STRATEGY RESEARCH PROJECT

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EXPANDED EMERGENCY MANAGEMENT ROLES AND MISSIONS FOR THE NATIONAL GUARD

BY

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by

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ABSTRACT

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When called to do so, the military assists in meeting the country's domestic emergency needs. The National Guard (NG) is the initial component to be assigned these missions. However, Active Component (AC) troops are frequently employed even when the NG among the states in the region have the capacity to meet overall mission requirements. This unnecessary commitment of AC resources occurs because of inadequate planning or lack of coordination of Guard capabilities or inflexible government regulation which precludes employment of the NG. The nation continues to increase AC employment while we are reducing defense budgets and military personnel. This paper reviews the current policy, organization, and processes for military responses to domestic emergencies. Recommendations are made to improve cost effectiveness and response time, and to reduce the AC's optempo. The proposals are based substantially on the NG's increasing capacity for involvement in domestic support operations.

TABLE OF CONTENTS

Abstract.....iii

Illustrations.....vii

Introduction.....1

Army Domestic Emergency Operations.....3

National Guard Capabilities.....7

Legal Aspects.....12

DOD and FEMA.....16

Discussion

Doctrine and Organizational Structure.....19

Legalities and Threats to Civilian Control 30

Recommendations.....33

Conclusion.....35

End Notes.....37

Selected Bibliography.....39

LIST OF ILLUSTRATIONS

Figure		Page
1	State Emergency Response Structure	9
2	Emergency Support Function Assignment Matrix	17
3	FEMA Regional Boundaries	18
4	FEMA Regional ERT Organization	20
5	Proposed DOD Domestic Response Organization	27

EXPANDED
EMERGENCY MANAGEMENT
ROLES AND MISSIONS FOR THE NATIONAL GUARD

The United States of America has emerged from the Cold War period as the only world "super power" capable and willing to regularly engage in attempting to resolve international and regional problems. This singular responsibility, coupled with the speed and graphic detail of world-wide news coverage which stimulates humanitarian response, has thrust this country's military into increasing commitments around the globe.

Since 1989, with the end of the Cold War, the Army has reduced its strength by 35%. Yet during this reduction, the Army has faced a 300% increase in operational deployments. While the Army continues to successfully meet this challenge, on-going constraints on defense resources make it more difficult to balance operational requirements, readiness, modernization, and quality of life programs.[1] The cost of winning the Cold War and unbridled growth of entitlement expenditures have created an economic "enemy" for the country, the national debt. We hear daily pleas for a balanced federal budget. The Department of Defense (DOD) will undoubtedly be called on to participate in defeating

this enemy. We should regard the national debt the same way we regard other conventional adversaries.

To meet our increasing mission load, to fund force modernization requirements, and to accomplish other priority programs, our senior military leadership must be willing to explore options that fully utilize all existing DOD assets.

One resource that has not been fully tasked is the National Guard. The Guard has long been the primary and initial military responder to the nation's domestic emergency requirements. However, the Guard is not being fully utilized in the planning, coordination, and execution of domestic support missions. Often Active Component (AC) federal troops are assigned required tasks before National Guard capabilities within the affected area and nearby states have been exhausted.

This paper reviews the national military posture in relationship to overall mission requirements, focusing on the Army and the unique aspects of the Active (AC) and Reserve (RC) Components in meeting domestic emergency requirements. This analysis considers organization, legalities, cost effectiveness, response time, and optempo. Army doctrine and DOD-Federal Emergency Management Agency

(FEMA) planning and coordination policy are examined to identify potential improvements in use of Total Army assets.

The National Guard is the nation's largest and most heavily resourced RC. The DOD must optimize the use of this asset in missions the Guard is prepared to respond to: domestic emergency operations. This paper will examine specific areas in which the Guard can increase its involvement in domestic support operations. Increased use of the Guard will improve the DOD's ability to meet the nation's current military strategy priorities while contributing to reductions in federal expenditures.

ARMY
DOMESTIC EMERGENCY OPERATIONS

> The American people have come to expect Army support during times of critical need. Combat readiness, combined with organizational mobility, permits the Army to respond rapidly to crisis situations.
>
> *FM 100-19*

Military operational support of domestic requirements has been a part of the nation's development since the European settlement of North America. The colonial militia

and the federal military routinely provided support to the states and territorial governments as the nation developed and expanded.

The primary mission of the Army is to fight and win the nation's wars. However, the inherent nature and resources of a military organization lend themselves to participation in a wide variety of activities to support civilian authorities. The military has been used to enforce laws, quell violence, combat and prevent terrorism, construct public works, support counter-drug operations, and assist in recovery following disasters.

Doctrine and organizational structure to support the use of military resources has been developed as the complexity and frequency of domestic operations has increased. U.S. Army Field Manual 100-19 defines domestic support operations as the authorized use of any physical and human resource to support domestic requirements.

The Secretary of the Army (SA) is the DOD's executive agent for most domestic support operations. Through the SA, the National Command Authority (NCA) directs the Army to conduct domestic support operations. The following Federal

positions within the DOD plan, coordinate, and supervise operations:

Director of Military Support (DOMS)

The DOMS, a general officer appointed by the SA, is the DOD's primary contact for all federal departments and agencies during periods of domestic civil emergencies or disaster response. On behalf of the DOD, the DOMS and his supporting staff, serving as a joint staff, ensure the planning, coordination, and execution of many domestic support operations.[2]

Commanders-in-Chief (CINCs)

The CINCs serve as the DOD principal planning and operating agents for Military Support to Civil Authorities (MSCA) from all DOD components in the CINC's Area of Operation (AO).[3]

The CINC, United States Atlantic Command (CINCUSACOM) is responsible for military domestic support within the 48 contiguous states and the District of Columbia. The Commander Forces Command (COMFORSCOM), is the CINCUSACOM's lead operating agent for planning and executing domestic support operations.

