

USAWC STRATEGY RESEARCH PROJECT

**PROTECTING AMERICA: REORGANIZING THE NATION'S SECURITY FORCES TO
ENSURE THE PROTECTION OF OUR CRITICAL INFRASTRUCTURE**

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This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

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ABSTRACT

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President George W. Bush addressed the threat of terrorism against our nation and the world by creating the National Strategy for Homeland Security. This national strategy amplified the significant responsibilities of states, localities, the private sector, and private citizens to protect and defend our communities and our critical infrastructure against terrorist attacks. The National Strategy for Homeland Security's purpose is to "mobilize and organize our nation to secure the US Homeland from terrorist attacks."

The September 11, 2001, terrorist attacks demonstrated the negative impact such actions can have on the global economy. The terrorists clearly recognized that the strength of the US rested firmly on its economic power and, because of the strength of the US economy, its ability to generate military power. Realistically and symbolically attacking the World Trade Center, the symbol of US leadership as an economic power, and the Pentagon, the hub of our military power, revealed weaknesses in the strongest nation in the world. The realization that there were capable threats within the United States that were working to destroy the very nature of our society as it existed heightened the need for a National Strategy for the defense of our homeland.

Our Federalist system of government focuses on sharing power between the states and federal institutions. The success of homeland security efforts hinges greatly on the expertise and commitment of state and local agencies to execute homeland security measures.

According to the National Strategy for Homeland Security, "state and local agencies have primary responsibility for funding, preparing, and operating the emergency services that would respond in the event of terrorist attack. Local units are the first to respond and last to leave the scene. All disasters are ultimately local events." However, it is clear that states and localities cannot do it alone.

President Bush established an advisory post for homeland security and initiated actions that ultimately led to the establishment of a Cabinet level Department of Homeland Security. The Department of Homeland Security was established to provide greater accountability over

critical homeland security mission and to provide unity of purposes among the agencies responsible.

The Department's charge was to provide a federal organization capable of effecting the interconnectivity and interoperability between federal, state, and local agencies required to conduct homeland security.

Before the events of September 11, 2001, the Department of Defense defended America primarily through forward basing, theater engagement, and combat operations, when required, in theaters of war outside of the United States.

The theater for the war on terror is domestic as well as global. Protecting the homeland now requires preparedness for the employment of military capabilities within the borders of the United States. Multiple studies done by federal and private think tanks conclude that the current organization of security forces is neither sufficient nor the most efficient way to ensure security of the American homeland. This paper will examine flaws in the current structure and explore possibilities for change.

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PROTECTING AMERICA: REORGANIZING THE NATION'S SECURITY FORCES TO ENSURE THE PROTECTION OF OUR CRITICAL INFRASTRUCTURE

"... the need for homeland security is not tied solely to today's terrorist threat. The need for homeland security is tied to our enduring vulnerability. Terrorists wish to attack us and exploit our vulnerabilities because of the freedoms we hold dear." ¹

—President George W. Bush
White House
July 10, 2002

President George W. Bush addressed the threat of terrorism against our nation and the world by creating the National Strategy for Homeland Security. This national strategy amplified the significant responsibilities of states, localities, the private sector, and private citizens to protect and defend our communities and our critical infrastructure against terrorist attacks. The National Strategy for Homeland Security's purpose is to "mobilize and organize our nation to secure the US Homeland from terrorist attacks."²

The September 11, 2001, terrorist attacks demonstrated the negative impact such actions can have on the global economy. The terrorists clearly recognized that the strength of the US rested firmly on its economic power and, because of the strength of the US economy, its ability to generate military power. ³ Realistically and symbolically attacking the World Trade Center, the symbol of US leadership as an economic power, and the Pentagon, the hub of our military power, revealed weaknesses in the strongest nation in the world. The realization that there were capable threats within the United States that were working to destroy the very nature of our society as it existed heightened the need for a National Strategy for the defense of our homeland.

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According to the National Strategy for Homeland Security, "state and local agencies have primary responsibility for funding, preparing, and operating the emergency services that would respond in the event of terrorist attack. Local units are the first to respond and last to leave the scene. All disasters are ultimately local events." ⁴ However, it is clear that states and localities cannot do it alone.

President Bush established an advisory post for Homeland Security and initiated actions that ultimately led to the establishment of a Cabinet level Department of Homeland Security. The Department of Homeland Security was established to provide greater accountability over

critical homeland security missions and to provide unity of purposes among the agencies responsible.⁵ The Department's charge was to provide a federal organization capable of effecting the interconnectivity and interoperability between federal, state, and local agencies required to conduct homeland security.

Before the events of September 11, 2001, the Department of Defense defended America primarily through forward basing, theater engagement and, when required, through combat operations in theaters of war outside of the United States. The theater for the war on terror is domestic as well as global. Protecting the homeland now requires preparedness for the employment of military capabilities within the borders of the United States. Multiple studies done by federal and private think tanks conclude that the current organization of security forces is neither sufficient nor the most efficient way to ensure security of the American homeland. This paper will examine flaws in the current structure and explore possibilities for change.

THE PROTECTION CHALLENGE AT HOME

The freedom of American society promotes the entrepreneurial spirit that spawned the tremendous growth of our private sector--the source of the economic power of our nation and the global free market economies. Recognizing the source of this power, the National Strategy for Homeland Security identifies twelve critical infrastructure sectors in our society (Table 1), 85% of which are owned by the private sector.⁶

The National Strategy for Homeland Security emphasizes the significant role state and local governments and private sector interests are expected to play in protecting US critical infrastructure. However, fiscal constraints of state and local governments hinder their ability to totally fund their protection requirements. Additionally, the private sector risks an increase in operating costs and potential profit losses as a result of reinforcing corporate security in the absence of specific threats.

