

IMPROVING MILITARY RESPONSE TO CATASTROPHIC EVENTS WITHIN THE UNITED STATES

BY

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**IMPROVING MILITARY RESPONSE TO CATASTROPHIC EVENTS WITHIN THE
UNITED STATES**

by

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ABSTRACT

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Today's complex, emerging threats and hazards demand a unified and coordinated national approach to domestic incident management. While there have been considerable enhancements in preparedness, there is room for significant improvement in interagency planning, collaboration, coordination, and ultimately execution. The following three recommendations are steps towards a more effective military response. First, by pre-determining the command and control structure for each of the fifteen planning scenarios for each FEMA region or state as applicable, the military can not only ensure unity of command during a catastrophic event, but it can also enhance preparedness by assigning responsibility up front. Secondly, establishing a Joint Interagency Coordination Group at the National Guard Bureau will ensure the appropriate military collaboration and coordination with the interagency through established relationships. Thirdly, by investing operationally at the regional level, the Department of Defense and to a larger degree, the National Guard stands to enhance their ability to provide an effective military response, when called.

IMPROVING MILITARY RESPONSE TO CATASTROPHIC EVENTS WITHIN THE UNITED STATES

The terrorist attacks of September 11, 2001 and the devastation of Hurricane Katrina in 2005 exposed several areas for improvement in the federal government's ability to respond to catastrophic domestic events. With hard lessons comes change, which can be slow and difficult. Mark Twain said, "Habit is habit, and not to be flung out of the window by any man, but coaxed downstairs a step at a time."¹ Both unfortunate and somewhat understandable, this has been the case within the federal, state and local bureaucracies responsible for improving our Nation's coordinated response to natural and manmade disasters within the United States.

This paper focuses on the military response to catastrophic incidents in the United States and makes recommendations for the next "step", by analyzing some of the current policies, legislation, strategies, procedures, processes and relationships as they affect the Department of Homeland Security (DHS), the Department of Defense (DoD), and the National Guard (NG). Catastrophic incidents are defined as "any natural or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale and/or government functions."²

Three recommendations for improvement are provided:

1. Pre-determine Command and Control (C2) structure for each of the DHS fifteen planning scenarios for each FEMA region or state as applicable
2. Establish a Joint Interagency Coordinating Group (JIACG) at National Guard Bureau (NGB)

3. NGB and NG invest at the Regional Level by providing staff officers to support the DCO of each FEMA region to assist in planning and coordination.

The National Guard and the National Guard Bureau (NGB) are components of the Department of Defense. However, for the purpose of this paper, DoD will refer to federal military forces (Title 10), and National Guard will refer to Guard units on State Active Duty or in Title 32 status.

Problem

“The Nation’s domestic incident management landscape changed dramatically following the terrorist attacks of September 11, 2001”³ and was further changed as a result of Hurricane Katrina in 2005. Today’s threat environment includes a wide spectrum of manmade and natural hazards. Those manmade threats may be accidental, including oil spills, land and urban fires, hazardous material releases, transportation accidents, disruption to the Nation’s energy and information technology infrastructure; or deliberate terrorists attack. Natural hazards include hurricanes, tornadoes, floods, earthquakes, pandemics, etc. These complex and emerging 21st century threats and hazards demand a unified and coordinated national approach to domestic incident management and “a concerted national effort to prevent terrorist attacks within the United States; reduce America’s vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur.”⁴

The U.S. military has a long and proud tradition of defending our nation from attack and assisting civil authorities during times of crisis. Our military services must be prepared to respond to a catastrophic incident in the United States, including both

natural disasters and terrorist attacks. Interagency coordination and collaboration between DHS, DOD and the National Guard is key to the success of this preparedness.

While there have been considerable improvements in preparedness, several recent studies, reports and professional articles indicate room for significant improvement in interagency planning, collaboration, coordination, and ultimately execution. Specific examples will be discussed later to demonstrate the need for change and support the recommendations of this paper. However, prior to making an argument for recommended changes, it is important to provide perspective and context through a brief history of emergency management in the United States.

History of Emergency Management in the United States⁵

Our founding fathers established a constitutional framework in which each state ceded some of its powers to the federal government to create one united but limited central government.⁶ The Constitution establishes the specific and delegated powers that delineate federal and state roles.⁷ Our system provides a structure to enable coordination between federal and state governments to create a balance that recognizes the sovereignty of both entities. The founders created the federal government to do those things that states cannot or should not do, such as conducting foreign relations and defending the Nation. The federal government provides assistance to protect the states from the external threat of invasion or attack, and against internal subversion or rebellion.⁸ Local and state governments assume the first responders role in emergencies.

