known organizational peculiarity is reflected in the missions of the Nevada Office of the Military, which has federal, state and community components. The federal mission is to provide units trained and ready to respond to federal mobilizations as directed by Congress or the President. Additionally, both the Army and Air routinely provide daily support to the nation in airlift missions, counter-drug activities and numerous ground support taskings. The state mission is to provide a regulated militia for the State of Nevada in support of the State Constitution, and to protect the lives and property of the public, both citizens and visitors, in times of emergency, disorder or disaster. The community mission is to add value to our Nevada communities through local Guard activities, programs and events.

The Adjutant General is the Commander of the Nevada National Guard and the Director of the Office of the Military. The Office of the Adjutant General provides administrative oversight for the agency, which consists of the Army National Guard and the Air National Guard.

The purpose of the Army Guard is to provide units, trained and ready for any contingency as directed by the National Command Authority or the Governor. It recruits, develops, and retains quality military and civilian personnel to support the Nevada Army National Guard during training and operations. The Nevada Army National Guard currently occupies eleven Armories, a regional training site, an Army Aviation Support Facility and a number of maintenance shops. The Nevada National Guard Reserve has remained little more than a paper organization, in spite of an obvious applicability to homeland security after 9-11.

The 1861 Organic Act creating the Territory of Nevada named the Governor the commander-in-chief of the territorial militia. In accordance with federal law, the territorial Legislature, in 1861, defined the "enrolled" militia as "every free, able-bodied white male inhabitant...between the ages of eighteen and forty-five years" except those exempted by law. In addition to the enrolled militia, which was subject

to being called into active service by the Governor, the law also recognized and encouraged the formation of volunteer or "organized" militia units, that is, local companies who took their duties as citizen-soldiers more seriously and who met regularly for drill, and were, presumably, better prepared to be called out for active duty.

The act (in most respects identical to a contemporaneously-adopted California statute) empowered the Governor to appoint an Adjutant General, who was *ex officio* the Governor's chief of staff, quartermaster general, commissary general, inspector general, and chief of ordnance. His other duties included: making an annual report to the Governor; keeping and filing "all returns, reports, and military correspondence made by him;" and keeping an account of all moneys received and expended by him. Also, the Adjutant General had charge of state and federal military property, such as arms, ammunition, and ordnance stores. Other members of the Governor's military staff were the chief engineer, paymaster general, judge advocate general, surgeon general, and five aids-de-camp. The law further provided for the organization of divisions, regiments, battalions, and companies, and for the appointing and electing of officers. Divisional, brigade, regimental, and company commanders were required to compile and submit muster rolls. The Governor, Adjutant General, and Territorial Auditor constituted the Board of Military Auditors. County and district assessors were responsible for making annual rolls of persons subject to military duty. The state constitution (1864) required the Legislature to provide for the "organizing and disciplining of the Militia" and for "the effectual encouragement of Volunteer Corps, and the safe keeping of public arms." Another provision empowered the Governor to call out the militia "to execute the laws of the State or to suppress insurrection or repel invasion."

Indeed, Nevada received its statehood in October 1864 partly as a result of its support to the war to keep the Union together. In compliance with its constitutional mandate the Legislature, in 1865, passed a militia act similar in content to the territorial act of 1861. Legislation of the following year made the Secretary of State the Adjutant General *ex officio*. A statute of 1873 transferred the position to the Lieutenant Governor. Another amendment in 1883 consolidated the militia. Briefly during 1891-1893, the post was held by the Governor's private secretary. In 1893 the Legislature specified that the adjutant generalship be a gubernatorial appointment.

In the latter nineteenth century the organized militias of several states began styling themselves "national guards." The Adjutant General of Nevada was using the term by 1883. In 1893 the Legislature made it official. The law also specified that the state's National Guard was to adopt the United States Army's drill regulations, and required the Governor to call out the guardsmen for annual encampments. The staff of the militia initially included a major general, a general-in-chief, and two brigadiers to control the two military districts into which the state was divided.

On paper at least, the organized state militia would hold 500 men. The militia was composed of six companies of infantry and one of artillery at Carson City, Virginia City, Emmett, Reno, Humboldt, and Tuscarora. The amount of state funded spent on the Guard per man was roughly \$10, paltry even at that time, and given these circumstances, no dress uniform was required. In 1897 the Legislature obliged the counties to provide armories for "public arms, accouterments, or military stores" used by guard companies within their borders. Legislation of 1899 fixed peacetime National Guard strength at one battalion of no more than five companies and returned the adjutant generalship to the Lieutenant Governor.

Even though the legislation of the 1890s appeared to show a determination to build a stronger militia, there was in fact a decline of the institution in that decade. The state's economy had been stagnating for

several years, with a resultant decrease in population and state funds. Also, the National Guard in other states was replacing the regular army for policing labor disputes, and organized labor in Nevada opposed employing the state's National Guard in this capacity. Throughout the decade of the 1890s several volunteer companies ceased to exist. By the turn of the century, the so-called National Guard of Nevada consisted of two poorly equipped companies, both in Virginia City.

Nevertheless, many Nevadans volunteered to serve in the Spanish-American War and the Philippine-American War. A battalion of infantry and two troops of cavalry were raised in the state. Most of these militiamen spent their time drilling outside of Carson City at Camp Sadler, named for the German-born governor of Nevada, Reinhart Sadler. Only one cavalry unit participated in the actual expeditionary warfare when it was sent to the Philippines.

In 1903 the Congress passed the Dick Act, which imposed stronger federal standards for the National Guards of the states. The military units of Nevada fell far short of the act's requirements – hard to meet given the state's size being greater than the MidAtlantic region put together, with width of a length of over five hundred miles and a pool of citizens at only 50,000 - and did not receive federal recognition. In 1906 Governor John Sparks ordered the disbanding of the organized militia. For several years Nevada was the only state lacking not only a federally recognized National Guard but an effective military force of any kind. Duties that would have been those of a state National Guard, such as maintaining order during strikes, were given to the Nevada State Police, established in 1908. Meanwhile, regular army troops were sent to deal with labor strife in Goldfield, 1907-1908.

Beginning in 1913 there were serious attempts to revive the organized militia and to have it conform to Dick Act standards. Newly formed units--a battalion of engineers, a troop of cavalry, and an ambulance company--still did not meet federal requirements. Nor was Nevada able to raise the two troops of cavalry requested by the War Department in response to the Pancho Villa raid into New Mexico.

When the United States entered World War I in 1917, there was no Nevada National Guard to be called into active duty. But once again Nevadans volunteered for service in the American forces. In Nevada, as elsewhere, the Adjutant General administered the Selective Service law.

Throughout the long period of the decline and disappearance of the militia/National Guard, the office of the Adjutant General continued to carry out significant duties. Among these were the support of civilian rifle clubs. Members of these organizations and militia marksmen competed at local, regional, and national small arms matches. In 1884 the Adjutant General compiled rosters of those who had served in Nevada's Civil War volunteer battalions. The same was done following the conflict with Spain and World War I. The information regarding World War I veterans included lists of casualties and recipients of decorations. The Adjutant General oversaw the compilation of an index of the military records of Nevadans who served the state or nation, 1862-1928. His office also provided aid to those seeking veterans' benefits. Following World War I, the War Department established the 40th Division, to be composed of National Guard units from California, Nevada, and Utah. Still lacking federal recognition of its state forces, Nevada was unable to accept the allocations of units offered to the state.

To expedite federal recognition, the Legislature, in 1923, authorized the Governor "to issue such regulations governing the appointments of officers in the national guard . . . and such other matters pertaining to the national guard as may be necessary in order to conform to the requirements made by Congress for participation in federal appropriations for the national guard."