Defense Coordinating Officer (DCO)

A CINC appoints the DCO to serve as the DOD's single point of contact to the FEMA representative, the Federal Coordinating Officer (FCO), for providing DOD resources during disaster assistance. The DCO collocates with the FCO and coordinates all FEMA mission assignments for military support. The DCO usually exercises operational control over all DOD forces deployed to support the federal effort. A Defense Coordinating Element (DCE) is organized to provide support staff for the DCO in the disaster area. The size and composition of the DCE is situation-dependent.[4]

When military support is requested, the COMFORSCOM nominates the DCO, normally a officer in the rank of O-6, for appointment by the CINCUSACOM. To respond to certain kinds of disasters, a JTF may be created and deployed, as a 6th Army JTF responded to the Yellowstone Park fires in 1988.[5]

Emergency Preparedness Liaison Officers (EPLOs)

Representatives from the services serve as EPLOs to each state National Guard (NG). As service planning agents assigned to The State Adjutant General (TAG), they plan and coordinate the execution of National Security Emergency

preparedness (NSEP) plans, performing duty with the National Guard State Area Command (STARC). EPLOs are Army, Navy, and Air Force Reservists who have been specifically trained in disaster preparedness and military support matters.[6]

THE NATIONAL GUARD: CAPABILITIES, ROLES, AND ORGANIZATION

> The National Guard was founded on the tradition that it is both a privilege and a responsibility for able-bodied citizens to bear arms for the common defense of their community and nation.....Throughout our nation's history our elected leaders have shaped our military forces to meet the changing domestic and/or international environment. As we once again face an era of constrained defense budgets and a shift toward an increasingly demanding domestic agenda, our leaders have an opportunity to develop a mixture of military forces to meet current and future needs at an affordable cost.....Army Guard units have been determined to cost the taxpayer 25 percent of the cost of a similar active Army unit.[7]

The Army Guard is located in 2,700 communities throughout all states and territories and the District of Columbia. Along with the training and skills that make soldiers ideal responders to domestic crises, these citizen soldiers live, work, and raise their families in or near disaster stricken communities. So they bring a special local commitment to the mission.

The Governor of each state is authorized by the U.S. Constitution to command the state's National Guard while serving in state status. It is the Governor who issues executive orders activating the Guard to assist civilian authorities and agencies in dealing with domestic emergencies.

Each state has a emergency response structure. (See figure 1.)[8] In many states this organization serves under the state TAG, who is the state's executive agent for emergency management. Each STARC operates a Emergency Management Center (EOC) managed by the Plans, Operations, and Military Support Officer (POMSO). The POMSO, which is the state level equivalent of the DCO, works out of the EOC, planning and coordinating military responses to domestic emergencies with local, state, and federal emergency response agencies throughout the state.

National Guard forces involved in fire-fighting and other MSCA missions regularly create Joint Task Forces (JTFs), consisting of Army and Air Guard personnel commanded by the senior commander of the predominately deployed unit.[9] The state military department is represented by LNOs at the state government Office of Emergency Services (OES); they

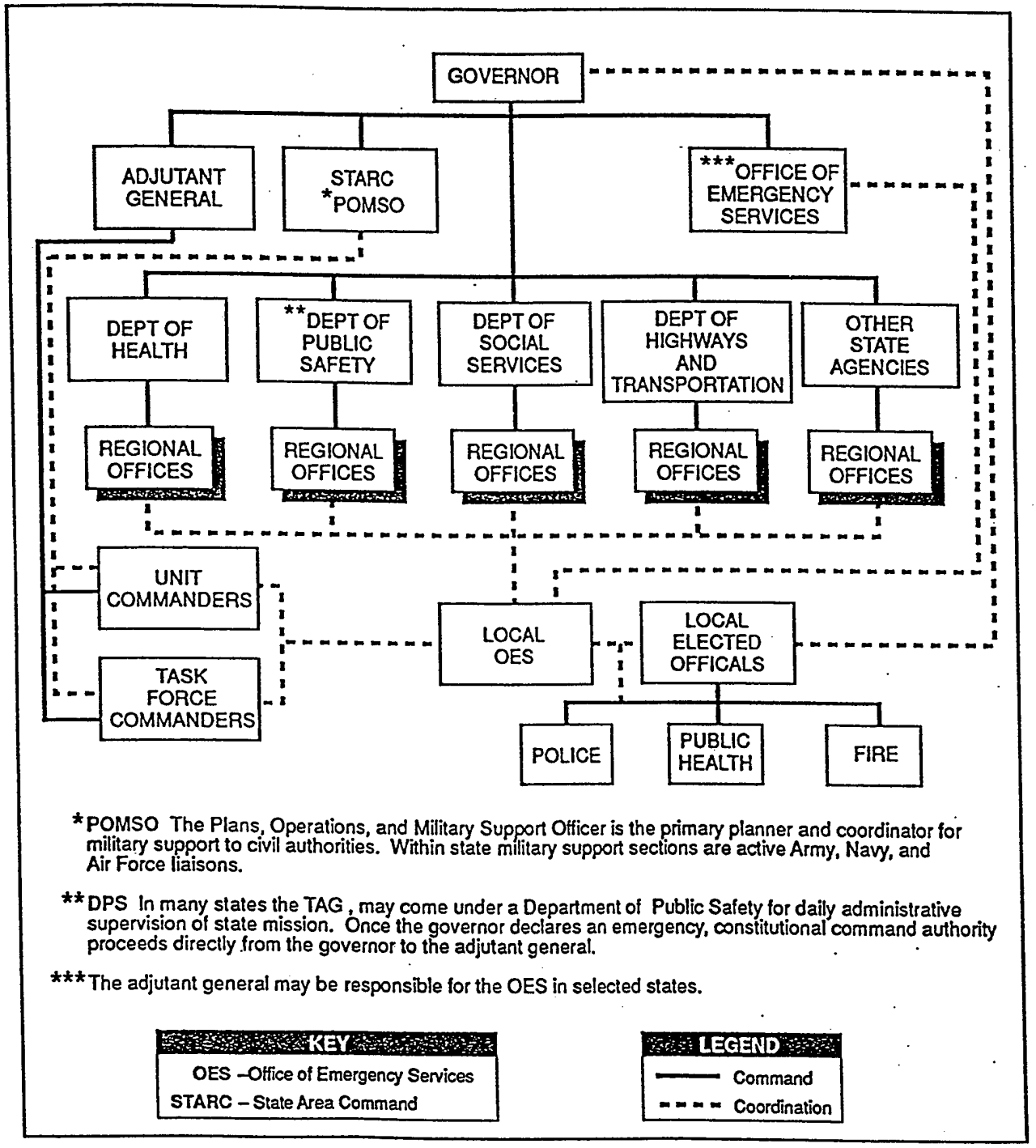


Figure 1 State Emergency Response Structure

assist with the coordination of the military response to domestic crises.