Emergency management began in the United States with local efforts to address the growing threat of fire and disease in cities and towns in the 19th century. Several

federal laws have helped to reinforce the concept that the federal government should respect state sovereignty. In 1803, Congress approved the use of federal resources to assist the recovery of Portsmouth, New Hampshire, following a devastating urban fire. From the early 1800's to the mid 1900's, the federal government provided resources for over 100 natural disasters to include the Chicago fire in 1871; the Johnstown flood in 1889; the hurricane that devastated Galveston in 1900; and the San Francisco earthquake of 1906. This assistance was limited and delivered in an ad hoc manner without a coordinated response plan.⁹

President Truman recognized that response efforts should first utilize state and local resources by issuing executive order 10427 in 1952, which emphasized that federal disaster assistance was intended to supplement rather than supplant the state and local government's efforts. This trend continued, as indicated in a 1973 report to President Nixon, which stated, "federal disaster assistance is intended to supplement individual, local and state resources."¹⁰

Signed into law in November of 1988, the Robert T. Stafford Act established a process for state governors to request assistance from the federal government when an incident overwhelms state and local resources.¹¹ "This stands as the primary legal authority for federal participation in domestic disaster relief efforts and provides for the use of the federal military for disaster relief."¹² The homeland security strategy includes responsibility for response to all types of catastrophic incidents. Over the past forty years, the average number of federally declared disasters in the United States has increased. In 2008, President Bush issued seventy-five major disaster declarations compared to just forty-five in his first year in office.¹³

Current Environment

Currently, domestic emergency management doctrine sets forth a tiered framework that originates at the local level with progressive support by additional response capabilities as needed.¹⁴ The benefits include rapid, efficient, and cost-effective responses with a goal of meeting the needs of the American public. Consistent with the National Strategy for Homeland Security,¹⁵ the National Response Framework¹⁶ and the National Preparedness Guidelines¹⁷, the bottom-up approach also encourages community resiliency and self-sufficiency at the local level.¹⁸

Events such as 9/11 and Hurricane Katrina demonstrate the balancing act required of the federal government between being prepared for a larger role in response to catastrophic events and preserving the principle of federalism. This delicate and often confusing balancing could not be more evident than in the current relationships between the Department of Homeland Security, the Department of Defense and the National Guard.

In response to 9/11 and furthered by the faulty response to Katrina, there have been several transformational changes in the way our nation approaches homeland security. Such changes have come through a variety of national policies and guidance including Presidential Directives, Executive Orders, National Strategies, National Plans, Department of Defense policy and guidance, and Department of Homeland Security guidance in addition to existing laws and statutes.¹⁹ In April of 2002, President Bush signed the Department of Defense Unified Command Plan (UCP) establishing the United States Northern Command to provide command and control of the Department of Defense's homeland defense efforts and to coordinate military support to civil authorities. NORTHCOM's specific missions are to conduct operations to deter, prevent,

and defeat threats and aggression aimed at the United States, its territories and interests within its assigned area of responsibility; and as directed by the President or the Secretary of Defense, provide defense support to civil authorities, including immediate crisis and subsequent consequence management operations. The 2008 UCP added to the command's area of responsibility, which currently includes air, land, and sea approaches and encompasses the continental United States, Alaska, Canada, Mexico, and the surrounding littoral regions. It also includes the Gulf of Mexico, Puerto Rico, the U.S. Virgin Islands, the Bahamas, and the Turks and Caicos Islands.²⁰ In addition, NORTHCOM is responsible for security cooperation and coordination with Canada and Mexico.²¹

The National Strategy for Homeland Security, the Homeland Security Act of 2002, and Homeland Security Presidential Directive 5, (Management of Domestic Incidents), establish clear objectives for a concerted national effort to prevent terrorist attacks within the United States. These documents provide guidance designed to reduce America's vulnerability to terrorism, major disasters, and other emergencies. Additionally, they laid the foundation for the National Response Plan (later replaced by the National Response Framework), the Department of Defense Strategy for Homeland Defense and Civil Support, and the updated National Strategy for Homeland Security. Annex 1 of the Homeland Security Presidential Directive 8 (HSPD-8) provides for further enhancement of the preparedness of the military by formally establishing a standard and comprehensive approach to national planning.²² In addition to prevention, the aim of these documents is to minimize the damage and recover from attacks, major disasters and other emergencies that do occur.

In the aftermath of September 11th, the National Guard began a series of transformational changes to meet increasing demands on its force. The National Guard began to transition from a strategic reserve to an operational reserve. In 2003, the National Guard “moved to increase its capability to operate in a Joint Military Environment, by provisionally reorganizing both NGB and the Guard headquarters in the states.”²³ NGB converted to a joint staff structure, appointed a 2-star Director of the Joint Staff, established Joint Force Headquarters-State (JFHQ-State) in every state/territory, and established the NGB as a Joint Activity at the national level.