Private industry's profit motivation prompts business leaders to accept risks in protection of physical critical infrastructure. Corporations invest in security only as necessary to ensure customer confidence. Businesses are reluctant to pay for increased security unless they are given knowledge of specific threats against their business interest thus allowing them to provide security at minimum costs.⁷ The private sector is dependent upon states and localities for reinforcement when the threat exceeds a business' ability to protect itself beyond a reasonable level of security investment. As an example, before the terrorist hijackings of September 11, 2001, airport security was the responsibility of private carriers, state and local airport owners

and operators. Following the attacks, Congressional legislation established the Transportation Security Administration as the responsible authority for ensuring aviation security.⁸

Future attacks remain likely. The openness of our society and the relatively easy availability of hazardous materials that terrorists can weaponize pose a significant threat to the nations critical physical infrastructure. Successful attacks against critical assets, high profile events, and individual targets—in worst case scenarios—may not only result in catastrophic loss in human life, but may also result in extreme damage to our national prestige, morale, and confidence. Success in the Global War on Terrorism requires the teaming of federal, state, and local law enforcement and the private sector mobilized to protect critical infrastructure, to prevent future attacks, and if required, to mitigate damage as the result of future terrorist attacks.

THE PROTECTION CHALLENGE	
Agriculture and Food	1,912,000 farms; 87,000 food-processing plants
Water	1,800 federal reservoirs; 1,600 municipal waste water facilities
Public Health	5,800 registered hospitals
Emergency Services	87,000 U.S. localities
Defense Industrial Base	250,000 firms in 215 distinct industries
Telecommunications	2 billion miles of cable
Energy	
<i>Electricity</i>	2,800 power plants
<i>Oil and Natural Gas</i>	300,000 producing sites
Transportation	
<i>Aviation</i>	5,000 public airports
<i>Passenger Rail and Railroads</i>	120,000 miles of major railroads
<i>Highways, Trucking, and Busing</i>	590,000 highway bridges
<i>Pipelines</i>	2 million miles of pipelines
<i>Maritime</i>	300 inland/coastal ports
<i>Mass Transit</i>	500 major urban public transit operators
Banking and Finance	26,600 FDIC insured institutions
Chemical Industry and Hazardous Materials	66,000 chemical plants
Postal and Shipping	137 million delivery sites
Key Assets	
<i>National Monuments and Parks</i>	5,800 historic buildings
<i>Nuclear Power Plants</i>	104 commercial nuclear power plants
<i>Dams</i>	80,000 dams
<i>Government Facilities</i>	3,000 government owned/operated facilities
<i>Commercial Assets</i>	460 skyscrapers

*These are approximate figures.

TABLE 1.

CIVILIAN INVOLVEMENT IN CRITICAL INFRASTRUCTURE PROTECTION

Citing compliance with our “federalist traditions,” the National Strategy for Homeland Security encourages states to form homeland security task forces to serve as their primary coordinating body with the federal government. These task forces are to serve as the collaborative, cost effective structures for communicating with citizens.⁹ The Office of Domestic Preparedness, formerly assigned to the Justice Department, was realigned within the Department of Homeland Security and charged with working with the homeland security task forces in states and local governments to prepare for attacks. Because the overwhelming majority of our nation’s twelve areas of critical infrastructure are owned and operated by private sector interests, severe damage or destruction to either of these sectors will devastate the global economy.

Offensively seeking to attack terrorism at its source is an appropriate means of defeating terrorism abroad. However, given the openness of our American society, nearly equal emphasis must be placed on protecting our nation’s critical infrastructure as our highest defense priority. The agility of terrorists to select the time and location of future attacks mandates that policymakers insure special attention is placed on protecting potential targets that, if struck by terrorists, would produce large numbers of casualties, severely damage national treasures, or create significant economic losses. Cyber security, food inspections, protection for chemical plants, and protection of large buildings, as examples, all require immediate emphasis and dogged determination to improve security in these arenas now.¹⁰

CIVILIAN POLICE --THE FIRST LINE OF DEFENSE

“Those who respond first to any incident will likely be the closest to the event--- local law enforcement...”¹¹

—Quadrennial Defense Review
September 30, 2003

Law enforcement officers are the front line soldiers in the War on Terrorism here in the United States. The urban and rural warriors face a cunning, stealthy enemy against whom they are often ill manned and ill equipped to identify and engage preemptively. Few state and local law enforcement agencies are trained, equipped and manned to provide physical protection to critical infrastructure during periods of heightened threats while continuing to perform day to day law and order tasks. The modus operandi of the terrorists is to select the most vulnerable or most sensitive targets and strike when least expected. Given this, terrorists striking domestically will not likely encounter members of a specially trained counter-terrorist unit or

members of our military forces. On the contrary, the first responders to terrorist incidents in the United States will most likely be local emergency services personnel—local and state police, fire, and medical personnel. Federal and higher level state agencies will come to assist, but the first responders are those most likely to be called and least likely to be prepared for this type of unexpected disaster.

Police training at the state and local levels often does not address the tactics, techniques, and procedures for responding to potential terror incidents. They lack common communications capabilities for command and control, intelligence collection analysis and sharing, protection against hazardous materials, and active systems to assist with conducting area denial and physical security operations. These systems exist, but are too costly for most jurisdictions. A Rand survey of 190 members of the emergency management community nationwide found that [first responders] want protective gear, training and communications equipment better suited for their operational needs.¹² In many instances, federal law enforcement and active military forces have and are using these assets and technologies today. Placing this capability in the National Guard provides these systems to states also.

FEDERAL EFFORTS TO PROTECT THE HOMELAND-- ELEVATING THE NATIONAL GUARD'S ROLE IN THE GLOBAL WAR ON TERRORISM

“We must take the battle to the enemy, disrupt his plans and confront the worst threats before they emerge. In the world we have entered, the only path to safety is the path of action. And this nation will act.”