A 1925 statute once again made the Governor's private secretary the Adjutant General. Governor Fred Balzar's private secretary, Jay H. White, mounted a determined drive to bring the state's military department up to the federal standards laid out by the National Defense acts of 1916 and 1920. His efforts paid off in 1927, when the War Department's Militia Bureau extended recognition to the Nevada National Guard. In a thorough revamping of the state's military code, the Legislature, in 1929, required the state's National Guard to be governed by War Department regulations as well as state laws and the rules, regulations, and orders issued by the Governor. The statute prohibited the use of the National Guard in "disturbances arising from any labor trouble, strike or lockout." An act of 1931 permitted the Governor to appoint any "suitable and competent citizen" to the position of Adjutant General; nevertheless Jay H. White continued to serve for several more years as the Governor's private secretary as well as the eminently suitable and competent Adjutant General.

The first Nevada unit formed after federal recognition was a military police company for the 40th Division. Engineer, motor transport, wagon, and hospital companies, and a motor repair section were added later. In the 1930s the Nevada units participated in the division's annual training camps. In January 1941 the War Department converted the Nevada units to the 121st Coast Artillery (Anti-Aircraft) Battalion; in June the unit was brought into federal service. Soon after the United States entered World War II the 121st lost its Nevada identity, and was later converted to a rocket battalion. Unlike most states, during the war Nevada did not create a state guard to replace the absent National Guardsmen.

Beginning in 1940 the Adjutant General served as state director for Selective Service. During the war he furnished Nevada guardsmen with Certificates of Service, which provided information on their tours of duty prior to federalization, and kept records of their promotions and transfers following federalization. After the war he participated in the federal Veterans Assistance Program. White also wrote a history of the Nevada National Guard.

In the immediate post-war period the Legislature made no provision for a National Guard. Without undue exaggeration, a report of the Legislative Counsel Bureau of 1948 commented that "Nevada has had a turbulent military history dating back to territorial days, but almost as turbulent has been the existence of the Adjutant General's office, an agency that has been buffeted around like an old cavalry boot."

The rebirth of the Guard came in 1947, the year White retired. The principal units allocated to Nevada were the 421st Anti-Aircraft Battalion and the 192d Air Fighter Squadron. After the creation of the United States Air Force in 1947 the ground and air branches were known respectively as the Nevada Army National Guard and the Nevada Air National Guard.

In the decades that followed other ground and air units came into existence, including armored cavalry, armor, military police, heavy equipment maintenance, ordnance, chemical, medical, aviation, signal, band, public information, and, for the Air Guard, tactical reconnaissance and airlift groups.

Since the mid-1950s new armories, built mostly with federal funds, have appeared in several Nevada communities. The Nevada Military Academy, established in 1957, conducts an Officer Candidate School and trains noncommissioned officers. During the Korean Conflict the 192d was taken into federal service for twenty-two months. Most of the Air Guard was activated during the Pueblo crisis in 1968-1969 and again for Operation Desert Storm in 1990-1991.

The Legislature enacted the most recent major revision of Nevada's military code in 1967. The statute also created the Department of the Military and a new Code of Military Justice. A 1993 statute changed the name of the agency to the Office of the Military. Both branches of the post-war Nevada National Guard have frequently served in emergencies such as floods, fires, explosions, storms, and civil disturbances. Activities have included: photo reconnaissance; drug law enforcement; recovery of escaped prisoners; rescue of lost persons; and prevention of looting.

The Nevada Division of Emergency Management, created in 1953, is a component of the state's Office of the Military. It is responsible for developing and carrying out "the state's plan for hazard mitigation, preparedness and response/recovery relating to natural and man-made disasters and emergencies."

Prior to 1997, a state Veterans Affairs agency operated as part of the Department of Motor Vehicles and Public Safety. That year the Legislature put it within the Office of the Military. While under Motor Vehicles, a Commissioner of Veterans Affairs and a Deputy Commissioner administered the agency; as part of the Office of the Military the titles changed to Executive Director and Deputy Executive Director. The act of 1997 also created the Veterans' Services Commission to advise them. In 1998 the Office of the Military described its federal mission was "to maintain combat ready units available to mobilize and deploy in support of the National Military Strategy and Military Support to Civil Authorities (MSCA) as directed by National Command Authority." Its mission in the state was to provide "military forces for assistance to Civil Authorities in natural and technological disasters, civil disturbances, and civil defense." The part of the militia that only the governor can recall, the state defense force, is known in the state as the Nevada National Guard Reserve. It is commanded by a state-commissioned officer with the rank of lieutenant colonel.

To improve responsiveness to federal, state and community requirements, the Nevada Army Guard has activated two new units, the 777th Engineer Utility Company in Henderson and the 440th Cable and Wire Company in Las Vegas. The Army Guard provided equipment and troop support to numerous civilian authorities, including firefighting support for wildland fires and search and rescue missions. The Army Guard continued to support and participate in Project ChalleNGe, an outreach behavioral and educational program for at risk youth, in partnership with the Arizona National Guard. The Army Guard deployed personnel for over six months in support of NATO operations in the Balkans and has been heavily represented in the war against Saddam Hussein and during the subsequent occupation of Iraq.

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THE ROLE OF STATE DEFENSE FORCES IN HOMELAND SECURITY¹

COL John R. Brinkerhoff (USA-Ret)

State Defense Forces can play an important role in Homeland Security by providing additional armed, trained, disciplined, and organized military troops to augment the police, National Guard, and federal military troops available for domestic law enforcement operations. State defense forces are today's version of the traditional local militia—citizen patriots who volunteer to defend their homes and hearths. They are strictly state troops to serve the respective governors during times of emergency. The National Guard originated as state militias, but today is a federal force, funded by federal dollars, equipped with federal weapons, aircraft, and vehicles, and organized and trained to federal standards in order to provide units to the Army and Air Force respectively in time of need. When not being used by the Federal Government, National Guard units are available to the governors as state military forces, but when the federal government needs the National Guard, its units and personnel are ordered to federal active duty and used under the direction of the President. This is the situation now for operations in the Global War on Terrorism, and this is the situation that will be the norm for many years to come. DOD policy is to try to make one-half of each state's National Guard available to the governors over the long-term. State Defense Forces can provide governors additional troops to make up for the absence of the other half of their National Guard units.

Among the various states, state defense forces are known by other names, including National Guard reserve, state guard, home guard, and state military forces. The generic term “state defense forces” will be used in this article.

State Defense Forces in the Twentieth Century

State defense forces served the Nation well during four major wars of the Twentieth Century. Many governors established state defense forces when their National Guards were placed on federal active duty for World War I, World War II, and the Korean War.

They were also formed during the Cold War in anticipation of the mobilization of the National Guard for a major conventional war in Europe. During these wars, Governors' responsibilities for disaster response and civil security did not end, and threats such as sabotage, enemy raids, and domestic disorders were more important than in peacetime.²

For these wars, the Congress enacted laws enabling the governors to establish and maintain state defense forces. The Constitution does not provide for state defense forces. Article I, Section 10 of the Constitution says “No state shall, without the consent of the Congress, ...keep troops, or ships of war in time of peace...” During the preparedness period just prior to World War I, Congress for the first time

¹ A version of this article was previously published in U.S. Joint Forces Command's *The Joint Center For Operational Analysis Lessons Learned Bulletin* (December 2004).