During a crisis that requires resources exceeding a state's NG personnel or equipment capability, a Governor then must request federal assistance. This assistance may come from federalized NG troops from other states or from military personnel from the federal force.

With their governor's approval, nineteen states have recently formed the Southern Regional Emergency Management Compact (SREMAC). This agreement facilitates and encourages the use of Guard equipment and personnel on state active duty between and among the member states. A 1995 Rand study, Assessing the State and Federal Missions of the National Guard, reviewed the status and impact of this type of mutual support agreement. The study recommended that such compacts be implemented across the nation:

> **Rand Study Recommendation**
>
> **Develop and Support Approval by the States and Congress of a National-Level Interstate Mutual Support Compact**
>
> We have found strong support for and prior experience in the interstate sharing of National Guard capabilities for emergencies and disasters. We believe that, if interstate mutual support agreements and compacts exist, the states can receive needed assistance, and probably with more attention to cost

> and responsiveness since, under such agreements, receiving states provide required funding. We are concerned that there may be large variances in the size and capabilities within different regional interstate arrangements. Therefore we recommend that the Secretary of Defense develop and support establishment of an appropriate national compact for interstate sharing of resources, including the domestic capabilities of the National Guards of the states, during emergencies and disasters for approval by the states, other National Guard entities, and the Congress.[10]

These support relationships will allow the increased use of federal equipment assigned to NG units by Guard personnel in state active duty status. This cross state duty can often preclude the federalization of Guard troops or assignment of federal military personnel to domestic crises.

In October 1996 President Clinton signed House Joint Resolution (HJR) 193 into law. This legislation gives federal approval to Interstate Emergency Management Assistance Compacts. Article I, Section 10, Clause 3 of the Constitution requires federal approval of agreements or compacts between states. Enactment of HJR 193 fulfills this constitutional requirement and prepares the way for additional interstate emergency support agreements.[11]

The 1995 Rand study included a survey of all 54 states and territories. Response to a question asking each state if it supported interstate agreements or regional compacts was 91% favorable. With this kind of state and federal support, more interstate agreements seem inevitable.

LEGAL ASPECTS

> For a people who are free and mean to remain so, a well-organized and armed militia is their best security
>
> *Thomas Jefferson*

In 1988, the Robert T. Stafford Disaster Relief and Emergency Assistance Act was established. The Stafford Act modified existing law and provided the Federal government with authority to respond to disasters and emergencies with military personnel to save lives and to protect public health, safety, and property.

Throughout the 1990's, the Stafford Act has facilitated increased use of AC soldiers to provide needed assistance in fire-fighting; immigrant control; flood, hurricane, and earthquake recovery.

To effectively accomplish these missions, AC soldiers are often confronted with the need to enforce civilian laws by controlling rioters or looters, and to prevent trespassing. However, the Posse Comitatus Act prohibits the federal force (including NG units on federal status) from enforcing civil law within the United States. This historical act was passed after the Civil War to prohibit Federal troops from providing local law enforcement during the turbulence of reconstruction. This Act has established the proper limits on the use of a civilian controlled military in a free democratic society.

> ...it shall not be lawful to employ any part of the Army of the United States...for the purpose of executing the laws, except on such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by any act of Congress...
>
> *Posse Comitatus Act of 1878*

The use of National Guard personnel in a state duty status to accomplish missions assigned by the governor is not precluded by the Posse Comitatus Act. The United States Constitution as well as other State and Federal laws, clearly authorizes call-up and use of the state militia:

> Section 8. The Congress shall have the Power to...provide for the common Defence and general Welfare of the United States; Clause 14; To make Rules for the Government and Regulation of the land and naval Forces; Clause 15; To provide for *calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;* Clause 16; To provide for organizing, arming and disciplining the Militia, and for governing such Part of them *as may be employed in the Service of the United States,* reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;
>
> *Constitution of the United States*

Colonel Thomas R. Lujan reports in, Legal Aspects of the Domestic Employment of the Army that a catastrophic violation of the letter and intent of the Posse Comitatus Act nearly occurred during the Bureau of Alcohol, Tobacco, and Firearms (BATF) raid on the Branch Davidians compound in Waco, Texas. The BATF request for assistance from an elite Army special operations force in storming the compound was initially approved, but fortunately not acted upon: "This use of federal troops would have been the single most debilitating event to occur within the Army since the

tragedy at My Lai. In fact this occurrence could have been even more egregious because it happened on American soil, was a clear violation of the Posse Comitatus Act, and raised the issue of religious freedom."[12]

In his conclusion, Colonel Lujan summarized his overall concern about the continued use of standing federal military forces for domestic duties or missions:

> ...strategic leaders need to look to the future increase of domestic deployments of the military forces of the United States. They need to recognize that each instance of use is accomplished by new and different challenges. America's leaders must recognize that the relationship between America's Army and the American people is strong but may be maintained by strict adherence to the legal underpinnings governing domestic operations of the armed forces. Applying the lessons learned from the early 1990's will maintain the excellent relationship between the people and the military well into the next century...[13]

In short, federal troops should be used for domestic support operations only when there seems to be no other alternative to protect the national interest.

THE DEPARTMENT OF DEFENSE
AND
FEDERAL EMERGENCY MANAGEMENT AGENCY

FEMA is an independent federal agency, reporting to the President. FEMA's mission is

> To reduce loss of life and property and protect our nation's critical infrastructure from all types of hazards, through a comprehensive, risk-based emergency management program of mitigation, preparedness, response, and recovery.[14]

The Federal Response Plan (FRP), amended in 1992, represents the Federal Government's plan to provide assistance to the states under the Stafford Act when requested to do so by a state.

