

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

by COL Martin Hershkowitz (MDDF-Ret)

### **CAN THE RESERVE COMPONENT MEET OUR NEED FOR HOMELAND SECURITY?**

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

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

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

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

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

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

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

### **IF NOT THE RESERVE COMPONENT, THEN WHO?**

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

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

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

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

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

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

## **WHY DEPEND ON THE SDF?**

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

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

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

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

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

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

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

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

### **ARE SOME SDFs ALREADY FUNCTIONING IN THIS MANNER?**

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

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

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

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

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

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

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

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

## **LEGISLATIVE SUPPORT**

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

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

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

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

## **IN CONCLUSION**

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