² T. N. Dupuy, Grace Hayes, Bradley Chase, and Thomas Tulenko, *US Homeland Defense Forces Study*, Historical Evaluation and Research Organization, 1981.

consented to having state defense forces in the event the National Guard was federalized. Section 61 of the National Defense Act of 1916 says: "No state shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed in this Act." Section 79 of the Act, however, says that when the National Guard is federalized, "there shall be immediately organized" reserve battalions of infantry or cavalry to constitute the fourth battalion of each regiment ordered to active duty.³

When the National Guard was federalized in 1916 and 1917 for World War I, several governors were reluctant to allow them to go because of the need for state troops to maintain civil security.⁴ As the war got underway, the Congress enacted on 14 June 1917 the Home Defense Act in response to the evident need for military forces to serve as state troops. The act established rules for federal support of the Home Guards and legitimatized what had already been done *de facto* by some states. The act authorized the Secretary of War, during the emergency, to "issue from time to time to the several States and Territories and the District of Columbia for the equipment of such home guards having the character of State police or constabulary as may be organized under the direction of the governors of the several states..." The law gave specific permission to provide "rifles and ammunition, cartridge belts, haversacks, canteens, in limited amounts as available supplies will permit."⁵ By December 1917, there were Home Guard units in 42 states, and these units had an aggregate strength of about 100,000 men. After the war, some of the Home Guards were transferred to the National Guard, but most of the units were dissolved. The Home Guards were gone, but the need for organized military units to provide home defense was remembered when the Nation started preparing for World War II.

In World War II, state defense forces were organized in 46 states and Puerto Rico, with an aggregate strength of about 170,000 members. The National Defense Act of 1916 was modified in 1940 to provide a legal basis for these state troops and authorized support for them by the Secretary of War. State defense forces were intended to be "solely state forces, whose employment and composition were determined by the governors. Federal involvement was still intended to be indirect and limited. ...Training objectives would be prescribed by state authorities..."⁶ These state defense forces were used for four principal missions during the war: peacetime duties of the National Guard, full-time guard duty in coastal areas during the year after the attack on Pearl Harbor, auxiliary combat troops in the event of hostile invasion (1942-1944), and after March 1944, internal security against espionage, sabotage, and domestic disorders. At the end of World War II, laws permitting formation of state defense forces were rescinded, and the program was terminated. The National Security Act of 1947 made no provision for state defense forces.⁷ After valuable worthwhile service in World War II, the state defense forces disappeared as the National Guard was reconstituted to serve as state troops.

When National Guard units from several states were called up for federal service in the Korean War, action was taken to form state defense forces in some of those states. In August 1950, the National Guard Association sponsored legislation to allow cadres of state military forces to be maintained at all

³ Home Defense Forces Study, pp. 6-8

⁴ In this discussion, the term "state" also includes territories and the District of Columbia.

⁵ Quoted in Home Defense Forces Study, p. 10.

⁶ Home Defense Forces Study, p37.

⁷ Ibid. p. 83

times in addition to the National Guard. Despite Army objections to a provision of the bill that made the National Guard Bureau responsible for planning and coordinating the formation of these units, the bill was passed on 27 September 1950. Several states organized state military forces to replace mobilized National Guard units. The Army was preoccupied with avoiding defeat in Korea while creating an effective combat force in Germany and did little to support the internal security battalions that some of the states were forming. The result was that some states had these forces, and others did not. The program was not a great success, despite the initial enthusiasm and the need. When federal authority for state defense forces expired in September 1952, existing forces were disbanded and the state defense force program was lost to memory for thirty years.

In 1980 at the height of the Cold War, the state defense force program was revived to provide state troops for internal security in the event that the National Guard was mobilized. The war plan called for mobilization of the entire National Guard to augment the active forces in a global conventional war. In this event, the homeland would be left without adequate forces to preserve civil security in the event of sabotage, raids by Soviet Special Forces, or a nuclear attack. Few federal military personnel could be spared for domestic operations, and the National Guard would not be available to the governors. The states were encouraged to establish strong state defense forces. DOD agreed to provide from excess stocks the rifles, vehicles, uniforms, and radios the state defense forces would need for training and operations. Oversight of the revived state defense force program was assigned the National Guard Bureau. This program was a vital element of plans to protect the population against a massive Soviet nuclear attack and reconstitute society under civil rule in the aftermath of that attack. At the end of the Cold War in 1989, the state defense force program, along with many other programs designed to defend the homeland, was once again discarded.

State Defense Forces in the Global War on Terror

Today the United States is facing the threat of attacks by terrorists using weapons of mass destruction. A chemical attack, a major biological attack with an infectious disease microorganism, a radiation bomb, a nuclear explosion, or even multiple simultaneous conventional attacks will be catastrophic incidents. Managing them will require a large number of trained, organized and disciplined personnel to recover victims, tend to the injured, bury the dead, take care of the survivors, prevent the spread of the danger, restore essential services, and provide a basis for recovery. There will be a need for firefighters (many of them volunteers), emergency medical personnel, doctors and nurses, emergency managers, engineers, and lots of citizen volunteers. In these kinds of emergencies, there will also be a need for large numbers of police officers and military troops who, in addition to being trained, organized, and disciplined, are also armed.

Armed police officers and military troops are needed to maintain law and order, protect critical infrastructure targets, control crowds, and provide protection for emergency personnel. While most Americans will pull together in the face of danger, some criminal elements will seek to take advantage of the panic and confusion of a catastrophic emergency to enrich themselves, promote their own agendas, or save their own lives at the expense of others. That is, violence is likely to accompany the devastation of the attack itself. This may be compounded by spontaneous movements of people attempting to escape danger. Armed, trained, organized, and disciplined personnel are needed to protect the citizenry from looters, criminal gangs, mobs, and themselves.

Police have the primary responsibility for maintaining law and order. They do this well in a daily basis and are generally able to manage major disasters and small attacks without extra help. For catastrophic

emergencies, however, the police are too few in number to do it by themselves and too bound to their own jurisdictions to reinforce other jurisdictions. There are about one million sworn police officers in the United States. A sworn police officer is authorized to arrest suspects and use deadly force if necessary to enforce the law. About 170,000 of these are employed by the federal government and during a catastrophic attack will be almost completely engaged in protecting their installations or working in their assigned field offices. About 770,000 officers are employed by local governments and will have their hands full in their localities during a widespread emergency. Only about 60,000 state police officers are available to reinforce local departments within their states in the event of a catastrophic attack. Police resources look large in the aggregate, but when divided by the fifty states, there are on the average only about 15,000 local officers and 1,200 state officers per state. Police departments are much larger in major metropolitan areas and much smaller than the average in rural areas, but in catastrophic attacks that affect large areas in several states simultaneously, there will not be enough police officers to do what has to be done. Since lateral reinforcement is not feasible when all adjacent areas are involved, the only source of augmentation for local departments will be from the states, which have the fewest resources.

When local and state police are unable to manage an emergency, the governors—who are responsible for maintaining law and order in their states—call on the National Guard to augment the police forces. In present circumstances, however, the National Guard alone may not have sufficient additional capability to meet the needs of the governors during catastrophic terrorist attacks. Although there are no authoritative estimates of police and troops required to deal with catastrophic emergencies, the demand for armed troops is likely to be greater than that experienced before because of the use of weapons of mass destruction.⁸ Furthermore, as noted earlier, not all of the National Guard units in a state will be available to the governors because many National Guard units will be on federal active duty. The DOD policy is to allow half of each state's National Guard to remain available for the governors. Even at full strength of 458,000 (350,000 in the Army National Guard and 108,000 in the Air National Guard) the National Guard provides only about 9,000 military troops per state on the average. Anticipating that half of the National Guard is on active duty, the states would fall short about 225,000 personnel from their full capabilities. That shortfall could be made up by having in each state a state defense forces equal in strength to the unavailable National Guard troops, or 225,000 members in the aggregate nationally.

When local and state resources are inadequate and are overwhelmed by the demands of an emergency, the governors of the states may request the President to authorize the use of federal troops to maintain law and order, provide security, and support consequence management. It is quite likely that some federal troops will have to be used to manage catastrophic attacks and disasters. The number of federal troops needed could be reduced if state defense force troops were available for the governors. States less affected could get by without requesting federal troops. States more affected would need fewer federal troops. The existence of a large number of well trained and armed state defense forces would reduce the resources that the Department of Defense would otherwise have to use for domestic emergencies.