Each state’s Joint Force Headquarters provides command and control of all National Guard forces in the state or territory for the Governor, and can act as a joint service headquarters for national-level response efforts during contingency operations. The JFHQ-State is responsible for fielding a Joint Task Force-State (JTF-State) that can assume tactical control of all military units ordered to respond to a contingency operation and act as a subordinate command and control headquarters for USNORTHCOM. JFHQ-State is also responsible for providing situational awareness/common operating picture information to national level headquarters before and during any contingency operation and for providing joint reception, staging, onward movement, and integration of all inbound forces.²⁴

The National Defense Authorization Act of 2008 includes provisions that:²⁵

- Elevates the National Guard Bureau to a Joint DOD Activity;
- Creates a bipartisan council of governors to advise the Secretary of Defense and Secretary of Homeland Security on Guard-related matters;

- Directs the Chairman of the Joint Chiefs of Staff (CJCS) to determine the feasibility of adding reservist staff to NORTHCOM;
- Elevates the Chief of the NGB to a four star general;
- Mandates that, henceforward, a National Guard general officer be either Command, or Deputy Commander, of NORTHCOM
- Calls for DOD to develop response plans for the national planning scenarios prescribed by DHS and the Homeland Security Council. Two versions of the plan are required: one using National Guard resources only and, the second, using National Guard and active duty forces. The planning must identify a five-year resource plan for the military-unique capabilities identified in the planning process, including a budgetary request for those periods.
- Calls for rewriting of the NGB Charter to reflect evolved functions

Prior to May of 2008, there was no direct authority for NGB to coordinate Defense Support of Civil Authorities with other agencies. The NGB Charter called for NGB to facilitate and coordinate with the Departments of the Army and Air Force. It did not give NGB the authority to coordinate and facilitate interstate or multi-state deployments of National Guard troops.²⁶ In addition, there was no formal relationship between NGB and NORTHCOM, the Chairman of the Joint Chiefs of Staff or the Assistant Secretary of Defense for Homeland Defense.²⁷ DOD Directive 5105.77 updates the NGB Charter. NGB is now responsible for:

...assisting the Secretary of Defense in facilitating and coordinating with other Federal agencies, the Adjutants General of the States, the United States Joint Forces Command (USJFCOM), USNORTHCOM, U.S. Southern Command (USSOUTHCOM), and U.S. Pacific Command (USPACOM) for the use of National Guard personnel and resources. Such matters shall be coordinated with the Assistant Secretary of Defense for

Homeland Defense and Americas' Security Affairs, the Chairman of the Joint Chiefs of Staff, and the Secretaries of the Army and the Air Force as they pertain to their respective Military Departments.²⁸

USNORTHCOM established the Joint Interagency Coordination Group (JIACG) as its primary interagency forum. The JIACG consist of approximately sixty interagency Combatant Command, service component, and staff representatives that support planning efforts at all levels related to such key issues as the Emergency Management assistance Compact (EMAC), private sector engagement, critical infrastructure protection, and pandemic influenza planning. The JIACG interagency representatives also provide reach-back capability to provide and receive information from interagency partner organizations.²⁹

Air Force General Victor Renault, Commanding General, USNORTHCOM, said when referring to the military response to Hurricane Katrina: "We had great military capacity from the National Guard, the Reserve and the active component that was there ready to respond, but we hadn't figured out how to integrate all that to be most effective."³⁰

While there have been considerable improvements in preparedness, it is clear that there is room for significant improvement in interagency planning, collaboration, coordination, and ultimately execution. The following three recommendations, if implemented, will enhance preparedness.

Recommendations for Enhancing Preparedness

Recommendation #1. Pre-determine Command and Control (C2) structure for each of the DHS fifteen planning scenarios for each FEMA region or state as applicable.

When the required response to a manmade or natural disaster exceeds the capabilities of the local and state authorities, what should be the command and control (C2) authority of DoD? When should the C2 authority be determined for both planned and unplanned events? Unfortunately, the answers to these questions and the roles and responsibilities of USNORTHCOM, NGB and the NG are unclear.³¹ There is a lack of state and Federal strategic agreement on command and control authority. As a result, a political and operational rift has emerged in the state and Federal support relationship.³²

Since Operation Winter Freeze in 2004 (a US/Canadian border mission)³³, DoD has used parallel command structure for domestic response. In a parallel command structure, federal forces are under the control of USNORTHCOM and operate in parallel with state Guard forces. This was the C2 structure used during Katrina and, arguably, DoD achieved some unity of effort, but was unable to achieve unity of command. Parallel command arrangements are contrary to both civil³⁴ and military³⁵ doctrine. As pointed out by the White House report on Hurricane Katrina's Lessons Learned, "the lack of integrated command structure for both active duty and National Guard forces exacerbated communications and coordination issues during the initial response."³⁶ Further, the Commission on National Guard and Reserves noted that the lack of unity of command "could lead to confusion, wasted efforts and loss of life and property during a catastrophe."³⁷ Still, in late October of 2008, Department of Defense Directive 1200.17 supports a parallel command structure:

It is DOD policy that Homeland Defense and Defense Support to Civil Authorities are total force missions. Unity of effort is maintained consistent with statutory responsibilities in operations involving Federal forces and non-federalized National Guard forces with Federal forces under Federal command and control and non-federalized National Guard forces under State command and control.³⁸

Currently the potential still exists for a dispute to emerge surrounding state sovereignty and the command and control of forces within its borders, as was the case with Katrina, during the most critical points of a major disaster. In addition to the disruption during a crisis, the lack of pre-determined command and control structure stifles planning, coordination and relationship building at operational and tactical levels prior to crisis. For these reasons, the current parallel command model is not suitable for crisis response.