—President George W. Bush
June 1, 2002

The US military 's primary role is to deter aggression abroad and, if required, fight and win our nation's wars. The Department of Defense (DOD) is implementing the President's strategic intent by seeking and destroying terrorism at its sources abroad. The unique capabilities of the DOD require that military capability also be available to support state, local and private sector efforts to protect against or mitigate the effects of terrorist attacks in the United States.

DOD conducts homeland defense and supports homeland security. “Homeland security is the prevention, preemption, and deterrence of, and defense against, aggression targeted at US territory, sovereignty, domestic populations, and infrastructure as well as the management of the consequences of such aggression and other domestic emergencies.”¹³ It is a national team effort that begins with local, state and federal organizations.¹⁴

Secretary of Defense Donald Rumsfeld in the September 2003 Quadrennial Defense Review (QDR) states that defending the nation against all enemies is the highest priority for

military forces.¹⁵ Before September 11, 2001, DOD focused on enhancement of capabilities to deter potential adversaries and, if required, project combat power abroad to defeat threats—usually other nation states. The actions of September 11, 2001, raised to a new level of prominence DOD's need to be capable of combating not only conventional threats but also terrorist, state and non-state sponsored actors, who operate with global reach while seeking to attack US citizens and interest worldwide. As was demonstrated thorough OPERATION ENDURING FREEDOM, the United States will preemptively attack to disrupt and destroy terrorist and terrorist harboring organizations.¹⁶ Also clarified during this period was the significant supporting role DOD played in protecting the nation at home as well as abroad.

“OPERATION NOBLE EAGLE was an immediate response to the September 11, 2001, terrorist attacks; is intended to directly defend the homeland; and is ongoing. OPERATION NOBLE EAGLE missions include combat air patrols over major American cities and enhanced security at federal installations. A combat air patrol is an airborne air defense activity involving fighter aircraft patrolling a given area. To support fighter coverage, other military activities have included aerial refueling and airborne early warning, comprehensive radio and radar coverage of the patrolled area, and command and control centers to direct fighter pilots when a threatening aircraft is detected. Concerns about terrorist threats to federal installations increased following the September 11, 2001, attacks; therefore, DOD enhanced installation security to harden facilities against attacks and deter future attacks through the deployment of additional personnel (such as military police).”¹⁷

OPERATION NOBLE EAGLE amplified the significant need for security force augmentation to federal, state and local agencies. The operation also verified the need for a headquarters to command and control DOD assets providing military assistance to civil authorities.

In 2002, the Department of Defense established US Northern Command as a single unified command to plan, organize, and execute homeland defense and civil support missions. The command's specific duties include the following directives:

- conduct operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories, and interests within the assigned area of responsibility
- as directed by the President or Secretary of Defense, provide military assistance to civil authorities including consequence management operations

When tasked by the Secretary of Defense, Northern Command through its sub-unified headquarters Joint Task Force Civil Support (JTF-CS) completes the following duties:

- provides centralized command and control for DOD forces supporting the lead Federal Agency in response to consequences of a chemical, biological, radiological, nuclear or high yield explosive incident

- supports to the lead federal agency managing an incident
- develops consequence management doctrine, manage training and exercises
- creates response plans and identify logistical requirements
- coordinates with state National Guard headquarters, state and local law enforcement and public health agencies, various state emergency management agencies, the Centers for Disease Control, Department of Homeland Security, Justice and Energy, the Environmental Protection Agency, and the Federal Emergency Management Agency.¹⁸

Recognizing the importance of establishing and sustaining an extremely close working relationship with state governments, and more importantly protecting of the sovereignty of state governments, by law, the position of Commander, JTF CS, is always filled by a National Guard officer.¹⁹

Through Northern Command, DOD provides the nation access to unique capabilities of its federal forces. However, these forces arrive only when the scope of the problem exceeds the capabilities of states and local governments to resolve them. Although the JTF CS stands ready to deploy within hours of notification of emergencies, due to their Title 10 status, they cannot deploy without the approval of President of the United States through the Secretary of Defense.²⁰ Because the first responders will likely always be state and local agencies, National Guard units in their Title 32 role of state military forces are not subject to the restrictions imposed on state and local agencies.

In July 2003, the General Accounting Office assessed the military force structure of US Forces for Domestic Military Missions. The findings recommend restructuring forces within DOD to improve their availability and training readiness to perform skills needed to support domestic.²¹ The report cites as needing attention the problems of high operational tempo due to peace support and domestic protection, contingency operations, and insufficient numbers of high demand / low density units such as military police.²² The report concludes that these missions are having a negative impact not only on the ability of the nation to protect critical assets at home but also cites erosion of the combat readiness of National Guard combat arms units performing domestic support for homeland security. Additionally, the report references the constraints of the Posse Comitatus Act. “ The 1878 Posse Comitatus Act prohibits the direct use of **federal military troops** in domestic civilian law enforcement, except where authorized by the Constitution or acts of Congress. Congress has expressly authorized the use of the military in certain situations. For example, DOD can use its personnel and equipment in response to

requests from civilian law enforcement to assist with drug interdiction and some terrorist incidents.”²³

National Guard Forces in their Title 32 state active duty roles are not subject to The 1878 Posse Comitatus Act. These forces provide the optimum solution for supporting law enforcement and critical infrastructure protection requirements of homeland security, while also aiding in reducing optempo of high demand forces. DOD restructuring is needed to produce forces that are more multifunctional; specifically forces that are:

- trained equipped to protect populations and critical resources
- skilled in providing assistance and emergency aid, aware of state statutes and trained to enforce them
- trained, armed and equipped to deliver exceptional combat power while also comfortable with the graduated use of force when required
- manned and equipped to be highly mobile and rapidly deployable
- unrestricted by federal statutes in performing domestic law enforcement duties
- trained intelligence analyst with clearances to access sensitive national intelligence to assist state and local law enforcement.