⁸ This assertion is made on the basis of research to date. Current estimates of "requirements" are based on prior experience and do not include troops to maintain law and order during and after the attacks. The author welcomes rebuttal to this assertion.

The Value of State Defense Forces

State defense forces are a low-cost, effective way to increase the Nation's capability to deal with catastrophic terrorist attacks. States are authorized by Title 32 USC Section 109 to form such military forces. In order to be legitimate military forces, they must be formed in accordance with the constitutions and laws of the respective states, serve under the governors, and be commanded by the adjutants general of the states. The state defense forces are composed entirely of volunteers who train without pay and often perform their emergency duties without pay. Administrative costs are borne entirely by the states. Even in the absence of a catastrophic attack, they provide governors additional troops to manage lesser emergencies. During and after the attacks of September 11, 2001, the New York State Guard was pressed into service to provide security and assist in dealing with the attack on New York City. State defense force units in other states were also called on to augment security at key installations. State defense forces in several southeastern states served during the hurricane season of 2004. They provide extra personnel that governors can use in time of need without calling for federal troops.

Presently, twenty-one states and Puerto Rico have SDF units, with an aggregate strength of 11,700 personnel. Several states have highly effective programs in which the volunteers receive weapons training and prepare for emergency duties as well as providing support for their National Guard units. In these states the commanders of the state defense forces are a major element of the state military departments and report to the adjutants general. State defense force personnel are authorized to wear Army uniforms with state insignia rather than the "US" denoting federal troops or federally recognized National Guard personnel.

The decision to have or not have a state defense force is up to the states. The Department of Defense has no part in funding the state defense forces, but it can provide advice and mentoring. The Chief, National Guard Bureau is the logical person to be responsible for suggesting tables of organization, accession and promotion standards, and training schedules for the state defense forces. The impetus and energy for each state defense force comes from governors, legislators, and adjutants general of the several states.

Facing the threat of terrorist attacks, it makes good sense to have strong and effective state defense forces. States with these forces should be encouraged to increase the strength and capabilities of their existing units to be about half of their National Guard strengths. States without these forces should be encouraged to form them. This program takes advantage of the propensity of Americans to volunteer and the availability of large numbers of retired and former service members who want to contribute to Homeland Security by putting their military training and experience to good use as members of the state defense forces. State defense forces can be a highly effective, yet low cost, addition to the Nation's defenses.

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LTC Brent Bankus, "State Defense Forces: An Untapped Homeland Defense Asset," Strategic Studies Institute, US Army War College. Brief historical background and review of the current varied state defense forces. See US Freedom Foundation website.

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A RESERVE COMPONENT FOR THE RESERVE COMPONENT?: HOMELAND SECURITY'S ANTITERRORIST NEEDS

by COL Martin Hershkowitz (MDDF-Ret)

CAN THE RESERVE COMPONENT MEET OUR NEED FOR HOMELAND SECURITY?

We live in a frightening time, experiencing world-wide terror on a daily basis. Every day we see terrorist groups killing and destroying to demonstrate that what we believe, what we stand for, is of no value. The United States is the epicenter of their hatred. In order to protect our beliefs, our way of life, our families, we must secure our homeland.

Paul McHale, Assistant Secretary of Defense for Homeland Defense, recently said "one big threat to our security, the Soviet Union, has now been replaced" (Ivan Scott, "DoD's Changing Role in Homeland Security," *Homeland Defense Journal*, March 2004), that "The biggest threat is the global proliferation of weapons of mass destruction." This threat is "now compounded by the emergence of trans-national terrorist groups. ... We must seek out and defeat those terrorist groups."

In the U. S. National Security Strategy, President George W. Bush makes it clear, "Defending our nation against its enemies is the first and fundamental commitment of the Federal Government. To defeat this threat we must make use of every tool in our arsenal – military power, better homeland defenses, law enforcement, intelligence, and vigorous efforts to cut off terrorist financing."

In response to this, limited Federal military and civil support are currently being augmented from such State and municipal agencies and organizations as the State Police, State health agencies, municipal police, hospitals and local physicians, and those remaining National Guard (NG) units not selected for military duty elsewhere. However, this homeland security (HS) force is not sufficiently adequate to provide security for our borders, critical infrastructures, critical material logistics depots and buildings, and it will further create other delivery of services problems when those programs are stripped to staff the HS mission(s): the reduced State Police and local police presence, the lack of medical staff at the hospitals, the need for the NG to perform vital Federal military missions.

As Brigadier General (MD) M. Hall Worthington observed in *Volunteers Committed to Service in their Communities*, "State and local governments are unprepared for a major National Guard deployment" (letter to Governor Thomas Ridge, Assistant to the President for Homeland Security, State Guard Association of the United States, November 14, 2001).

Further impacting on the availability of the NG is Delaware Brigadier General Reid K. Beveridge's (DNG-Ret) concern over possible revision or repeal of the Posse Comitatus Act of 1878 in his article, "Bulwark of Civilian Supremacy: Posse Comitatus Act has Stood the Test of Time" (*Armed Forces Journal, International*, October 2002). This country and perhaps most States has its share of terrorists – home grown, illegal immigrant and resident foreign national terrorist cells. He expressed this concern by paraphrasing the Act, "active duty military personnel cannot be used in law enforcement: however, the National Guard, while in State status, can." Under the reasonable assumption, and especially since

11 September 2001, that these terrorist cells will become more active, there will be less NG personnel available to support their State's HS.

IF NOT THE RESERVE COMPONENT, THEN WHO?

Some three hundred years of providing security to our communities have indicated a potential answer to this question. LTC Brent C. Bankus provides an intriguing historical response in his mini-monograph, "State Defense Forces, an Untapped Homeland Defense Asset" (Minute Man Institute for National Defense Strategy, Naval Post Graduate School, May 2004): the Colonial militia provided local defense and security service (resisting enemy attacks, suppressing insurrections, enforcing laws and providing manpower for expeditions during wartime); village militia or volunteer units served on numerous occasions from defending their homes from Indian attacks (French-Indian War, 1750s-60s) to the Philippine Campaign and the Puerto Rican Occupation (1899-1903); The Militia Act of 1792 regulated local militias; the Dick Act of 1903 differentiated between the organized militia and the unorganized militia by granting Federal recognition to the land forces of the organized militia; the National Defense Act of 1916 enabled Governors to organize replacement NG units designed only for State service; the National Defense Act of 1917 and War Department Circular #3 of March 1918 provided for Federal aid to State Guards (SG), stating that they would be furnished arms, equipment and uniforms by the federal government; State military forces provided invaluable aid during the "Spanish Influenza" outbreak in 1918; due to raids by Pancho Villa, cavalry and infantry units were organized for State service guarding the Mexican border; the State Guard Act of 1940 clarified the constitutionality of organizing SG forces as replacements for the federalized NG; after the attack on Pearl Harbor approximately 13,000 SG troops were called to service to defend the homeland; during the Korean War several States reactivated their SGs to replace the deployed NG.

LTC Arthur N. Tulak, USA; LCDR R. W. Kraft, USN; and Maj Don Silbaugh, USAF, recognized that "The National Guard has the dual role of supporting the Armed Services in fulfilling the National Military Strategy and its State missions of civil support and disaster assistance; State Defense Forces (SDFs) represent a value-added component for HS and homeland defense (HD) contingency planning and operations; SDFs can provide a pool of specially trained personnel to assist in HS planning and command and control," in their article "State Defense Forces and Homeland Security," (*Parameters*, Winter 2003-04).

According to Harold Kennedy, "State Volunteers Eyed for Greater Security Role" (National Defense Magazine, December 2003), the Pentagon and Capital Hill are seeking ways to ease the pressure on over-deployed active duty, NG and Reserve troops.