Recommendation #1 calls for establishing pre-determined C2 authority for DoD response to catastrophic incidents (all-hazards) in order to enhance deliberate planning and efficient execution of emergency response. In addition, the recommendation provides policy guidance for a preferred model and the process for development of the C2 structure.

The following is a discussion on the three most plausible C2 options, concluding with a preferred model.³⁹ All of the subjoined options require pre-determination of C2 authority for each of the 15 national planning scenarios by state or FEMA region. The importance of pre-determination cannot be overstated. With pre-determination comes assignment of responsibility and accountability. In addition, pre-determination of the C2 structure enhances cooperation, collaboration, planning and exercising by alleviating maneuvering for a desired course of action and the friction between parties of interest, allowing all to focus on preparedness. The criteria used to evaluate each option are ease/likelihood of effective planning/exercising prior to a crisis, degree of controversy for implementing as policy, and overall effectiveness of C2 capabilities. Also mentioned are additional advantages and disadvantages, as appropriate.

I. State Command. This option directs that command and control authority remain with the State. National Guard C2 would report directly and solely to the Governor. This option consists purely of Guard forces, first from internal to the State and then from other States as needed through mutual aid agreements such as the Emergency Management Assistance Compact (EMAC), other emergency compacts, or the Stafford Act.

A key advantage of the National Guard is the speed at which it can deploy forces. The National Guard Reaction Force (NGRF) provides every state with a ready combat arms force capable of delivering a unit of 50-75 personnel within 4-8 hours and a follow-on force of up to 400 personnel within 24-36 hours.⁴⁰ In 2005, when the Guard had over 75,000 Soldiers deployed overseas, they were still able to deploy over 30,000 Soldiers in support of Katrina in the first 72 hours; soon after the number grew to over 50,000 Soldiers and Airmen.⁴¹ The National Guard is a community-based organization (over 3,200 locations throughout the U.S.),⁴² which not only makes it a rapidly deployable force, but also enhances its ability to effectively plan and coordinate with local authorities prior to an incident.

This option capitalizes on existing relationships at the state and local level, taking advantage of their comprehensive understanding of the local political, social, cultural, industrial and geographic environment. In addition, with a state only response, Governors retain control over incidents within their state.

The disadvantage to the State Command option is the potential of having to adopt an additional or alternative C2 authority due to a catastrophic event that produced requirements beyond the National Guard's total capability. The State Command option

does not allow federal forces to join the response under state authority. In the event of a catastrophe of this proportion in which the requirements exceeded the total National Guard capability, this option could be ephemeral and require changing the C2 authority during the incident causing unnecessary confusion midstream.

II. Federal Command. The federal command option is a purely federal response that activates Guard forces under the control of the United States Northern Command (USNORTHCOM). The federal government would unilaterally make decisions and therefore increase the President's involvement.

Planning and exercising at the tactical level would be difficult due to the lack of proximity and existing relationships maintained by active forces as opposed to the National Guard. In addition, this option would compromise state sovereignty and therefore has the potential for difficulty in implementation. This controversy presented itself during Hurricane Katrina when Governor Kathleen Blanco (LA) opposed federalizing the state National Guard and rejected President Bush's offer to appoint an active-duty officer to command and control the military response.⁴³ An additional disadvantage with this option is the Posse Comitatus restrictions that apply to federal forces but not to state forces. Federalized National Guard forces are subject to Posse Comitatus restrictions therefore reducing operational flexibility. In April of 1992, during the Los Angeles Riots, National Guard forces once federalized under JTF-LA, were about 80 percent less responsive in supporting law enforcement agencies.⁴⁴

III. Dual-Status Command. The dual-status command option directly addresses the unity of command issue. The 2004 National Defense Authorization Act made it possible for National Guard commanders on Title 32 status to be ordered to federal

active duty (Title 10 status), retaining their state commission when activated. This dual-status option provides the statutory authority for a commander to command both state and Federal military forces simultaneously, and provides for a unified military response. When exercising the dual-status option, the commander would report, through channels, to both the Governor and the President.⁴⁵

The use of the dual-status option was successful during recent deliberately planned events. Some examples include the 2004 G8 Summit Conference, Operation Winter Freeze and the 2004 and 2008 Democratic and Republican Conventions.⁴⁶ These events were the result of deliberate planning; but it is conceivable for this success to transfer to crisis response, especially if C2 is pre-determined and CONPLANS are developed. According to the dual hat commander for the G8 Summit, MG Terry Nesbitt, dual hat command of the 2004 G8 Summit worked well. "It seems only logical to integrate all Title 10 response into the existing framework with unified command achieved by a dual hat commander responsible to both Title 10 and Title 32 command authorities."⁴⁷

However, it is worth noting, that the Presidential Inauguration of 2009 used a parallel structure and proved to be successful.⁴⁸ Again though, the distinction is that these are deliberately planned events and suggest that if successful, it logically follows that the dual-status model could be successful in crisis response.