The Army National Guard can provide this capability.

OUR GREATEST CAPABILITY IN THE DOMESTIC WAR ON TERRORISM—STATE MILITARY FORCES

Minutemen, militia, citizen soldiers-- these names express the Army National Guard's proud tradition of readiness and preparedness to defend the homeland. The National Guard is a unique American military force. It has two roles – one as the constitutional militia in 50 states, US territories, and the District of Columbia, and the second as Reserve Components of the Army and the Air Force.

There are approximately 353,000 citizen-soldiers in the Army National Guard.²⁴ These Americans, with families and full-time careers, dedicate some weekends, weeknights and several weeks each year to put on a military uniform and practice the military skills needed to keep America strong and ready. Since the earliest American colonial days, citizens have joined for collective defense. The militia was codified into the Constitution and today that tradition lives on in the modern National Guard.²⁵

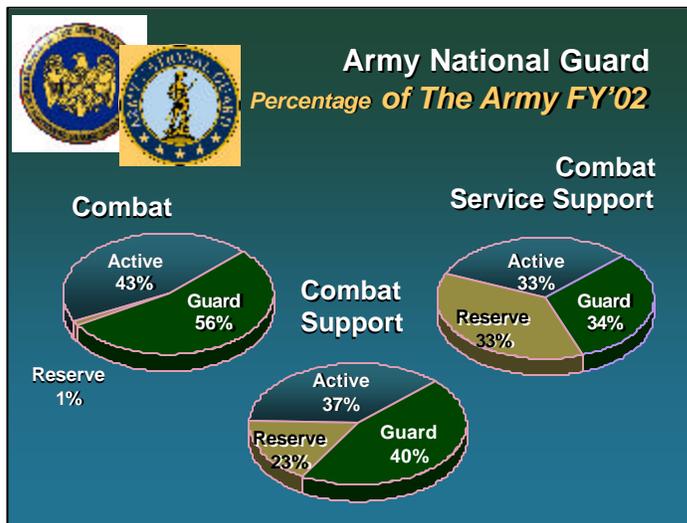


TABLE 2

The Army Guard provides 56% of the combat power of our land forces and eagerly seeks to improve their relationship and relevance to the Army in the prosecution of sustained land combat operations. Army Guard units commit the majority of their readiness training preparing for ground operations in support of, along side or in charge of active Army units.

“In March 2000 about 1,000 citizen-soldiers of the 49th Armored Division, commanded by Brig. Gen. Robert Halverson, become the first National Guard unit since World War II to provide the command and control for an active Army maneuver outfit, in this case the 3rd Armored Cavalry Regiment based at Fort Carson, CO. The Lone Star Division's headquarters, reinforced by 200 Guard members from Maryland, directed the peacekeeping efforts of up to 3,000 3rd Cav soldiers in the American sector during the seventh Stabilization Force rotation. Two other Army Guard divisions were picked to command the Bosnian operation in keeping with former CSA Shinseki's vision of all reserve and active components serving side-by-side in "The Army." Virginia's 29th Infantry Division picked it up in October 2001, and Pennsylvania's 28th Infantry Division in October 2002.”²⁶

Guard leaders aggressively seek opportunities to work along side active component units in Title 10 roles. Guard/Active component integrated divisions align an active component division headquarters with three Army Guard enhanced Separate Brigades. The intent of this relationship is to improve the training readiness and deployability of the enhanced Separate Brigades and to reduce time required for post-mobilization training. Two divisions have resulted of this integration, the 7th Infantry Division, based at Fort Carson, CO, and the 24th Infantry Division, based at Fort Riley, KS.²⁷

"The days of the "weekend warrior" are gone. Guardsmen and reservists are giving much more than a weekend a month and two weeks of annual training a year. Many serve 60 to 120 days a year. Although only about 2 percent of the 1.2 million guardsmen and reservists have been called up in eight mobilizations between 1990 and 2003, it's the same kinds of specialties – civil affairs, air traffic control, mortuary affairs and force protection – that always are needed."²⁸

Like the active component, so too is the National Guard seeking to transform to meet joint force commanders' increased demands for ground force capabilities in the contemporary operational environment. In May 2003, leaders from the 54 states and US territories supported the historic initiative for changing their organization's command structure. The National Guard's adjutants general reached agreement with the proposal of LTG H. Steven Blum, the Guard Bureau's chief, to consolidate separate state headquarters for members of the Army and Air Guard into joint, or combined, headquarters. Blum's proposals also focused on enhancing capabilities, adding to mission-essential task lists for combat arms units, and task organizing. They include:

- Organizing chemical, biological and incident response task forces to include assets from the Guard's 32 full-time civil support teams, enhanced medical companies that can decontaminate and treat 150 people per hour, engineer companies with special search and rescue equipment, and combat units trained to support law enforcement agencies.
- Creating quick and rapid Guard reaction forces that are immediately available to state and federal governments and that are trained for both combat and force protection duties.²⁹

LTG Blum's proposals address Secretary Rumsfeld's recognition of a need to expand the capabilities of the National Guard to protect our nation's critical infrastructure. Though these initiatives appear to be extremely positive steps in line with the strategic vision of the current administration, there remains some caution and trepidation. Some guardsmen are reluctant to assume greater responsibilities in the homeland security role and oppose the restructuring of the National Guard units to perform with primacy, homeland security missions.³⁰

National Guard units commit the majority of their available training time in preparation for their wartime mission of augmenting active Army forces for combat operations. However, until recently, the majority of the duty time of Guard units had been spent performing State Title 32 or Title 10 assigned domestic humanitarian assistance, disaster relief, and homeland security missions.