One way that seems to be suggested thus far is to establish a SDF consisting of volunteers with a variety of expertise to fill those gaps that will be experienced by the NG as it attempts to support its State's HS effort. These volunteers, unlike those volunteers who support civilian agencies, are under the protocol of military guidance and customs; they are less likely to walk away from assigned missions and are more likely to integrate well with the NG units that are given those missions.

Although there are many articles on and in support of the concept, three mini-monographs offer great detail on certain aspects and deserve to be read: LTC Arthur N. Tulak, USA; LCDR R. W. Kraft, USN; and Maj Don Silbaugh, USAF, "State Defense Forces and Homeland Security" (*Parameters*, Winter 2003-04); LTC Brent C. Bankus, "State Defense Forces, an Untapped Homeland Defense Asset" (Minute Man Institute for National Defense Strategy, Naval Post Graduate School, May 2004); and COL

(MD) Martin Hershkowitz and BG Herbert O. Wardell, Jr., "A Guide for Establishing a State Defense Force with a Homeland Security Mission" (Germantown, Maryland and Newark, Delaware, 19 April 2003). The first two offer excellent bibliographies on the subject and considerable insight on the use of SDFs in support of the NG's HD mission; the third considers all possibilities and alternatives, presenting the reader with a roadmap, including pathways, options and concerns for implementing a SDF in support of its State's HS.

WHY DEPEND ON THE SDF?

LTC Arthur N. Tulak, et al, observes that the SDF is a force of militia and are authorized to the States by Federal Statute (Title 32 U.S. § 109). They are not entities of the Federal government; however, they are organized, equipped, trained, employed and funded according to State laws and are under the exclusive jurisdiction of the Governor and the Adjutant General (TAG). Should the NG be mobilized, the SDF will assume the NG's mission for the State's security.

Representative Joe Wilson, R-SC, believes that SDFs are the nation's reserve to the NG, authorized jointly under Federal and State law, "State Defense Forces are the official State military reserve to the National Guard and are reserved strictly for military duties within their respective State," said Wilson. Even if a State's NG were deployed in Federal service, the State would still possess a valid military force to respond to natural and manmade disasters, civic unrest, HS duties, and to provide manpower supplements to remaining NG units, State emergency management agencies, and State and local law enforcement. John Stone, President of U.S. Freedom Foundation, calls the SDF "a ready reserve of highly trained professionals" that make up "the cheapest force multiplier in the field. Although it appears that the SDF is authorized to function in place of its NG's HS mission when they are performing combat or HD missions, there remains questions as to whether the SDF can actually perform as needed. It is clear that there are at least two sides to this issue.

Consider the negative first. SDF members are sloppy, fat, unfit, lazy, unkempt, old, untrained, unprepared, useless, unmilitary, all they want to do is sit around drinking coffee and telling war stories. Many TAGs, ranking NG personnel and some in the National Guard Bureau use some of those unpleasant descriptors for the SDF in conversation; however, they never appear in writing. What is written is that the SDF is composed of "ultra right wing survivalists" or that the SDF provides an outlet for "warrior wannabees," that volunteers could cause more problems in a crisis.

Considering the positive side, LTC Bankus points out that SDF represents a significant potential at the State level for providing trained personnel or forces who can easily integrate with active and reserve component military forces in time of crisis as they share a common culture, rank structure, organization and regulatory procedures. With the NG being called to active duty more often and for longer periods, the Governors are left with few options to deal with the consequences of natural disasters and terrorist attacks, and to provide for the required response to increased levels of readiness required by a change in the National Alert System. State military forces under the control of TAG may assist neighboring States in responding to natural disasters and HS missions where bilateral agreements exist. This is made possible through the national standardization of tactics, techniques and procedures, as well as organizational culture.

Continuing the positive aspects of using the SDF, LTC Arthur N. Tulak, et al, comments that the SDF can play a large role in enhancing the ability of the State through planning, coordination and rehearsals during normalcy in order to bring effective organizations and their capabilities to bear in times of crisis,

and in consequence and crisis management in dealing with the aftermath of a terrorist or subversive attack. Furthermore, the SDF encourages specialization in emergency management training for units and leaders; thus, having such highly specialized and qualified personnel to serve in the State EOC provides a vital procedural bridge between the military force, local first responders, and State and Federal agencies responding to the crisis.

Bill Baskerville, in his article "Iraq war puts little known Virginia Defense Force in the spotlight" (Associated Press, April 12, 2003), points out that the SDF's major mission is disaster relief and supporting the NG. With HS duties, one mission would involve traffic control during a hurricane or in the event of a terrorist attack.

John Stone, in an article on the Freedom Foundation web-site, "Helping Americans Defend Themselves: The State Defense Force Act of 2003," points out that SDFs are the one military force available that can be assigned by their Governor to wherever they are most needed, in total coordination with deferral efforts, that it is a revival of the historic principle of Americans taking responsibility for defending themselves through voluntary military service at the local level.

ARE SOME SDFs ALREADY FUNCTIONING IN THIS MANNER?

Many of today's SDFs provide some of the following: infrastructure site security, Emergency Operations Center (EOC) assistance, search and rescue capabilities, medical, religious, legal, effects of weapons of mass destruction, and some provide naval and air assets as well. Kennedy reports that, with many of their NG units absent, some States are turning to their own, locally controlled SDFs to perform many of the HS and disaster-response functions normally performed by the NG and Reserves.

Bankus reports: after 9/11, Alaska's SDF was on duty for five months protecting critical infrastructure sites; New York's Army Division was used for perimeter security at Camp Smith, NY, and critical infrastructure sites within the city; Air Force SDFs routinely augmented security forces for Air National Guard installations; Naval militias provided water borne patrol assets for security missions in coastal areas; the NY Naval Militia was extensively used to provide routine security for the Indian Point, NY, nuclear power plant and transportation assets to and from the 9/11 crash site.

In a USA Today column ("State Defense Forces Grow," September 8, 2003), Mimi Hall reported that: volunteers moved and sorted donated goods in New York City after the Sep., 11 attacks; another group collected debris after last winter's Space Shuttle disaster in Texas; when the Tall ships visited Toledo in August, a third group secured the Maumee River; in Alaska, members carry guns; SDFs can be called up only by a Governor, they cannot be sent abroad or even out of State; after Sep., 11, the membership of the state Defense Force has grown by thousands to nearly 12,000 in 19 States and Puerto Rico.

The Fairbanks Daily News-Miner (December 29, 2003), reported that "Several dozen Alaska Army National Guard and Alaska State Defense Force soldiers have been beefing up security around the State." And, again on December 30, 2003, that: the State Division of Homeland Security set up a series of checkpoints on the Dalton Highway Monday to search northbound vehicles for explosives and terrorists; the 24-hour checkpoints are manned by the Alaska SDF (ASDF), considered the State's volunteer military force, and an Alaska State Trooper, they check all vehicles and check whether people are listed as suspected terrorists, the SDF will detain suspicious people until a Trooper arrives to deal with the situation; military volunteers and some members of the National Guard were activated to help Federal, State and local law enforcement beef up security surrounding not only the trans-Alaska oil

pipeline, but the State Capital; and similar barriers manned by Troopers, ASDF personnel and Valdez police officers protect the port where oil is loaded onto tankers bound for the lower 48.”

DOD's Scott reported that “An aviation battalion is activated at the request of State or local governments, and has flown security missions at military fuel depots, done drug surveillance in southwest Virginia and conducted aerial mapping.”

Kennedy cited the concerns of Brigadier General B. Lucas, II, Commanding General, MDFF, about the need for medical services during a catastrophic emergency; further, lawyers help with wills and other legal matters relating to deployments; because of the professional nature ... age is less of a concern then it would be in more strenuous active duty services.”

