

## TRANSFORMING DOMESTIC CIVIL SUPPORT COMMAND AND CONTROL

BY

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STRATEGY RESEARCH PROJECT

**TRANSFORMING DOMESTIC CIVIL SUPPORT COMMAND AND CONTROL**

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## **ABSTRACT**

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## TRANSFORMING DOMESTIC CIVIL SUPPORT COMMAND AND CONTROL

“Speed of response saves lives”.<sup>1</sup> This is a fundamental principle in disaster response. Effective and efficient Command and Control (C2) facilitates the rapid communication of instructions to those who execute operations. In domestic disaster response, the affected state’s National Guard frequently provides Civil Support to local civilian authorities.<sup>2</sup> In some domestic catastrophes, the federal military may be asked to augment the National Guard response. It is in the context of Civil Support operations involving both the National Guard and federal military forces, that this paper examines the sometimes contentious C2 relationship between state and federal military forces.

The thesis for discussion is that current domestic Civil Support C2, involving both Title 10 (federal military) and Title 32 (state National Guard) forces, can be improved by changes to existing law, directives and operating procedures. These modifications would allow the use of existing Joint C2 doctrine in such operations, creating Unity of Command with National Guard in the lead. The topic of modifying Civil Support C2 is not new. However, this paper contends that cultural resistance is a major factor in the inability of the Active Component to support change to C2. A change in the Title 10 culture is therefore necessary to enable progress. Additionally, while some new ideas from existing Joint doctrine have been acknowledged, this paper will examine additional options for Civil Support C2.

An understanding of the Principles of War is essential to any professional application of military effort.<sup>3</sup> While traditionally applied to conventional warfare involving hostility against an enemy, the Principles can equally be applied to a domestic catastrophe, where the military effort is directed toward mitigating the impact of a

disaster. Examples are search and rescue in a flooded urban area; rapid evacuation prior to a hurricane; and distribution of life sustaining supplies post disaster (e.g. food, water, clothing, etc). A pertinent Principle to Civil Support C2 in this regard is Unity of Command.

### The Search for the Holy Grail: Unity of Command

Command and Control (C2) is imperative in all military operations and its construct often means the difference between success and failure. Domestic Civil Support operations conducted by the National Guard and/or the Active Component are no exception. One of the US Army's nine Principles of War defines Unity of Command as a single commander directing all forces to achieve a common objective. Included within this Principle of War is the provision that Unity of Effort (i.e. multiple separate chains of command utilizing cooperation, negotiation, and consensus building) should apply when single command authority is absent.<sup>4</sup> However, when applying these principles to Civil Support, the Active Army and the Army National Guard select and champion different approaches to C2. This paper argues that these different approaches are deeply rooted in the cultures of these Army Components.

### Background: C2 and Civil Support

The starting point for research into Civil Support C2 is developing a clear understanding of doctrinal Joint definitions. The term Civil Support is used by both the Active Army and the Army National Guard to refer to military support to civil authorities at all government levels (i.e. city, state, and federal), where the civil authorities are in the lead for "domestic emergencies, and for designated law enforcement and other activities".<sup>5</sup> This paper's analysis only applies to common domestic emergencies, such

as fires, floods, and hurricanes, and does not include law enforcement due to its unique legal aspects, most significantly Posse Comitatus Act restrictions on the use of federal forces.<sup>6</sup>

The DOD dictionary defines Command and Control or C2 as: “the exercise of authority and direction by a properly designated commander over assigned and attached forces in the accomplishment of the mission”.<sup>7</sup> Essentially, it is having the power to employ forces as a commander deems appropriate to complete a task. The military mechanism used for this purpose by the commander is command relationships:

The interrelated responsibilities between commanders, as well as the operational authority exercised by commanders in the chain of command; defined further as combatant command (command authority), operational control, tactical control, or support.<sup>8</sup>