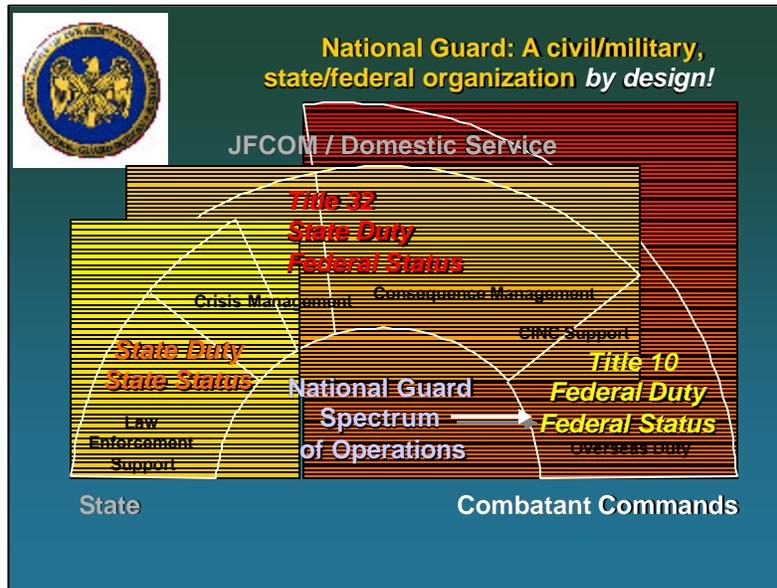


Table 3

The dual role of the National Guard provides the nation increased depth and capability. Governors can and will use their Army National Guard forces to enforce as well as assist in enforcing civilian law. The Guard in its state role operating under Title 32 of the US code is not subject to Posse Comitatus. The guard is the primary force available to governors to quell large-scale civil disobedience. Governors can provide Army National Guard forces when mobilized the state law enforcement authority required to control civilian populations. In their Title 32 state mobilization status, these forces can be used to augment civil law enforcement. The availability and use of the National Guard is essential to meet heightened security requirements for our airports, seaports, national treasures, border security, law enforcement power plants and other critical facilities; and to also provide support for state counter-drug operations; consequence management; and combat operations.

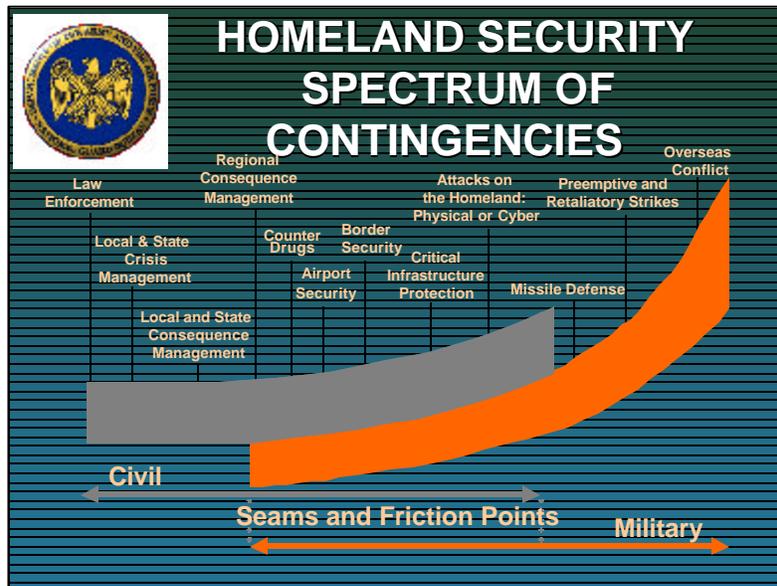


TABLE 4

The seams and friction points are highlighted in the chart above. They reflect potential areas of conflict between the federal governments and states when National Guard forces are utilized. The tasks along the fiction areas are often initially the responsibilities of the states. The National Guard provides governors the forces they can direct to perform these missions. Restructuring and re-balancing guard units to ensure sufficient trained and equipped forces are available to perform these missions are essential for success in the Global War on Terrorism. Governors may request that the President of the United States authorize federal forces to assist states during natural or man-made disasters or periods of civil disobedience.

Since initiation of the Global War on Terror, and the later commencement of military operations in Iraq, competition for personnel between DOD and law enforcement agencies has also grown. The paramilitary rank and file nature of most law enforcement agencies makes them attractive to those officers who enjoy service in the military. In peaceful times, the additional training and skills of the reserve component soldier serving as a military police soldier compliment the skills needed in his or her law enforcement job. Following the September 11, 2001 attacks, 5,765 Army National Guard Soldiers were mobilized for airport security, critical site protection, and weapons of mass destruction (WMD) detection, and more than 91,000

Reserve Component personnel supported homeland security and anti-terror foreign operation.³¹

An article published by the National Conference of State Legislatures in May 2003 stated,

“The war with Iraq and the ongoing fight against terrorism has hit some states, including North Dakota, Utah and Alabama, hard. Those states have seen 29 percent, 26 percent and 25 percent respectively, of their total reservists and Guard members called up. Gannett News Service analysis shows that 17 states and Puerto Rico have had 20 percent or more of their Guard troops and reservists mobilized as of the end of February 2002. That is forcing state officials to scramble to fill their jobs. Many local police and fire departments have large numbers of military reservists. Beyond the effect on local communities, though, the call-ups also could reduce the number of troops available to state authorities if they need them to help with homeland security or natural disasters, such as wildfires and floods.”³²

The continued deployment of large numbers of reserve component forces who are also the state-level response forces for natural as well as man-made emergencies further justifies restructuring to increase the manpower pool of security personnel.