Baskerville reminds the reader that members of the (SDF) unit are paid nothing, must buy their own green camouflage uniforms, train one day a month and can be called to duty at any time. The aviation unit must even furnish their own airplanes.

LEGISLATIVE SUPPORT

Bankus quotes U.S. Representative J. Wilson, R-SC, “State Defense troops are highly motivated people, ready and willing to help their country in this time of war, and the States need capable and dependable forces for homeland security duties.”

In order to encourage Governors and TAGs to establish and utilize a SDF and provide it with NG HS missions, Representatives Joe Wilson, R-SC, and Lincoln Davis, D-TN, introduced a Bill, “The Force Improvement Act of 2003, HR 2797,” that would encourage the Defense Department to standardize training and certification for the SDF. It would also allow the SDF to buy surplus equipment from the Pentagon. The purpose of the Bill is “To amend Title 32, United States Code, to improve the readiness of SDFs and to increase military coordination for HS between the States and the Department of Defense.” The Bill provides for increased coordination and mutual support between the Department of Defense (DOD) and the nation's NG reserve forces currently recognized in Federal statute as the SDF. It contains no cost to the DOD or State NG budgets, no mandated cost to State governments, and holds the potential of providing up to 250,000 additional troops specifically for HS missions within the United States. Finally, the Bill recognizes that low public awareness of the role of these reserve forces has served as an obstacle to recruitment and the full realization of the potential these forces possess to provide support at home to Operation Enduring Freedom.

In Stone's opinion, “The Bill has a simple and straightforward goal – the Congressional direction that these military reserves can and should be fully incorporated into the nation's overall homeland defense strategy at both the federal and state level, and available to support local, state and federal agencies as needed at the call of their respective governors.” “There will no longer be any doubt that the initiation, improvement, and expansion of these forces is the precise intent of the Congress under Title 32, and that the DOD is authorized and encouraged by federal law to see that this intent is brought to fruition.” “It will also provide State legislative clarification on liability protection and credentialing of requirements of professionals such as physicians, attorneys, electricians, and engineers while serving in state defense forces.”

BG Worthington emphasizes that “Representatives from SDFs need to be involved in federal, state, and local policy-making,” and “need increased public recognition and visibility. The overwhelming majority of Americans have no idea that state defense forces exist.”

IN CONCLUSION

There is a clear indication that the freedom loving people of the world are facing a potential World War III against organized terrorism. Although the NG is the obvious player in providing HS support to its State, it is just as clear that the NG has its plate full to overflowing with Federal missions, including combat and HD activities. It is, therefore, vital that Federal and State leadership and both their military leaders recognize the need for a Reserve Component to back up the NG and to focus on their obvious candidate for this assignment. This means that much of TAG and NG leadership must bury their traditional negative concerns about the SDF and focus on immediately building up and preparing their SDF for this awesome challenge.

HOMELAND DEFENSE: THE PENNSYLVANIA STATE GUARD 1941-1953

by LTC. Brent C. Bankus (AUS-Ret)

In the wake of the September 11, 2001 terrorist attacks on the United States, homeland security has received much attention. On October 8, 2001 – less than a month after the attacks -- President George W. Bush created the Office of Homeland Security, with former Pennsylvania Governor Tom Ridge as director (now the Department of Homeland Security under Secretary Ridge). A year later, on October 1, 2002, the new United States Northern Command – a four-star general or flag officer command -- was established on Peterson Air Force Base, Colorado, to manage the military aspects of homeland security issues.

At first glance, one would think homeland defense or homeland security to be a new concept, one that had never been considered before or given much attention. This could not be further from the truth. Much like the idea of peacekeeping, homeland security has been done before. To our parents' generation, "the Depression era kids" who fought and won World War II, homeland security is not a new concept.

Following the German invasion of Poland in September 1939 and the fall of France in June 1940, the United States began to mobilize our military for World War II. Beginning in 1940 and continuing through 1942, most Reserve and National Guard units, to include Infantry Divisions, were activated, with the National Guard being federalized, and sent to various mobilization training installations. Eventually, these units deployed overseas to form the core of the Army that fought and won World War II.

As the traditional state ready reaction force, the National Guard, mobilized and went off to war, there arose the obvious need for a trained force to continue this traditional state National Guard role. To meet this need, Section 61 of the National Defense Act was amended.

This act, which prohibited states from raising any "organized militia" or "state militia" besides the National Guard, was modified in 1940 to again allow governors to raise such a force. Hence, all but a few states raised and equipped an additional armed force to take the place of the deployed National Guard and Reserve units. These organizations went by a variety of names: Home Guard, Reserve Defense Force, State Guard, State Guard Reserve, and State Militia were among them. They routinely consisted of prior service or World War I veterans, men awaiting active service, and others, who for one reason or another, were exempt from (federal) active service.¹

Their training schedule was much the same as the National Guard of the day. Drill periods were conducted one night a week, usually on Monday nights, and an annual training period, usually one week long was held during the summer months at the local training area. Their doctrine was derived from

¹ Barry M. Stentiford, *The American Home Guard; The State Militia in the Twentieth Century*, United States: Texas A&M University Press, 2002, pp. 93-94.

standard Army manuals. While soldiers were not paid for the weekly drill periods, they normally received full pay and allowances for the annual training period as well as for any state active duty time.²

Their missions consisted of guarding bridges, munitions and tank factories and other key installations. Additionally, the State Guard received training on such missions as defense against air attacks and saboteurs and guerrillas, civil disturbances and military actions in a disaster area.

Using Pennsylvania as an example, General Order No.1 from the Office of the Adjutant General of Pennsylvania, dated March 20, 1941, officially organized and recognized the Pennsylvania Reserve Defense Corps (PRDC). Initially, the force was of brigade size (1,934 men) consisting of three regiments: 1st Regiment (Philadelphia) to cover the eastern sector of the state, 2nd Regiment (Wilkes-Barre), center sector, and 3rd Regiment (Pittsburgh), the western sector.³ Each regiment had a regimental headquarters and service company with a medical detachment. Regiments were further divided into three battalions with three rifle companies per battalion. Each company contained two platoons with approximately thirty men per platoon. With the exception of two platoons vice three platoons per company, the breakdown of the Table of Organization and Equipment (TO&E) resembled the standard Army TO&E of the day for commissioned and non-commissioned officers and enlisted personnel.

The rank structure for the officer, non-commissioned officer and enlisted ranks also resembled the Army model for a Separate Infantry Brigade, with a brigadier general as brigade commander, two additional colonels at the brigade headquarters and a colonel commanding each of the regiments. The remainder of the brigade officer strength consisted of five lieutenant colonels, seventeen majors, forty-nine captains, seventy-two first lieutenants and sixty-two second lieutenants.

A physical examination was administered to all enlisted members, modified to account for the 21-50 variation in age. However, there was no age limit for the officers. This was intentionally done to optimize the prior service manpower pool available in the state.⁴

The first brigade commander provides an example of the manpower pool utilized for State Guard service. Brigadier General Robert M. Vail entered the Pennsylvania Army National Guard on March 16, 1894, as a private. His federal service included the Spanish American War in 1898, the Philippines from 1899-1904, the Mexican Border Expedition, 1916-1917, and World War I service, 1917-1918, where he was awarded the Distinguished Service Cross and Purple Heart for heroism and wounds received near Villette, France. Following World War I, General Vail continued service in the Pennsylvania Army National Guard until his retirement in 1939 as a Major General of the line.⁵

When the 28th Infantry Division was called into federal service in 1940, the Adjutant General for Pennsylvania, Major General Edward Martin, was also federalized, due to his dual status as division commander. Consequently, General Vail was returned to state service as Acting Adjutant General and

² LTC Brent C. Bankus, "The Pennsylvania State Guard During World WarII", The Press Enterprise, November 30, 2002, p. 15.