The DOD is at the center of the partnership with FEMA to manage and respond to emergency situations throughout the nation. DOD's responsibilities in responding to regional disasters are illustrated in Figure 2.[15]

FEMA is organized into a national headquarters and ten regions based on natural geographic groupings of states. (See figure 3.)[16] Each region has a planning and response structure which is composed of interagency elements. The

#	1	2	3	4	5	6	7	8	9	10	11	12
ESF / ORG	TRANSPORATION	COMMUNICATIONS	PUBLIC WORKS AND ENGINEERING	FIREFIGHTING	INFORMATION AND PLANNING	MASS CARE	RESOURCE SUPPORT	HEALTH AND MEDICAL SERVICES	URBAN SEARCH AND RESCUE	HAZARDOUS MATERIALS	FOOD	ENERGY
USDA	S	S	S	P	S	S	S	S	S	S	P	S
DOC		S	S	S	S	S	S			S		
DOD	S	S	P	S	S	S	S	S	P	S	S	S
DOEd					S							
DOE	S		S		S		S			S		P
DHHS			S		S	S	S	P	S	S	S	
DHUD						S						
DOI		S	S	S	S					S		
DOJ					S			S		S		
DOL			S				S		S	S		
DOS	S									S		S
DOT	P	S	S		S	S	S	S	S	S	S	S
TREAS					S							
VA			S			S	S	S				
AID								S	S			
ARC					S	P		S			S	
EPA			S	S	S			S	S	P	S	
FCC		S										
FEMA		S		S	P	S	S	S	S	S	S	
GSA	S	S	S		S	S	P	S	S	S		S
ICC	S											
NASA					S							
NCS		P			S		S	S				S
NRC					S					S		S
OPM							S					
TVA	S		S									S
USPS	S					S		S				

P - Primary Agency: Responsible for Management of the ESF
S - Support Agency: Responsible for Supporting the Primary Agency

Figure 2 · Emergency Support Function Assignment Matrix

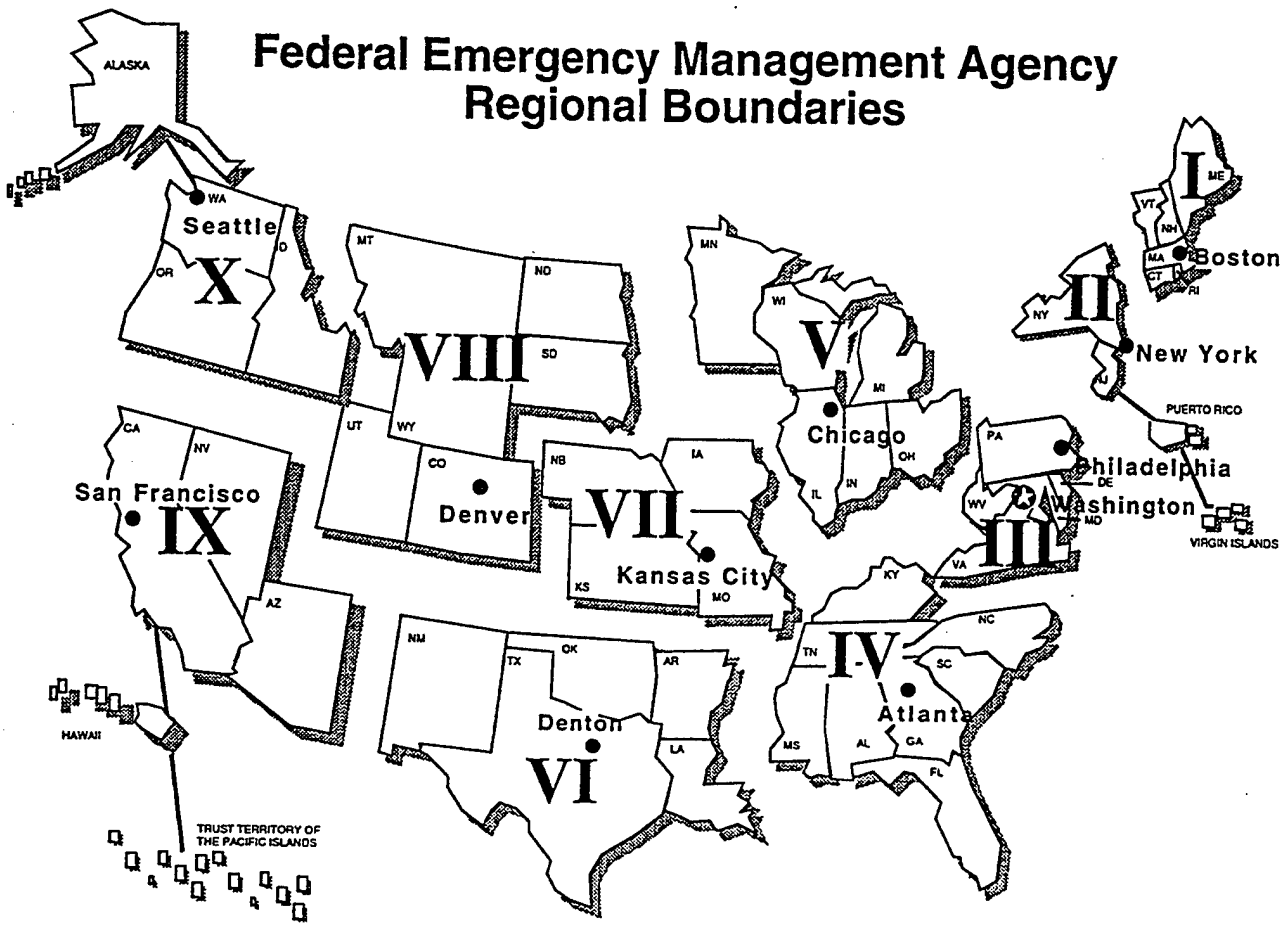


Figure 3 FEMA Regional Boundaries

DOD assigns as many as five USAR officers to each region to support planning and operational requirements.