USING NATIONAL GUARD MILITARY INTELLIGENCE CAPABILITIES TO IMPROVE SHARING OF INTELLIGENCE QUICKLY AND ACCURATELY WITH STATE AND LOCAL AGENCIES

Civilian law enforcement’s typical response to heightened threats is most often the increasing of police manpower on the streets through longer working hours. This is done to increase vigilance and to serve as visible deterrent. The patrolman working the same geographic area everyday provides localities an ideal source of human intelligence. These officers know their communities and quickly recognize people and activities that are abnormal. However, the day to day routine of conducting tradition police order maintenance functions without focus on specific threats can obscure their visibility of discretely conducted illegal behaviors. To the patrol on the beat, the day to day activities of terrorist sleeper cells working and living amongst us may appear normal thus cloaking illicit behavior or intent.

The need to share intelligence quickly and accurately with state and local agencies to assist them in planning was recognized early on as a major requirement. Refocusing the analysis capabilities of the National Guard to include them in intelligence fusion forum established through The Department of Homeland Security could greatly enhance the capability of states and local emergency managers. The Department of Homeland Security’s Information Analysis and Infrastructure Protection Directorate is charged with improving threat analysis and the sharing of information. Although there has been progress, a recent GAO survey reinforced the argument that great improvements are still needed.³³

In January 2002, the Heritage Foundation's Homeland Security Task Force chaired by L. Paul Bremer and Edwin Meese III published a report, *Defending the American Homeland*.³⁴ The Task Force's Working Group on Intelligence and Law Enforcement identified information and intelligence sharing among the top three (3) priorities for improving the ability of law enforcement and the intelligence community across America to combat terrorism.³⁵ In many localities, restrictions limiting access of local law enforcement to classified information relating to potential terrorist threats hinder progress in the area of intelligence and information sharing.

In an USA Today interview in April 2003, Idaho, Maj. Gen. Jack Kane, the state's homeland security director and National Guard Adjutant General, said Gov. Dirk Kempthorne still [had] not been granted access to intelligence reports. In the interim, Kane said, he has given the governor temporary access until a full security review is completed.³⁶

Further reorganization of the nation's intelligence gathering and dissemination organizations is among the many recommended solutions to this problem. Bruce Berkowitz in a New York Times editorial piece entitled *A Fresh Start Against Terror* states that rather than fusing elements of the CIA and FBI to collect and disseminate homeland intelligence, a new agency is needed. "Effective homeland intelligence will depend on people who can find blueprints for factories in Michigan, electric grids in California, and communications lines in Kansas, correlate them with other databases like visa records. They will need to schmooze with local Rotarians, and religious leaders, city officials, civic groups and small business owners – even journalists."³⁷ Though these options will generate great debates amongst civil libertarians, these actions would provide more useful intelligence to agencies charged with protecting against domestic terrorism as well as enhancing the overall investigatory capabilities of domestic police forces. National Guard forces that have the security clearances needed to access, analyze and synthesize intelligence, as well as roots in the communities they serve could, in their Title 32 status, fulfill these voids.

THE FORCE OF CHOICE—NATIONAL GUARD MILITARY POLICE

Military police forces provide the Army's best capabilities for conducting land based force protection and physical security operations. Army military units train and are organized and equipped to perform area security; civil disturbance; internee, refugee and populace control operations; security of critical and sensitive sites; deliberate urban operations; apprehension, transportation and detention of offenders; emergency medical aid; police investigations; humanitarian assistance as well as close combat operations. Few combat forces are trained or equipped to perform these tasks. This skill set is ideally suited for the contemporary

operational environment. Military police soldiers' understanding and emphasis on the graduated application of force, multifunctionality, and economy of force concepts of employment place them in high demand for joint force commanders as well as state emergency planners.

Collective training readiness for military police units is easier to maintain than the collective unit skills of combat arms units. Military police collective training ranges from crew drills conducted at the 3 to 4 soldier (team) level, in a single vehicle to 10 soldiers (squad) with three vehicles at the squad level. Military police operate in small, modular units and are easily tailored.

As an example, the military police Combat Support Company provides tremendous capability. They are capable of operating on a 24-hour basis. This unit, is comprised of 5 officers and 172 enlisted soldiers that can perform any one of the following tasks.³⁸

- Battlefield circulation control of up to 360 kilometers of supply routes.
- Area Security of 2,000 square kilometers of rural terrain or 1,000 square kilometers of terrain outside an Air Force main operation base's designated area of responsibility.
- Security of 400 kilometers of pipeline
- Railway security for seven trains.
- Security of 12 small critical sites, facilities, or storage areas.
- Control of dismounted refugee movement of up to 150,000 persons a day (not including their care, shelter, or protection).
- Law and order for 25,000 personnel.
- Detention of 700 US military prisoners.
- Escort for 1,900 walking EPW, or 2,500 when traveling by vehicle, or 3,300 when traveling by train.
- Guarding up to 2,000 EPW in a holding area having adequate facilities.
- Combat operations through the employment of mobile combat systems containing three-man teams operating independently or in concert and having vehicles, crew-served and individual weapons capable of defending a position against dismounted infantry.