³ The Pennsylvania State Archives, Harrisburg, PA, The Adjutants General Report 1941.

⁴ LTC Brent C. Bankus, "The Pennsylvania State Guard During World WarII", The Press Enterprise, November 30, 2002, p. 15.

⁵ The Pennsylvania State Archives, Harrisburg, PA, National Guardsman Magazine, Oct 1953.

brigade commander of the Pennsylvania State Guard. Although Vail retired as a Major General, when returned to active state service, he was reverted to his last permanent rank held, that of Brigadier General. This also speaks well of his patriotic nature, taking a reduction in rank to serve his country once more.

The governor was responsible for providing uniforms, equipment and supplies as they were available. Initial issue uniforms resembled those of the Pennsylvania State Police, to include a campaign hat (familiar today as the type of hat worn by Army drill sergeants and by Smokey the Bear), blouse, trousers, shirt and tie, blue/gray in color. As the unit designation, the shoulder sleeve insignia was a patch that resembled an outline of the state made of blue felt, with a gray border and the white letters in the center "RDC" (Reserve Defense Corps).

Where available, small arms and ammunition were issued including World War I issue M1903 Springfield bolt action rifles and the Reising sub-machine gun. Officers were responsible for obtaining their own side arms and ammunition. As the war progressed and supplies became more plentiful, the equipment and weapons were upgraded.⁶

Active state service for the brigade was not long in coming as General Order No. 2, from the office of the Adjutant General of Pennsylvania, dated December 8, 1941, placed the entire brigade on state active duty for a period of three weeks. The duty assignments for the regiments were as follows:

1st Regiment: Responsible for guarding the bridges near the eastern Pennsylvania cities and towns of Phillipsburg, Washington Park, Lambertville, Yardley, Trenton, Norristown, Reading and Columbia;

2nd Regiment (minus E Company): Responsible for guarding the bridges near the central Pennsylvania cities and towns of Sunbury, Northumberland, Williamsport, Jersey Shore, Muncy, Berwick, Plymouth, Wilkes-Barre, Pittston, Falls, Oil City, Tionesta, Franklin and Elmerton;

3rd Regiment: Responsible for guarding the bridges near the western Pennsylvania cities or towns of Warren, Parker, East Brady, Freeport and New Kensington, and in coordination with local authorities concerning the bridges at Pittsburgh, Saltsburg, Blairsville, Ambridge, Sewickley, Elizabeth, Monongahela, Donora, Monessen, Brownsville, and Masontown;

Brigade Headquarters Company: Responsible for the 24-hour safety of the state airport at Marsh Run and 24-hour roving patrol of the bridges spanning the Susquehanna River at Harrisburg;

E Company, 2nd Regiment: Responsible for covering the Clarks Ferry Bridge and the Juniata crossing and maintaining night security on the State Arsenal at Harrisburg.⁷

As the emergency of December 1941 and January 1942 subsided, the brigade was returned to normal status of drill periods one night a week and the one-week annual training period. This remained the status quo for the duration of the war.

All told the Pennsylvania State Guard (as the title was changed from the Pennsylvania Reserve Defense Corps in 1943) served the state from 1941 to 1948. The final units were deactivated as the 28th Infantry

⁶ The Pennsylvania State Archives, Harrisburg, PA, The Adjutants General Report 1941.

⁷ Ibid.

Division was reconstituted after campaigning in the European Theater of Operations and returned to state control.

Peak strength for the Pennsylvania State Guard during World War II was approximately 5,700 officers and men. Additionally, due to increased strength and reorganization, the brigade grew from three regiments (1st, 2nd and 3rd Regiments) to five (1st, 2nd, 4th, 10th and 16th Regiments), one cavalry squadron (1st Cavalry Squadron), a separate mechanized cavalry troop (C Troop, 1st Cavalry Squadron) and one engineer battalion (1st Engineer Battalion).⁸

While never being called upon to take part in combat operations during this critical time in American history, these mostly volunteer units played an instrumental role in homeland security during World War II. For three critical weeks following the Pearl Harbor bombing, the brigade did a fine job of performing the local security mission. Not only did these Keystone State citizen-soldiers fill the void left by deploying National Guard and Reserve units, their ability to function as an additional armed force freed up personnel needed in other areas of the war effort. In addition, the State Guard served as an unofficial NCO training ground, as those who served prior to entering federal service attained NCO rank more.⁹

The post World War II period proved devastating to State Guards nationwide as all but a few units were disbanded by 1948. By then most National Guard units were reconstituted, returned to state control and resumed their pre-war role of America's second line of defense and state ready reaction force.

The need for a back-up state security force to the National Guard came up again two years later; however, when, in a surprise move in June 1950, Communist North Korean forces crossed the 38th Parallel and invaded the democratic South. In the harried response to this aggression, American forces were quickly mobilized and sent to theater. Units such as the 24th and 25th Infantry Divisions and the 1st Cavalry Division were immediately deployed due to their close proximity, being part of the occupation force stationed in Japan. As the mobilization process expanded, other European and U.S. based units were quickly trained and sent into theater.

While the U.S. response to North Korean aggression was immediate, it was of lesser magnitude than that of World War II. Nonetheless, President Harry S Truman authorized a Presidential Selected Reserve Call Up of National Guard and Reserve units. Their deployment varied as some were sent to Korea, while others were used as back fills for European based units sent in theater. In total, eight National Guard Infantry Divisions, three Regimental Combat Teams and 714 company-sized units were called to federal service for the Korean War. Again, this caused internal security problems for some states.¹⁰

Pennsylvania was one such example, as again the 28th Infantry Division of the Pennsylvania National Guard was called to active duty for occupation duty in Germany in the fall of 1950. In response, Pennsylvania Governor James H. Duff ordered the reorganization and reactivation of the Pennsylvania State Guard to replace the 28th for the duration of their absence.

⁸ The Pennsylvania State Archives, Harrisburg, PA, National Guardsman Magazine, Date & Page.

⁹ Barry M. Stentiford, *The American Home Guard; The State Militia in the Twentieth Century*, United States: Texas A&M University Press, 2002 pp. 172-173.

¹⁰ Idid, p. 194.

The organization of the Korean War version of the Pennsylvania State Guard was similar to the World War II model, yet there were some key differences.

Similarities:

- Of the major units formed, Infantry was the predominant branch (Four Regiments),
- Each Regiment was responsible for a geographic location within the state, (10th and 16th, covered western Pennsylvania, 13th northeastern Pennsylvania and the 4th the central region),
- Regimental commanders were chosen from combat veterans,
- The State Adjutant General was commander of the unit,
- Most missions were identical to their World War II security duties.

Differences:

- The entire force operated as a Division vice a Brigade,
- All line officers were chosen from overseas veterans,
- Table of Organization and equipment resembled a Division vice Brigade with the additional Combat Support and Combat Service Support subordinate units,
- Additional mission included defending the local populace from gas attacks.

As the Adjutant General put out a call to arms, he stipulated that Regimental commanders would be chosen from former World War II combat veterans and company grade officers were to have had overseas service. While this edict was not designed to discriminate against those volunteers who did not fit either category, it was clear that prior overseas, and specifically combat experience was highly desirable for those chosen for leadership roles.¹¹

With the unit containing overwhelming numbers of experienced personnel the Pennsylvania State Guard once more ably carried out their duties as replacements for the federalized National Guard. Their three-year tour of state service received well deserved accolades from the governor and members of Congress upon their deactivation in November 1953.

The proud tradition of volunteer service continues today as approximately 23 states and territories have State Guard units, more commonly referred to as State Defense Forces (SDF). Among those active in utilizing SDF forces are the states of New York, Georgia, Tennessee, South Carolina, Oklahoma, Texas, California, Alabama, and Ohio, as well as the Commonwealth of Puerto Rico. New York being one of the more prolific in using such forces also has a Naval Militia and Marine Corps element of their SDF. For example, they supplied much needed manpower following the September 11, 2001 attacks, as both State Defense Forces and State Naval Militia forces were activated.