This paper will explore the use of command relationships, including operational control (OPCON), tactical control (TACON), and support. OPCON provides the commander with the authority to organize (or reorganize) and employ forces for any mission. TACON is a more restrictive C2 option, as the commander is prevented from changing task organization and assignment of missions unless specified when the relationship is established.<sup>9</sup> A commander prefers OPCON because it allows him maximum flexibility over the attached forces. The forces being attached view the relationship from the opposite standpoint, preferring the limits provided by TACON. For example, an OPCON specialized unit can be directed to do a generic task, while in a TACON relationship they can only be tasked to do their normal missions. A Support relationship allows one commander to “aid, protect, complement, or sustain another force.”<sup>10</sup> An understanding of these subtle differences in C2 choices is necessary when analyzing C2 improvements.

## Changing Times: Post Katrina Era Demands Public Accountability

A legacy of Hurricane Katrina is a heightened public expectation of efficient disaster response by all levels of government, including state and federal militaries. Civil Support shortcomings are now in the public eye and increasingly the purview of Congress, as demonstrated by a Government Accountability Office (GAO) report on this topic.<sup>11</sup> The size of the Katrina Civil Support military deployment was unprecedented; the National Guard deployed over 70,000 personnel and the federal force exceeded 20,000.<sup>12</sup> This unparalleled use of military forces occurred without Unity of Command and its execution of Unity of Effort was flawed.

In an effort to improve response in future incidents, the U.S. Army funded a study by the Rand Corporation to analyze Hurricane Katrina.<sup>13</sup> The Rand report referred to a Senate study of the event which implied the need for C2 improvement but made no recommendations for C2 change. However, the Rand Study determined that “it is hard to find a direct link between the speed and effectiveness of the response and the multiple and complex C2 structures.” Conversely, it did not conclude that there was no connection between C2 and efficiency of response. The Rand Study’s conclusion that both search and rescue operations and evacuation operations would have been improved by Unity of Command supports this paper’s contention that a single commander is vital to the success of a response.<sup>14</sup> However, this paper expands the concept of single commander to other Civil Support areas.

The GAO Report on the Katrina response also commented on the Unity of Command concept: “The National Guard and federal responses were coordinated across several chains of command but not integrated, which led to some inefficiencies and duplication of effort”. The GAO report referred to a White House report that

concluded the National Guard and DOD responses were not “unified” and recommended they be “integrated” in future responses.<sup>15</sup> Integration of the National Guard and the federal military forces can be achieved through Unity of Command.

### Challenging Status Quo

Previous study has highlighted four options for Civil Support C2: state National Guard only (no request for federal military assistance); parallel state and federal (state and federal forces retain their own C2 and work side by side: Unity of Effort); federal only (the National Guard is federalized); and “dual-hatted” (state and federal chains of command go through one individual).<sup>16</sup> Federal only with the National Guard federalized is rarely used but is the only option that achieves true Unity of Command or a single commander when federal forces are involved. No equivalent exists for a state C2 lead in Civil Support. This is one of the key tenets of this paper’s thesis. Parallel chains of command with Unity of Effort are the status quo, primarily because that is how Civil Support has traditionally been executed.

### Baby Steps: “Dual-hat”

“Dual-hat” allows an Officer a temporary status of both a state and federal commission simultaneously.<sup>17</sup> While a step in the direction of Unity of Command, it is not a true single chain of command as the dual-hat commander reports to both a federal (USNORTHCOM) and state (T32) commander. The use of “dual-hat” C2 in limited circumstances by USNORTHCOM’s Commander advances the discussion of Unity of Command for domestic Civil Support operations. General Renuart, USNORTHCOM Commander responsible for Civil Support, stated:

We also set a new standard for support to civil authorities as we combine forces between Title 32 and Title 10, military, to ensure that the Democratic and Republican National Conventions went smoothly and safely and securely. The template we used in Denver may set a standard for future events just like this. We had dual status commanders in both...these are templates for future national special security events.<sup>18</sup>

This USNORTHCOM support for “dual-hat” is limited to preplanned events and has not been advanced for Civil Support for fires, floods, and hurricanes. While it was considered during the Hurricane Katrina response, it was not implemented for political reasons. Although the Active Component is content with their contribution toward Unity of Command in the form of limited dual-hatted implementation, Congress, with its “power of the purse” and role of public accountability in the post Katrina era, has taken interest in this topic.