The recent Commission on the National Guard and Reserves concluded that USNORTHCOM should develop plans for consequence management and support to civil authorities that account for state-level activities and incorporate the use of the National Guard as "first military responders."⁴⁹ In addition, as stated by the Commission

on National Guard and Reserves, “DoD needs to overcome its historic reluctance to put the National Guard and Reserves in charge, believing that the active component should control everything.”⁵⁰

The dual-status command option combines all of the advantages of the state command option (effective planning and exercises prior to an event, state sovereignty to manage crisis, community based etc.) with the ability to absorb both state and federal forces under one commander. In addition, it is well suited for the catastrophic incident that initially requires or later develops the requirement for large amounts of federal forces without requiring a change to C2 during the response.

A disadvantage of the dual-status command option, however, is the risk of conflicting strategic guidance. Secretary Paul McHale, the former Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs, has pointed out that his biggest concern with this option is a commander caught in a conflict between a Governor and the President.⁵¹ While this is a valid concern, conflicts at the strategic level under the dual-status command option are fewer than conflicts at the operational level under the current parallel structure. Additionally, if it does occur, managing the risk of conflicting guidance at the strategic level is better than at the operational or tactical level (as is the case currently in a parallel command arrangement) and can be resolved by negotiation between the Governor and President while the response at the operational and tactical level continues.⁵²

Recommendation #1 calls for policy that directs DoD to facilitate the development of a recommended pre-determined C2 authority for each of the 15-national planning scenarios by FEMA region and/or state as appropriate for presidential and gubernatorial

approval. Further, the development of the recommendation will consider the preferred model as the Dual-Status option. The development of this list needs to be in conjunction with the Governors, Department of Defense, Department of Homeland Security, National Guard Bureau, and USNORTHCOM.

Recommendation #2. Establish a Joint Interagency Coordinating Group (JIACG) at NGB

The National Guard responds annually to thousands of requests for local and regional support that do not require DoD resources. These routine responses require interaction from other non-DoD federal agencies including Department of Justice, Department of Energy (DOE), Federal Emergency Management Agency (FEMA) etc. Because of this regular response as a state resource, the Guard must maintain interagency relationships.⁵³ These relationships then become extremely beneficial during a catastrophic incident. To establish these relationships and foster coordination and collaboration, the National Guard has to develop mechanisms to ensure that interagency relationships and operational constructs are in place. In the past, since there was no direct authority for NGB to coordinate Defense Support of Civil Authorities with other agencies, the primary means of coordination was through a liaison structure.

The National Guard currently has liaison officers (LNOs) working with multiple agencies, commands, and directorates within DoD and other federal agencies. The National Guard LNO facilitates the interaction between an agency and the National Guard at the federal level. In some cases, these liaison operations are structured and well served. In others, they are not. Functionally based and decentralized the current NGB homeland security liaison creates an environment in which the designated LNOs

are not always fully aware of on-going projects and initiatives between NGB and DHS. This decentralization also contributes to incomplete communications processes, leaving the LNO and NGB with an incomplete picture of requirements and opportunities for enhancing interagency collaboration.⁵⁴

The Department of Defense has recognized the importance of interagency coordination and has therefore established the Joint Interagency Coordination Group (JIACG) in all combatant commands. The JIACG is an interagency staff group that establishes collaborative working relationships between United States Government (USG), civilian, and military operational planners. The JIACG participates in security cooperation, contingency, crisis, and transition planning. Representing USG agencies at the combatant command headquarters, the JIACG is a multi-functional, advisory element that facilitates information sharing across the interagency community. The JIACG provides the capability to collaborate at the strategic and operational level with USG civilian agencies and departments. JIACG members provide links back to their parent civilian agencies to help synchronize joint force operations with the efforts of USG agencies and departments.⁵⁵

The NORTHCOM JIACG is unique in that NORTHCOM's mission is to support the civilian authorities, largely represented by the agencies on the JIACG. While the National Guard has a liaison structure for essentially the same purpose, it lacks the depth or coverage to benefit the broad new responsibilities faced by NGB and each state Guard. The National Guard could benefit from a structured, long-term mechanism, such as the JIACG, for interaction with other agencies associated with the homeland security enterprise.⁵⁶