These great capabilities are the reason these forces are in such high demand. More than 2/3 of military police units are in the National Guard and Army Reserve.³⁹ These units are one of the highest in demand and lowest in density specialties in the Army. Military police comprise only 3.3 % of the total force.⁴⁰ As of December 4, 2003, more than half of the National Guard

and Army Reserve military police units were on active duty. For states such as Missouri and Illinois, all of the military police companies in their National Guard were serving on active duty.⁴¹

There were 74 military police companies deployed to SWA in FY03 – a little over 17,000 military police soldiers. To maintain a rotation, with a company preparing to deploy, a company in the theater, and a company redeploying the Army would need 214 military police companies.⁴² There are not that many military police units in the United States Army. The Army clearly needs more military police force structure. Building this additional force in both the National Guard and the Active components will increase the available force pool of military police for deployment and hopefully reduce the frequency of their active duty deployments. This increase also provides states a larger pool of forces trained in the skills needed for domestic homeland security augmentation and humanitarian assistance. The building of this structure will likely require a combat arms military occupational specialty to give up personnel as the bill payer. The institutional culture of the Army National Guard measures relevance in terms of capabilities to enhance combat operations or contribute combat forces during times of war. Great cultural resistance to shifting to a paradigm that focuses on security augmentation as a principal mission for the Army National Guard is likely to hinder restructuring efforts. Increasing demands for the highly capable but limited numbers of military police units may prompt citizen soldier volunteers to discontinue their military service in the Guard to return to the predictability and stability of civilian life.⁴³ Military police units in the Army National Guard greatly increase protection capabilities of states and localities as well as for joint force commanders. Increasing military police force structure in the Army National Guard enhances the capabilities of the Guard to provide domestic support across the operational spectrum.

THE SOLUTION-- INCREASE MILITARY POLICE STRUCTURE IN THE ARMY NATIONAL GUARD

The first step in maximizing military police availability to states for domestic security operation is the transfer of the entire military police force structure in the US Army Reserve, 11,526 military police soldiers, to the Army National Guard.⁴⁴ This action provides a force pool of nearly 60,000 to Governors from which to draw military police forces for domestic protection. Governors can employ their National Guard military police to augment civilian law enforcement in a Title 32 or state active duty status without Posse Comitatus concerns. US Army Reserve military police are Title 10 forces and, like active duty units, are subject to the restriction of the 1878 Posse Comitatus Act. Increasing the pool of military police forces reduces the operational tempo by increasing the number of units available to support active duty military police unit rotations.

A second step in increasing the available force pool of military police is the conversion of additional Combat Arms structure in the National Guard to military police. More than 2/3 of the Army Field Artillery spaces (second only to infantry) are in the National Guard. These forces are Cold War legacy capabilities and potentially provide the force pool needed to increase military police. Conversions of 1300 Army National Guard artillery soldiers to military police began on November 24, 2003. The training will take approximately 3 months at a cost of approximately \$8M for the entire military occupational specialty reclassification mission. This is increased capability for domestic protection.

The economy of force doctrine governing employment of military police results in greater capability, greater depth of the available force pool and, most importantly, greater capability for states and localities to apply against critical physical infrastructure security requirements.

“The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.”⁴⁵

—The United States Constitution

CONCLUSION

The Global War on Terrorism’s military requirements abroad for active duty forces and for the reinforcement and relief abroad of active duty military police forces by US Army National Guard and Reserve units greatly reduces the capability of DOD to provide states the best possible trained and ready forces for domestic homeland security. The high operational tempo and high demand for forces capable of providing force protection at home as well as abroad supports the restructuring of Army National Guard to provide more military police capabilities. Civilian law enforcement and states need the capabilities military police forces bring. National Guard military police remain citizen soldiers and due to the great capabilities they possess, will always be the “Force of Choice” in conflicts at home and abroad.

Continuing commitments for security forces at home and abroad dictate a need for organizational change. The Army as a total force must provide trained, ready and relevant forces that contribute the greatest capability possible across the full spectrum of conflict at home and abroad. The Army National Guard must increase this capability.

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ENDNOTES

¹ George W. Bush, *National Security Strategy for Homeland Security* (Washington, D.C.: The White House July 2002), p2.

² Ibid., p vii.

³ "2002 in Review: The Ongoing War Against Terrorism." World Almanac. FACTS.com <<http://www.2facts.com>. "A report released Sept. 4 by the New York City comptroller, One Year Later: The Fiscal Impact of 9/11 on New York City, estimated that the overall cost to the city of the terrorist attacks could reach as high as \$95 billion. Other financial statistics were equally sobering. The sluggish economy, declining tax revenues, plunging stock prices (exacerbated by an epidemic of corporate scandals), and increased spending on national defense and homeland security combined to transform a federal budget surplus of \$127 billion for the 2001 fiscal year to a deficit of \$157 billion in fiscal 2002. Revenues had suffered their largest percentage drop in 50 years and spending had shown its most rapid increase in two decades. Forty-six state governments had to address budget shortfalls totaling \$37.2 billion for the fiscal year ended June 30, according to the National Conference of State Legislatures. "

⁴ Bush, *National Strategy for Homeland Security*, 8.

⁵ Ibid.

⁶ George W. Bush, *National Strategy for Physical Protection of Critical Infrastructure and Key Assets* (Washington, D.C.: The White House February 2003), 9.

⁷ Ibid., 26.

⁸ Ibid., 54.

⁹ *National Strategy for Homeland Security*, 17.

¹⁰ Michael E O'Hanlon, et al., *Protecting the American Homeland : One year on*. (Washington : Brookings Institution Press, 2003), 66.

¹¹ Department of Defense, *Quadrennial Defense Review*, September 30, 2003. 18.

¹² John M Doyle, *Aviation Weeks* First Responder want better gear training to cope with terror attack Aviations Weeks Homeland Security and Defense >New Your AUG 27 2003 Vol. 2 Issue 35 pg. 1 Database on-line. Available from ProQuest. Accessed 20 September 2003.

¹³ U.S. Northern Command, "Who we are—Mission", available via http://www.northcom.mil/index.cfm?fuseaction=s.who_mission accessed 07 November 2003.

¹⁴ Ibid.

¹⁵ Department of Defense, *Quadrennial Defense Review*, September 30, 2003. 18.

¹⁶ OPERATION ENDURING FREEDOM refers to military operations conducted in Afghanistan to neutralize terrorist training and operational facilities and to bring the Taliban regime that harbored terrorist activities.