When an emergency situation that may require federal assistance begins to develop, the interagency elements assemble at the Regional Operation Center (ROC) to initiate support coordination. When the situation develops to the

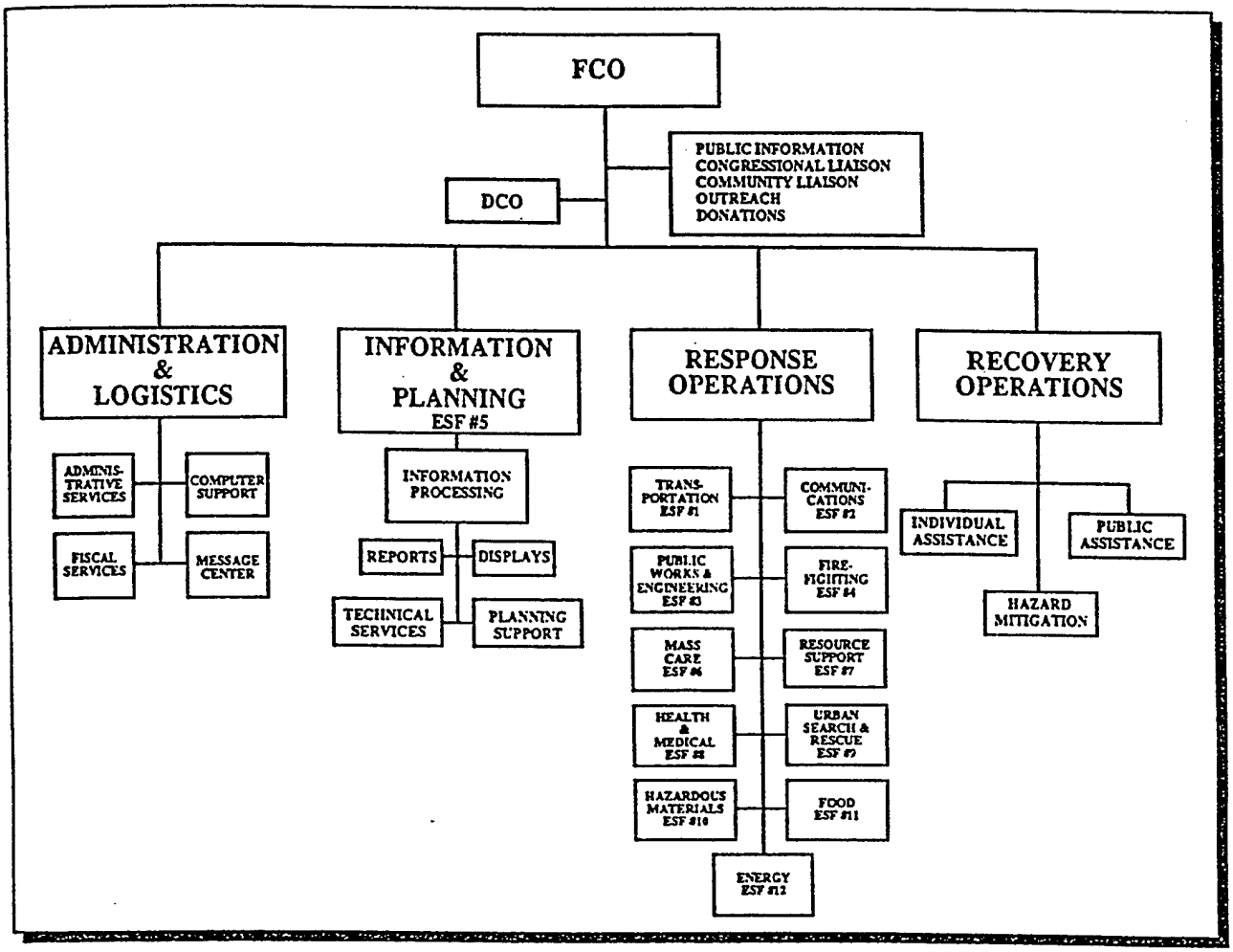
point of requiring Federal assistance, an Emergency Response Team (ERT) is activated to provide administrative, logistic, and operational support to the regional response activities in the field.

The DOD is represented on the ERT by the DCO who serves in the field as the point of contact to the FCO and the ESFs for assessing requests for military assistance. The DCO and staff coordinate support and provide liaison to the ESFs. FEMA regional ERT organization is illustrated in Figure 4.[17]

DISCUSSION

Doctrine and Organizational Structure

Since 1985, AC soldiers, airmen, and marines have been deployed across the nation eight times for major fire-fighting purposes alone. Many argue that disaster relief missions and other domestic operations distract from the purpose and preparedness of our nation's AC military forces.[18] However the current Chairman of the Joint Chiefs of Staff, General John Shalikashvili, "embraces these nontraditional enterprises."[19] Even so, the 1993 Rand report The Army's Role in Domestic Disaster Support recommended the Army "support formal acceptance of civil



Structure of the Emergency Response Team for Full Response and Recovery

(1) Coordinates overall response and recovery activities with the State;

(2) Works with the SCO to determine State support requirements and to coordinate these requirements with the ESFs;

(3) Tasks ESFs or any Federal agency to perform missions in the Plan and to perform additional missions not specifically addressed in the Plan.

Figure 4 FEMA Regional ERT Organization

disaster response as a mission for both the active and reserve forces. Commanders cannot be expected to devote time to civil emergency preparedness if combat readiness is their exclusive focus."[20]

AC and RC units and their commanders are generally very willing to get involved in supporting domestic operations. For example, during the Mississippi floods of 1993, a Marine Corps commander was quoted in a press interview just prior to a major military training exercise in California: "We've got thousands of strong, young troops running up and down here at Camp Pendleton who could be filling sand bags."[21]

When federal agencies are dealing with emergencies on federal property, such as fires in National Parks/Forests, they are inclined to initially employ federal troops. In most cases, the Guard is capable of handling these missions.

Colonel Charles J. Dunlap, Jr., USAF, in "The Last American Warrior" describes through a futuristic scenario the impending defeat of the U.S. Military. In his opinion, this theoretical defeat was inevitable because of the down-sizing of the AC and because our leaders allowed the Army, particularly the Army National Guard (ARNG), to spend valuable time on training for Military Operations Other Than

War (MOOTW). "The Guard and reserves must be told unequivocally they are a war-fighting force and they must spend every moment training for combat."[22]

Colonel Dunlap is on target: DOD should be very careful in assigning MOOTW mission training requirements to our war-fighting units. Generally, MOOTW missions can be readily performed by most AC operational units with the preparation inherent in their combat mission training. However, this use of federal forces, while accomplishing the mission, brings an added level of governmental administration. It also drives up costs and often disrupts planned training or other military operational activities of AC units.

Yet we need to dedicate some force structure in the AC/RC to support domestic support operations. This structure should be maintained predominately in RC noncombat TDA headquarters units, thus freeing the AC to maintain its focus on immediate war fighting requirements. These RC units or positions would then plan and coordinate military responses in domestic MOOTW situations.