The NGB JIACG would be the primary coordinating body for National Guard interagency planning at the national level. Its mission would be to synchronize integration of the National Guard efforts in interagency activities. The NGB JIACG would support operational planning and initiatives; conduct interagency capability assessments; and maintain interagency situational awareness. Additionally, during exercises and events, the JIACG would become an Interagency Coordination Center (ICC) to provide the interagency perspective to the Chief of the National Guard Bureau and the NGB Joint Staff.⁵⁷

To fully capitalize on the benefits of a NGB JIACG, there would need to be a mechanism for bridging interagency and military planning, coordination, and collaboration between the federal and state level. Accomplishing this at the regional level is better served than attempting to work through each of the fifty-four states and territories. The following recommendation suggests NGB should focus its interagency coordination efforts in alignment with FEMA's regional structure.

Recommendation #3. NGB and the National Guard should invest at the Regional Level by providing staff officers to support the Defense Coordinating Officer (DCO) of each FEMA region to assist in planning and coordination.

The Department of Defense and to a larger degree, the National Guard Bureau and the states' National Guards, should invest operationally at the regional level. NGB and the National Guard should invest at the Regional Level by providing staff officers to support the DCO of each FEMA region to assist in planning and coordination.

As noted in a 2006 study by the Homeland Security Policy Institute, "The operational response to a fast-moving disaster such as Katrina or 9/11 simply cannot be managed

from Washington. It must be done on the ground, and must be led by individuals intimately familiar with the affected region.”⁵⁸ Recognizing that major disasters or catastrophic incidents may have a regional impact and require regional efforts and resources, the 2006 Emergency Reform Act provided a renewed focus on a regional structure for FEMA’s relationships with its state and local partners.⁵⁹ FEMA’s ten Regional Directors became Regional Administrators with increased staff. FEMA’s intent is that their regional operations be the essential field component that is interacting directly with state and local governments.⁶⁰

DoD has established full time support at the FEMA regional offices. The Defense Coordination Officer is the primary defense official in each region. The DCO is responsible for planning, coordinating, and integrating DSCA with local, state, tribal, and federal agencies. Each DCO has a permanent staff of seven personnel with planning and operations expertise that make up the Defense Coordinating Element (DCE).⁶¹ Emergency Preparedness Liaison Officers (EPLO) are reservists on-call for emergencies.⁶²

NGB should follow suit with DoD and permanently assign one T10 officer to each FEMA region. In addition, NGB should allocate each state an additional Title 32 authorization to serve as a full-time EPLO at the regional office. The NGB representative would support the DCO with respect to National Guard capabilities and serve as the conduit for processing / deconflicting support request , and operational planning/exercises between the state National Guard and NGB (likely through the recommended JIACG). The Guard team (T10 officer plus T32 EPLOs from each state)

at the FEMA region would support the DCO efforts by coordinating, facilitating, and enhancing the following functions for the National Guard effort:^{63 64}

- Planning
- Preparedness – (training and exercises)
- Capability management (readiness reporting and sourcing)
- Synthesize/provide information (feed into the Common Operating Picture)
- Recovery (lessons learned, reimbursement etc.)

Recently, DHS initiated a pilot program in five states that attempts to address similar issues to those mentioned above. The pilot program, Task Force for Emergency Readiness (TFER), is a FEMA-led initiative to support State emergency planning. The TFER concept promotes a dedicated planning team drawn from skilled planners with National Guard experience to assist state officials with catastrophic disaster planning, support assessment and cataloging of capabilities across and among all levels of government, and aid in identifying improvements to strengthen state planning resources. The focus is on unity of effort through integration of local, state, and regional plans that then drive federal planning and identify needed federal capabilities. TFER recognizes the criticality of addressing these functional gaps between the state and federal level. However, it differs from the recommendation of this paper by proposing the placement of the TFER under the direct leadership of the Governor's state emergency management structure.⁶⁵ Doing so creates the potential for a parallel effort between the National Guard and DoD rather than an integrated effort in military response if the National Guard planners worked primarily in support of the DCO.

Formalizing relationships and responsibilities through permanent positions at the FEMA region headquarters rather than the current ad hoc or “surge” arrangements will encourage the use of federal regional and interstate assistance during routine incidents that do not rise to the level of catastrophic incidents. Additionally, it will help to embed the concept of regional and multi-jurisdictional response into day-to-day planning, coordination and collaboration and therefore make regional and multi-jurisdictional response during catastrophic incidents much less of a foreign concept. Pre-incident interaction will go a long way towards alleviating the problem of “first exchanging business cards during a disaster” or major incident/crisis.⁶⁶