SDFs have a proud history of service, with many tracing their lineage to the colonial militia. The Militia, later evolving into the present day National Guard and further branching into the State Guard, now State Defense Forces, participated in campaigns ranging from protecting their homes from Indian attacks to major theater wars to internal security missions.

While times have certainly changed, force requirements have not. With the new menace of Terrorism, and the likelihood of increased overseas campaigns for our active and reserve forces, the organization and utilization of SDF forces for their traditional role of internal state security missions is certainly

¹¹ The Pennsylvania State Archives, Harrisburg, PA, National Guardsman Magazine, Date & Page.

worth further study. In about half the states and some territories there are SDF units operating with little fanfare, on a “shoestring budget,” accomplishing many of the same missions as those of their predecessors for World War I, World War II, the Korean War and the most recent crisis, the attacks on the homeland.

The foundation for a useful homeland defense force is already in place, so why not expand on it?

A STATE GUARD/STATE DEFENSE FORCE ADVISORY RESERVE

COL Martin Hershkowitz (MDDF-Ret)

An accepted truth is that a mind is a terrible thing to waste. What most seem to overlook is that a mind rich in knowledge and experience is so much worse to waste. Yet, we continue to enforce age threshold retirement and then cast away what might be experienced solutions for overworked, under-resourced managers.

The State Guard (SG) or State Defense Force (SDF) is one such organization that traditionally suffers from both types of resource deprivation: funding and personnel. It is the rare and privileged SDF (to be used herein for both SG and SDF) that has sufficient funding to purchase the necessary material and equipment to carry out all its desired missions or even to conduct the necessary exercises in preparation for those missions. Likewise, it is the fortunate SDF whose Table of Organization (TO) permits sufficient and qualified personnel to sufficiently staff appropriate mission oriented units.

Some Adjutants General have found a way to partially resolve the staffing deficit through the establishment of a "Reserve" sometimes referred to as the "Minutemen." The Minutemen augment the SDF without encumbering TO slots or preventing promotion potential of members of the regular SDF.

One benefit of a Minutemen-like Reserve is that they do not have to participate in line unit functions or missions; thus, the restrictions on age and health are less vital than for members of the regular SDF. Another benefit is that Minutemen can be selectively called in (not called up) according to their expertise and availability to perform a specific task and then leave when it is completed. In this manner, SDF Command can seek out and "recruit" Minutemen with special knowledge and experience to augment their organization's capabilities.

Since Minutemen function in an advisory capacity to the SDF Commanding General, the Chief of Staff and major sub-command leaders, their age and rank are not limited to SDF mandatory age, health and TO requirements. Further more, while most SDF members work full or near full time, Minutemen could be mostly retired; therefore, available for more intense activity, completing tasks in a shorter period of time.

An additional benefit of establishing a Minutemen-like Advisory Reserve is that individuals who would not normally join a regular SDF unit because of the need to attend mandatory drills and musters now would be tempted to provide this service to their State and Military Department. Because the attendance requirement does not exist, individuals with special expertise and/or experience residing outside the State can be identified to assist the SDF Command by performing special tasks as part of the SDF's Minutemen. Such opportunity to provide service would permit the SDF Command to actively seek those specialists needed for a variety of tasks for which the expertise or availability does not exist within the Command.

Since the TO restriction does not regulate the rank of Minutemen, for those specialists who have not held a military rank previously or held a rank far below their current knowledge and experience, the

SDF Commanding General can recommend an appropriate rank to be approved by the State Adjutant General. The rank of General Officer would not be available under these circumstances.

In order to avoid the aura of an elite unit, the Minutemen need to obtain and wear the same uniform, badge of rank, unit epaulet pin, name plate, beret flash, shoulder patch and dress uniform buttons as the members of the regular SDF. In order to differentiate between members of the regular SDF and those of the Minutemen, the Minutemen's red name plate can be backed up by a felt rectangle of black or white or blue, or any color that each SDF unit determines is appropriate.

CONTRIBUTORS

Author(s)

Photograph

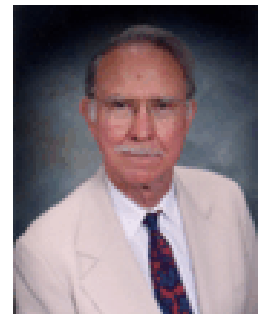
Bankus, LTC. Brent C. (AUS-Ret)

Brent C. Bankus served in the Army National Guard Active Guard Reserve Program for over 25 years, with assignments in the United States, Germany, Bosnia, Kosovo, Albania, Sinai, Eritrea, Guam and Hawaii. As an Armor/Cavalry officer he has held command and staff positions in the U.S. Army, Army National Guard, and the Army Reserve. LTC Bankus has a MS in Information Management, a MS in Strategic Studies from the U.S. Army War College, and is a graduate of the U.S. Army and U.S. Marine Corps Command and General Staff Colleges and the U.S. Army War College. He is currently a consultant with Resource Consultants, Inc.



Brinkerhoff, COL John R. (AUS-Ret.)

John R. Brinkerhoff is an adjunct research staff member of the Institute for Defense Analyses. From 1981 to 1983, he was acting associate director for national preparedness of the Federal Emergency Management Agency (FEMA). He also served as deputy executive secretary of the Emergency Mobilization Preparedness Board (EMPB). Previously, COL Brinkerhoff served in the Office of the Secretary of Defense (OSD) as acting deputy assistant secretary for reserve affairs, director of manpower programming, director of intergovernmental affairs, and special assistant to the deputy assistant secretary of defense for reserve affairs. COL Brinkerhoff served as an Army officer for 24 years in a variety of troop assignments in Korea, Germany, Vietnam, and the United States. A version of this article was previously published in U.S. Joint Forces Command's *The Joint Center For Operational Analysis Lessons Learned Bulletin* (December 2004).



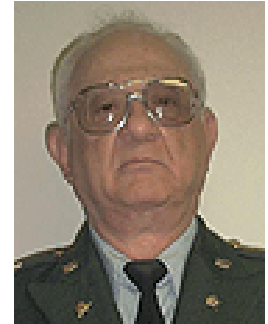
Brodhead, Dr. Michael J.

Michael J. Brodhead received his doctorate in history from the University of Minnesota. His books and articles cover topics such as scientific exploration of the West, judicial biography, and military history. He has been a professor at the University of Nevada – Reno, an archivist for the state of Nevada as well as with the National Archives, and an historian with the U.S. Army. The views expressed in this article are those solely of the author and do not necessarily represent those of any department or agency of the U.S. government.



Author(s)**Photograph****Hershkowitz, COL Martin (MDDF-Ret)**

Martin Hershkowitz, OCP, served in the Maryland Defense Force, with assignment as Special Advisor to the Commanding General. Within and for the U.S. Government, he has served for 17 years as a Senior Security Officer for Nonproliferation and National Security concerned with the safeguards and security of nuclear weapons and the mitigation of the “insider threat”; as an OPSEC (OPerations SECurity) Certified Professional; and for an additional 30+ years in military weapons analysis, educational research and evaluation, and management improvement. Colonel Hershkowitz has published extensively on State Defense Force Missions, critical site security and training. He was Ad Hoc Advisor to the Delaware National Guard Command Coordinator for establishing a Delaware State Defense Force.

**Sieg, Dr. Kent G.**

Kent G. Sieg received his doctorate in history from the University of Colorado. He has worked for the U.S. Departments of State, Transportation, and Homeland Security, and currently is an historian with the U.S. Army. His areas of specialization include topics in water resources, emergency response, and homeland security. The views expressed in this article are those of the author alone and do not represent the views of any government agency.