The DOD should be very careful in justifying a portion of its AC force structure upon MOOTW, particular domestic support operations. The cost of maintaining and deploying

the more expensive AC is prohibitive, especially when organized RC units and civil agencies can meet the majority of domestic support requirements.

Nation-wide, National Guard units, particularly the combat divisions, have significant additional capability for increased optempo. In 1995, 23,810 Army Guard soldiers were involved in overseas deployment. 17,200 were called to duty for domestic operations. Even in 1995, a record high year for Guard operations, less than 11% of the authorized Army Guard strength was occupied in responding to both war-fighting and MOOTW missions.[23] National Guard units cannot consistently maintain a high optempo, but at this rate an average Guard solider may see actual operational duty only once or twice in a 20 year career.

The 1995 Rand study Assessing the State and Federal Missions of the National Guard affirms the ability of the Guard to operate at peak demand levels: "Our conclusion is that the current and planned National Guard force structure is adequate for both federal and state missions, including the unlikely, but possible, situation in which the peak demands of both missions occur simultaneously."[24]

One of the frequently identified weaknesses of the Guard is the low level of operational experience of the senior leadership. The problem begins with the small unit NCO and moves up through the officer level. The problem is accentuated when the AC expresses the preference to take young RC soldiers and incorporate them into AC cadre units, rather than calling up entire Guard units with their leadership intact. Diminished opportunities for operational leadership simply means lower levels of operational experience.

A significant benefit of increasing Guard responsibilities for planning and executing domestic support operations would be the increased experience levels of Guard leaders. Experienced leaders will produce higher quality NG units. As these leaders move through the Guard organization, future senior Guard leaders will then be better equipped to serve in vital leadership positions.

The Rand study <u>The Army's Role in Domestic Disaster Support</u> recommends shifting the responsibility for DOD domestic support operations from the Secretary of the Army (SA) to the Chairman of the Joint Chiefs of Staff (CJCS). This change would more effectively use DOD assets by

allowing military units to function through established command channels during domestic support operations. It would also support additional joint operations in domestic support mission planning, training, and execution.[25]

An alternative to the current CINCUSACOM and COMFORSCOM responsibility for military domestic support operations is to assign the National Guard Bureau (NGB) as the DOD executive agent under the CJCS for these activities. The NG has the organizational structure and experience across the nation to perform this function. Further the NG is the constitutionally authorized organization for meeting the nation's domestic military needs. In its 1995 report to DOD, The Commission on Roles and Missions recommended:

> ...the Services should ensure that individuals and units of the Reserve Components are fully incorporated into all relevant operational plans and actually used in the execution of those plans...Reserve Components should participate in actual contingency operations commensurate with their training, demonstrated readiness, and availability.[26]

The Chief National Guard Bureau (CNGB) or the Director of the Army National Guard (DARNG) would assume the duty of the DOMS, as it is currently defined and assigned. This position would become the primary DOD contact for all

federal and state agencies requiring military support for domestic operations. Figure 5 illustrates this alternative organizational structure under the CJCS.

Such a shift of executive responsibility to the NGB would require realignment of staff support from other DOD agencies, including assignment of representatives from all military services and AC/RC components. Even though the Army currently has the primary responsibility for domestic support missions, a smaller more "joint" focused national defense structure will require full cooperation of all agencies. Restructuring would bring relief to the CINCUSACOM, COMFORSCOM, and CONUSAs, freeing them to focus on the preparation of soldiers and units for immediate war-fighting requirements. These AC elements would remain involved in the planning and execution of domestic support operations, but the increased role of the Guard would diminish their involvement accordingly.

When a domestic support operation develops, a DCO would be recommended by the CNGB through the CJCS for Secretary of Defense (SECDEF) approval. Depending on the nature of the requirement, the appointee could be an officer of any component or service. In localized or regional emergencies,