Conclusion

Today’s complex, emerging threats and hazards demand a unified and coordinated national approach to domestic incident management. While there have been considerable improvements in preparedness, there is room for significant improvement in interagency planning, collaboration, coordination, and ultimately execution. The recommendations of this paper indicate less of a revolution than a continued evolution of policy, processes, procedures and organizational structure required to support civil authorities in times of crisis. First, by pre-determining the command and control structure for each of the fifteen planning scenarios for each FEMA region or state, the military can not only ensure unity of command during a catastrophic event, but it can also enhance preparedness by assigning responsibility up front. Secondly, establishing a Joint Interagency Coordination Group at the National Guard Bureau will ensure the timely and appropriate interagency collaboration and coordination through established relationships. Thirdly, by investing operationally at the

regional level, the Department of Defense, the National Guard Bureau and the states' National Guards all stand to enhance their ability to respond when called upon. Implementation of these recommendations will significantly enhance the effectiveness of the military response to catastrophic incidents within the United States and contribute to the overall security of our homeland.

Endnotes

¹ Mark Twain, *The Tragedy of Pudd'nhead Wilson, Pudd'nhead Wilson's Calendar*, 1894

² Department of Homeland Security, *National Response Framework*, January, 2008, 41.

³ Department of Homeland Security, *National Response Plan*, 2004, 1.

⁴ Ibid.

⁵ The majority of the section Background/History is taken from the reliable work of the White House Commission for Hurricane Katrina Federal Response and written in *The Federal Response to Hurricane Katrina, Lessons Learned*, February 2006, 11-21.

⁶ "The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which are to remain in the State governments are numerous and indefinite." *The Federalist No. 45*, 1787.

⁷ *The Federal Response to Hurricane Katrina, Lessons Learned*, February 2006, 11-21

⁸ U.S. Constitution, art. 4, sec. 4.

⁹ National Emergency Management Association, NEMA, <http://em.nemaweb.org/?17>, accessed December 10, 2008

¹⁰ *Disasters and the Law: Katrina and Beyond*, By Daniel A. Farber, Jim Chen, Published by Aspen Publishers Online, 2006, 103.

¹¹ *The Federal Response to Hurricane Katrina, Lessons Learned*, February 2006, 11-21

¹² *National Guard Domestic Operations Manual*, May 20, 2008

¹³ Federal Emergency Management Agency, http://www.fema.gov/news/disaster_totals_annual.fema , last accessed February 7, 2009

¹⁴ Joint Publication 3-28, *Civil Support*, (Washington, DC, September 14, 2007, figure D3.

¹⁵ Homeland Security Council, *National Strategy for Homeland Security*, October, 2007, 4.

- ¹⁶ Department of Homeland Security, *National Response Framework*, January, 2008, 10.
- ¹⁷ Department of Homeland Security, *National Preparedness Guidelines*, September, 2007, 1.
- ¹⁸ Burkett, Jeffrey, Lt Col, "Command and Control of Military Forces in the Homeland", *Joint Force Quarterly*, Issue 51, 4th Quarter 2008, 132.
- ¹⁹ Director, NGB-J3, Major General Timothy Wright, "National Guard Bureau Director of Domestic Operations Intent" Memorandum for record, May 20, 2008
- ²⁰ Department of Defense, *Unified Command Plan*, 2008
- ²¹ Shepherd, Scott and Bowman, Steve, CRS Report for Congress, *Homeland Security: Establishment and Implementation of the United States Northern Command*, February 10, 2005, <http://fpc.state.gov/documents/organization/44536.pdf>, last accessed December 22, 2008
- ²² Department of Homeland Security, *Homeland Security Presidential Directive 8, annex 1*
- ²³ LTG Steven H. Blum, Statement to the Commission on National Guard and Reserves, January 31, 2007
- ²⁴ *National Guard Role in Homeland Defense*, <http://www.ngb.army.mil/features/HomelandDefense/ngrf/index.html> , (accessed December 21, 2008).
- ²⁵ William Stevenson, *Enhancing the effectiveness of National Guard support of civil authorities by improving interagency coordination*, (Naval War College, March 2008,) 23.
- ²⁶ Commission on National Guard and Reserves, *Second Report to Congress*, (Washington, DC: Government Printing Office, 2007), 123.
- ²⁷ LTG Steven H. Blum, Statement to the Commission on National Guard and Reserves, January 31, 2007
- ²⁸ Department of Defense Directive 5105.77, May 21, 2008, 5.1.21.2
- ²⁹ Glenn M. Cannon, Statement before the US House of Representatives, Homeland Security Committee, April 25, 2007
- ³⁰ Samantha L. Quigley, "Anticipation Key to Homeland Security, NORTHCOM Commander Says", August 22, 2008, <http://www.defenselink.mil/news/newsarticle.aspx?id=50896>, (accessed February 7, 2009)
- ³¹ U.S. Government Accountability Office, *Homeland Defense: Steps Have Been Taken to Improve U.S. Northern Command's Coordination with States and the National Guard Bureau, but Gaps Remain*, (Washington DC: U.S. Government Accountability Office, April 2008) 1
- ³² Burkett, 130
- ³³ Operation Winter Freeze, 2004, was a border security mission at the Canadian, New Hampshire, New York and Vermont borders. In this instance, a request from customs and

border patrol addressed potential threats at the Canadian and U.S. border. Brig. Gen Thomas Shailor of the Vermont National Guard served as the dual-hat JTF Commander. The force's primary mission was to monitor the U.S.-Canadian border.