¹⁷ US General Accounting Office. Report to the Chairman, Subcommittee on National Security, Emerging Threats, and International Relations, Committee on Government Reform, US House of Representatives, *HOMELAND DEFENSE DOD Needs to Assess the Structure of U.S. Forces for Domestic Military Missions*; (Washington, DC: US General Accounting Office July 2003. Accessed via internet <http://www.gao.gov/new.items/d03670.pdf> 7 November 2003) , 5.

¹⁸ U.S. Northern Command, "Who we are—Mission", available via http://www.northcom.mil/index.cfm?fuseaction=s.who_mission accessed 07 November 2003.

¹⁹ MG Jerry Grizzle, Commanding General, Joint Task Force Civil Support, "Weapons of Mass Destruction Response" Workshop, 2003 International Association of Chiefs of Police Convention, Pennsylvania Convention Center, 24 OCT 03.

²⁰ Ibid.

²¹ US General Accounting Office. Report to the Chairman, Subcommittee on National Security, Emerging Threats, and International Relations, Committee on Government Reform, US House of Representatives, *HOMELAND DEFENSE DOD Needs to Assess the Structure of U.S. Forces for Domestic Military Missions*; Washington, DC: US General Accounting Office July 2003. Accessed via internet 7 November 2003, <http://www.gao.gov/new.items/d03670.pdf>.

²² Military police comprise on 3% of the Army's force structure 17,663 Military police forces in the AC 9,841 Military police forces in the Army Reserve 11527 Military police forces in the National Guard 39, 031 Military police Soldiers in the Total Force Source: DPO, US Army Military police School.

²³ US General Accounting Office. Report to the Chairman, Subcommittee on National Security, Emerging Threats, and International Relations, Committee on Government Reform, US House of Representatives, *HOMELAND DEFENSE DOD Needs to Assess the Structure of U.S. Forces for Domestic Military Missions*; Washington, DC: US General Accounting Office July 2003. Accessed via internet 7 November 2003 <http://www.gao.gov/new.items/d03670.pdf>.

²⁴ U.S. Northern Command, "Who we are—Mission", available via http://www.northcom.mil/index.cfm?fuseaction=s.who_mission accessed 07 November 2003.

²⁵ Ibid.

²⁶ 49th Armored Division, Texas Army National Guard History homepage, http://www.agd.state.tx.us/49_division/history/history.htm accessed 07 November 2003.

²⁷ Global Security.org, Overview of the Army National Guard. <http://www.globalsecurity.org/military/agency/army/arng.htm> accessed 07 November 2003.

²⁸ Ibid.

²⁹ Global Security.org, Overview of the Army National Guard.
<http://www.globalsecurity.org/military/agency/army/arng.htm> accessed 07 November 2003.

³⁰ "It's true, as the review notes [DoD's Comprehensive Review of Reserve Component Contribution to National Defense], that emphasis should be placed on homeland defense and that the Army and Air Guard should be an important part of the associated force mix. However, that involvement should not be at the exclusion of the other missions. Our participation should be in the context of participation in the full spectrum missions of the as part of the Total Force. Homeland defense is an important mission, but should not be the primary mission of the National Guard." MG Gus Hargett, Chairman's Message, December 2002 / January 2003, *Missed Opportunities*, National Guard Association of the United States, accessed via internet <http://www.ngaus.org/ngmagazine/chairman1202.asp>

³¹ O'Hanlon, *Protecting the American Homeland : One year on*, 156.

³² Ibid.

³³ "GAO surveyed federal, state, and city government officials on their perceptions of the effectiveness of the current information- sharing process. Numerous studies, testimonies, reports, and congressional commissions substantiate our survey results. Overall, no level of government perceived the process as effective, particularly when sharing information with federal agencies. Information on threats, methods, and techniques of terrorists is not routinely shared; and the information that is shared is not perceived as timely, accurate, or relevant. Moreover, federal officials have not yet established comprehensive processes and procedures to promote sharing." GAO-03-760 Report to the Secretary of Homeland Security United States General Accounting Office GAO August 2003 HOMELAND SECURITY Efforts to Improve Information Sharing Need to Be Strengthened. <http://www.gao.gov/new.items/d03760.pdf>

³⁴ GAO-03-760 Report to the Secretary of Homeland Security United States General Accounting Office GAO August 2003 HOMELAND SECURITY Efforts to Improve Information Sharing Need to Be Strengthened <http://www.gao.gov/new.items/d03760.pdf>.

³⁵ Ibid., 56

³⁶ Officials' access to terror reports held up ; *Money lacking to run background checks on applicants* [FINAL Edition] USA TODAY McLean, Va. Apr 1, 2003.

³⁷ Bruce Berkowitz, *A Fresh Start Against Terror*. New York Times, 4 August 2003. Database on-line. Available from ProQuest. Accessed 20 September 2003.

³⁸ MP Combat Support Co 19-77 MTOE.

³⁹ Military Police comprise on 3% of the Army's force structure 17,663 Military Police forces in the AC 9,841 Military Police forces in the Army Reserve 11527 Military Police forces in the

National Guard 39, 031 Military Police Soldiers in the Total Force Source: DPO, US Army Military Police School.

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⁴¹ Harry Levins , *Short Of MP's, Army Leans On Reserve Forces*, St Louis Post Dispatch, 4 December 2003, Edition: Five Star Late, A1.

⁴² Source of data, CFLCC Provost Marshal's Office, 2003.

⁴³ Ibid.

⁴⁴ Military Police comprise on 3% of the Army's force structure 17,663 Military Police forces in the AC 9,841 Military Police forces in the Army Reserve 11527 Military Police forces in the National Guard 39, 031 Military Police Soldiers in the Total Force Source: DPO, US Army Military Police School.

⁴⁵ The Constitution of the United States of America, 17 September 1787.

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