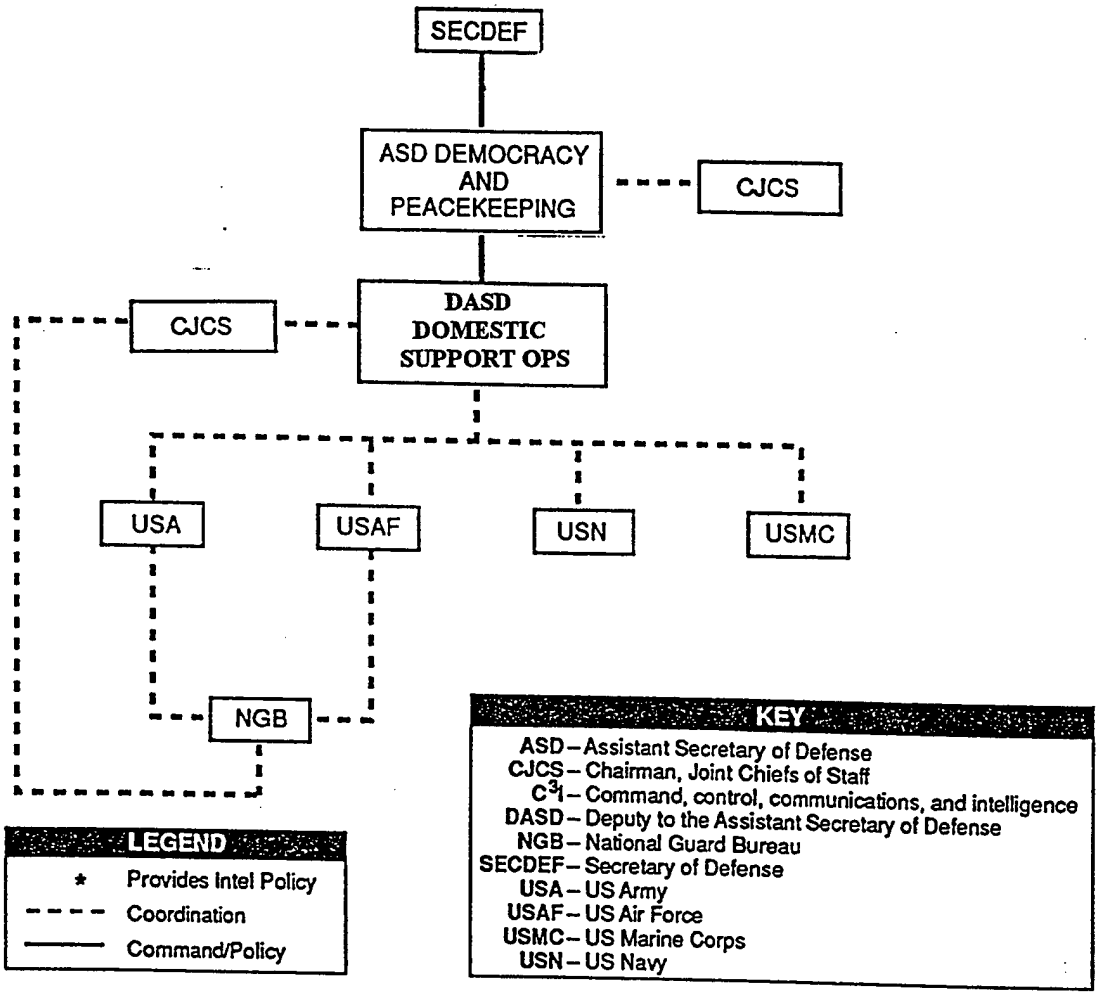


Figure 5 Proposed DOD Domestic Response Organization

the DCO would be assigned from the NG in the affected area. This assignment policy would bring continuity and familiarity to the situation as it develops. The NG of the state or states would already be involved in responding to their state's needs under the Governors' authority; the transition to federal coordination under the DCO would be facilitated by this concept.

The DCO staff and EPLOs assigned to each STARC would be assigned from available RC/AC officers, depending on each services' requirements. The Army EPLOs should be primarily NG officers with unit experience and training in domestic support operations.

A State of Florida review of the military response to Hurricane Andrew indicated that delays in federal relief often occur because of slow processing of requests to and through FEMA. Local and state officials, who are often victims themselves, recognize they cannot meet the needs of their citizens. Although they are quickly able to assess the over-all situation, they cannot immediately communicate their precise needs to FEMA officials. The Stafford Act stipulates that except for immediate life and property saving situations, the federal government can respond only

to state requests for assistance. This regulation fails to account for the contribution of the disaster to delays in fulfilling bureaucratic requirements.

The Florida review indicated a need to develop a Rapid Impact Assessment Team (RIAT) plan which would immediately send teams to local areas to support local officials in developing the information they need to receive state and federal assistance. In Florida, the NG was assigned the duty of developing and operating the RIAT plan. State officials recognized the Guard was the only agency with the necessary resources to stand up and operate the program.[27] Florida's solution offers an example of a program that could be implemented nationwide. Designating the NGB as the federal executive agent for emergency management would facilitate the development of such capabilities and encourage other creative uses of available Guard assets.

Recently the USAR reorganized, aligning its national command structure to coincide with the 10 FEMA regions. This reorganization improved domestic support operations, facilitating co-use of federal infrastructure and services and improving coordination of U.S. Army support with FEMA. Further, these changes prompted the USAR to assign planning

and liaison officers to each of these FEMA regional headquarters. These support cells should be staffed with NG officers assigned from the states within the FEMA regions. The FEMA regions are made up of states that are already linked regionally, which supports the development and use of mutual aid pacts. Guard officers in these organizations would facilitate and streamline the planning and execution of military support to domestic emergencies as situations develop and grow beyond the states' ability to handle them internally.

Legalities and Threats to Civilian Control

The framers of the U.S. Constitution were properly concerned with the power a standing military force can exercise over the government and its people. The organized "Militia", authorized in the Constitution, which is today's National Guard, provide this nation's way of maintaining a military capability while minimizing the concern over a "professional" military force. Many of the laws of our nation, such as the Posse Comitatus Act, serve to reinforce this concern. They act as a safeguard against a military dominance of our government.

In "The Origins of the Military Coup of 2012," Colonel Dunlap also expresses this concern for possible military dominance in our government. He cites the lack of a viable threat at the end of the Cold War and anticipated uses of our military in the 1990s in more nontraditional, MOOTW missions. He contends this practice will inevitably produce a military that can exercise power over its own people, but can no longer fight its nation's wars.[28]

Colonel Dunlap uses the example of the Guard's expanded domestic support roles as one way the military could become overly involved in federal control of the nation.[29] However, he overlooks the significance of the sworn oath taken by the Governor and all National Guard personnel to support the laws and the constitution of the state. Guard members are legally bound and trained to be citizens first and soldiers second.

However, I do share Colonel Dunlap's concern about down sizing ROTC programs at our colleges in favor of maintaining higher enrollments at our service academies. Such concentration of preparation of an elite officers corps will diminish the leveling effect and diversity of obtaining military officers from the population at large and training

them in civilian institutions.[30] Likewise the state-operated NG Officer Candidate School (OCS) programs should also be supported and maintained for the same reasons. We must scrupulously observe the constitutional rights of the states to appoint officers in the Militia (Guard): "reserving to the States respectively, the Appointment of the Officers,...of the Militia." [31]

Colonel Dunlap uses inaccurate and out-of-context sources to support his concern about the Guard's inability to accomplish its war-fighting missions.[32] He totally misses the point that more reliance on the Guard would in fact serve to alleviate his concern about military dominance over the nation. The Guard is legally bound to the state Governor. Increasing the Guard's missions serves to prevent military dominance at the federal level.

RECOMMENDATIONS

The U.S. military establishment currently has an opportunity to capitalize on one of the basic strengths inherent in the infrastructure of the United States of America: a strong, well organized and well-equipped National Guard. In past times of general peace and corresponding reductions of the defense budget, the country did not have the wisdom or technology available to properly undertake some of the force structure options currently available. We should expand the roles and missions of the National Guard by implementing in a timely manner the following recommendations:

1) The 1993 Rand study recommends realigning the responsibility for domestic military support operations to the CJCS.[33] This provides the opportunity to break many service and service component paradigms, allowing new options in force utilization and potential cost reductions. Implement the Rand recommendation.

2) Assign an expanded regional and national domestic relief role to the Army and Air National Guard under the NGB. Consider this recommendation for implementation along with the shift of overall domestic relief responsibilities to the CJCS.