³⁴ Department of Homeland Security, *National Response Framework*, January, 2008, 10.

³⁵ Department of Defense, Joint Publication 1, May 2007, 17

³⁶ The Federal Response to Hurricane Katrina, Lessons Learned, February 2006, 51

³⁷ Commission on National Guard and Reserves, Final Report to Congress, (Washington, DC: Government Printing Office, 2007), sec 12:14.

³⁸ Department of Defense Directive 1200.17, October 29, 2008, 4c

³⁹ Burkett, Joint Force Quarterly: The three options have been discussed in several forums. Most recently, the Burkett article in JFQ, did an excellent job of laying out these three options. This section pulls from his work. In addition, the Burkett article discussed the parallel command option. The Parallel Command Option was screened from this discussion and noted as not suitable (FAS test) by the author.

⁴⁰ National Guard Role in Homeland Defense, <http://www.ngb.army.mil/features/HomelandDefense/ngrf/index.html> , (accessed December 21, 2008)

⁴¹ LTG Steven H. Blum, statement to the House Armed Services Committee, Subcommittee on Terrorism, Unconventional Threats and Capabilities, and House Homeland Security Committee, Subcommittee on Emergency Preparedness, Science and Technology, November 9, 2005

⁴² Burkett, 130

⁴³ Hurricane Katrina: Lessons for Army Planning and Operations, RAND Corporation, Santa Monica, 2006, 61

⁴⁴ Geoffrey B. Demarest, "The Strategic Implications of Operational Law" (Leavenworth, Kansas: Foreign Military Studies Office, 1995) <http://fmso.leavenworth.army.mil/documents/rio.htm#17>, (accessed December 21, 2008)

⁴⁵ National Defense Authorization Act for Fiscal Year 2004, Section 516.

⁴⁶ Hurricane Katrina: Lessons for Army Planning and Operations, RAND Corporation, Santa Monica, 2006, 86

⁴⁷ MG Terry Nesbitt, interview by author, January 26, 2009. MG Nesbitt is the current Adjutant General of Georgia, the former NGB-J3, and the first National Guard "Dual Hat" Commander.

⁴⁸ LTC Kathy McDill, JDOMS, interview by author, Washington, DC, December 13, 2008, LTC McDill has 10 years of DSCA experience to include assignments at NGB-J33 and the Chief of NGB's Joint Operations Center, Arlington, VA.

⁴⁹ Commission on National Guard and Reserves, Final Report to Congress, Jan 2008, 9

⁵⁰ Ibid, Sec 12: 100

⁵¹ Hurricane Katrina: A National Still Unprepared, Senate Committee on Homeland Security & Governmental Affairs, December 2006, http://hsgac.senate.gov/_files/Katrina/FullReport.pdf, (accessed, December 22, 2008), Chp 26, 58

⁵² Burkett, 130

⁵³ Stevenson, 58

⁵⁴ Stevenson, 59

⁵⁵ US Joint Forces Command, Joint Warfighting Center, *Commander's Handbook for Joint Interagency Coordination Group*, March 1, 2007, 3-1

⁵⁶ Stevenson, 59

⁵⁷ Stevenson, 59

⁵⁸ Homeland Security Policy Institute, *Regionalizing Homeland Security: Unifying National Preparedness and Response*, George Washington University, (Washington, D.C.: June 30, 2006)

⁵⁹ Stevenson, 70

⁶⁰ R. David Paulison, Director, Federal Emergency Management Agency, Reforming FEMA: Are we Making Progress?, Statement for the Record Before the United States House of Representatives House Homeland Security Committee Subcommittee on Emergency Commuincations, Preparedness, and Response and Subcommittee on Management, Investigations, and Oversight (Washington, D.C.: February 28, 2007), 9.

⁶¹ Army Posture Statement, 2008, Information Papers, http://www.army.mil/aps/08/information_papers/transform/Defense_Support_to_Civil_Defense_Coordinating_Officer.html , (accessed Jan 22, 2009)

⁶² Stevenson, 71

⁶³ LTC Kathy McDill, JDOMS, interview by author, Washington, DC, December 13, 2008

⁶⁴ COL Dennis Brown, Georgia Army National Guard, telephone interview by author, December 19, 2008

⁶⁵ Department of Homeland Security, Fact Sheet, Task Force for Emergency Readiness, June 2008,

⁶⁶ Homeland Security Policy Institute, *Regionalizing Homeland Security: Unifying National Preparedness and Response*, George Washington University, (Washington, D.C.: June 30, 2006)