3) Give the NG responsibility, at the current FEMA regional level, for leading the military coordination and planning effort for both DOD and the state military departments within the region.

4) As the AC force reduction continues, proceed with a consistent and organized transition of all possible domestic MOOTW missions of the "Total Army" to the National Guard, thereby maximizing the use of our citizen soldiers' capabilities and freeing our remaining AC forces to respond immediately to the on-going non-domestic MOOTW and war-fighting missions.

CONCLUSION

As the United States of America pursues its National Security Strategy of Engagement and Enlargement, it must also address its domestic challenges. Success in both national and international affairs will require a balanced budget; the U.S. cannot continue to mortgage its future through deficit spending. Effective use of the militia, the nation's citizen soldiers, can contribute significantly to accomplishing this vital national interest. At the same time, it serves to protect and reinforce one of the nation's basic values, civilian control of its military forces.

Greater involvement of the National Guard in planning, training, and overall preparation for required timely military responses to local and regional domestic emergencies is critical for the full and effective utilization of this nation's extensive National Guard assets. The nation's military and civilian leadership must allow the Guard to accept this challenge and thus maximize the use of this vast national resource.

ENDNOTES

[1] Department of the Army, A Statement on the Posture of the United States Army Fiscal Year 1997, (Washington: U.S. Department of the Army, 1996), ix.

[2] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington: U.S. Department of the Army, 1 July 1993), 2-5.

[3] ibed., 2-5.

[4] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington: U.S. Department of the Army, 1 July 1993), 2-8.

[5] Department of the Army, The Army Lawyer, Department of the Army Pamphlet 27-50-269 (Washington: U.S. Department of the Army, April 1995), 55.

[6]Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington: U.S. Department of the Army, 1 July 1993), 2-8.

[7] National Guard Bureau, Army National Guard Fiscal Year 1997 Posture Statement, (Washington: National Guard Bureau, 1996),1.

[8] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington: U.S. Department of the Army, 1 July 1993), 2-12.

[9] This was done by the state of Washington for two well known disasters, the eruption of Mt. St. Helens. in 1980, and the Pacific Northwest forest fires in 1994. The author served as the Chief of Staff of JTF Raven during the 1994 Washington National Guard fire fighting mobilization.

[10] Roger A. Brown, William Fedorochko, Jr., John F. Schank, Assessing the State and Federal Missions of the National Guard, National Defense Research Institute, Prepared for the Office of the Secretary of Defense (Santa Monica: RAND, 1995), 81.

[11] "Resolution on State Compact Agreements Signed into Law," National Guard, December 1996, 10.

[12] Colonel Thomas R. Lujan, Legal Aspects of the Domestic Employment of the Army, Strategy Research Project, U.S. Army War College, AD-A 309 100 (Carlisle Barracks: U.S. Army War College, 1996), 12. Colonel Lujan served as the Staff Judge Advocate of the United States Army Special Operations Command at the time of the initial request for support by the BATF.

[13] ibed., 25-26.

[14] Federal Emergency Management Agency , This is FEMA, (Washington: Federal Emergency Management Agency, Office of Emergency Information and Public Affairs, March 1996), 2.

[15] Federal Emergency Management Agency , The Federal Response Plan, (for Public Law 93-288, as amended), (Washington: U.S. Government Printing Office: 1992 625-688/60582, April 1992), 14.

[16] Federal Emergency Management Agency , A Guide to Federal Aid in Disasters, FEMA 262, (Washington: Federal Emergency Management Agency, Office of Emergency Information and Public Affairs, April 1995), A-4.

[17] Federal Emergency Management Agency , The Federal Response Plan, (for Public Law 93-288, as amended), (Washington: U.S. Government Printing Office: 1992 625-688/60582, April 1992), 23.

[18] Department of the Army, The Army Lawyer, Department of the Army Pamphlet 27-50-269 (Washington: U.S. Department of the Army, April 1995), 51-52.

[19] ibed., 52

[20] John Y. Schrader, The Army's Role in Domestic Disaster Support: An Assessment of Policy Choices, (Santa Monica, CA: Rand, 1993), xiv.

[21] William Rosenau, "Non-Traditional Missions and the Future of the U.S. Military", The Fletcher Forum of World Affairs, Vol. 18, No. 1 (Winter/Spring 1994): 33-34.

[22] Charles J. Dunlap, Jr., "The Last American Warrior: Non- Traditional Missions and the Decline of the U.S. Armed Forces", The Fletcher Forum of World Affairs, Vol. 18, No. 1 (Winter/Spring 1994): 76-77.

[23] National Guard Bureau, Army National Guard Fiscal Year 1997 Posture Statement, (Washington: National Guard Bureau, 1996),14-20.

[24] Roger A. Brown, William Fedorochko, Jr., John F. Schank, Assessing the State and Federal Missions of the National Guard, National Defense Research Institute, Prepared for the Office of the Secretary of Defense (Santa Monica: RAND, 1995), 77.

[25] John Y. Schrader, The Army's Role in Domestic Disaster Support: An Assessment of Policy Choices, (Santa Monica, CA: Rand, 1993), 30.

[26] Department of Defense, Commission on Roles and Missions of the Armed Forces, Directions for Defense, 1995, 2-25.

[27] Captain John Daigle, Jr., "Guard Plan Hurries Help," National Guard (August 1996): 16-18.

[28] Charles J. Dunlap, Jr., "The Origins of the American Coup of 2012," Parameters 22 (Winter 1992-93): 2-17.

[29] ibed., 6-7.

[30] ibed., 10-11.

[31] Constitution of the U.S. States of America, Article I, Section 8, Clause 16 (1787).

[32] Charles J. Dunlap, Jr., "The Origins of the American Coup of 2012," Parameters 22 (Winter 1992-93): 12. Many Guard units, combat, CS, and CSS, served in combat with distinction in the Desert Storm campaign. The 48th Infantry Brigade (Mechanized), a Georgia Guard combat maneuver brigade, even with an extensive delay in initial mobilization, was certified trained for combat within established post-mobilization time frames and was available for deployment at the start of the ground war.

[33] John Y. Schrader, The Army's Role in Domestic Disaster Support: An Assessment of Policy Choices, (Santa Monica, CA: Rand, 1993),27.

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