#### State’s View on Unity of Command

The originally proposed 2008 National Guard Empowerment Act included a consensus state view on Civil Support C2. This draft legislation proposed an amendment the law to allow states to have TACON of federal forces through the state’s major operational C2 node, Joint Task Force-State.<sup>19</sup> Although, this particular clause was ultimately removed from the final version that became law, it still represents the states view on the issue. While no clear reason has surfaced to explain the exclusion of this clause from the final legislation, one might speculate that it was due to inadequate socialization of the concept with DOD.

#### Congress Takes an Interest

The Congressionally mandated Commission on the National Guard and Reserves’ (CNGR) January 31, 2008 Final Report includes findings and

recommendations on Civil Support C2. The CNGR Report found: “There is no established process whereby governors can gain operational control over federal military assets within a state to respond to emergencies.” In addition, CNGR

Recommendation #7 states:

...DOD should develop protocols that allow governors to direct the efforts of federal military assets responding to an emergency such as a natural disaster. This direction may be accomplished through the governor’s use of a dual-hatted military commander.<sup>20</sup>

While the CNGR Report is supportive of state lead for C2 involving federal forces, this specific finding and recommendation falls short of a pragmatic pursuit of Unity of Command. It appears the above recommendation was hedged and this may be due to the potential legal implications of alternate solutions. Dual-hat is currently a legally tested option. There is no legal precedent for expanding C2 of federal forces under a state status National Guard commander to obtain Unity of Command. This would require consensus from the broader federal military community or a change in the law.

Intriguingly, the Finding chooses to address OPCON only and omits TACON and Support, both of which are easier to obtain. With apparent conciliation to the Department of Defense (DOD), the Recommendation provides DOD a work around in two respects. First, the phrase “direct the efforts” is ambiguous and not a Joint military term with precise meaning. The recommendation would have been more robust if it had expressly referred to C2 doctrinally defined command relationships. Second, the only option presented in the Recommendation is “dual-hatted military command”. This is a limited option that has only been used and endorsed by the Active Component for preplanned Civil Support events and does not promote true Unity of Command. The ambiguousness of the Recommendation is perhaps understandable in a situation where

the relevant law is open to various interpretations. On a more strategic level the authors of the Report were possibly trying to satisfy the different stakeholders who were seeking to massage the applicable laws to meet their own ends.

The CNGR Report supports the Unity of Command Principle in the context of state military lead, noting that federal forces under state control will still ultimately be under the C2 of the President as dictated by current law. It comments on the parallels to U.S. forces under foreign C2. The Report is also critical of the current DOD proposal “to provide direct assistance to the state authorities”. It correctly notes that DOD is yet to provide a “viable” alternative.<sup>21</sup> The benefit of the CNGR Report is that it provides a catalyst for change in a highly visible document under the purview of Congress, DOD and the states.

### DOD Retort

The official DOD response to the CNGR Report is a November 24, 2008 SECDEF Memo: “Recommendations of the Commission of the National Guard and Reserves”.<sup>22</sup> In reference to the CNGR Recommendation regarding the Governors Directing Federal Forces, the memo refers to a prior SECDEF memo dated May 10, 2007 and states:

Develop options and proposed protocols that allow federal forces to assist state emergency response personnel in order to have a coordinated response to domestic catastrophes and other emergency operations. These protocols must preserve the President’s authority as commander in chief of federal forces, and should emphasize unity of effort, rather than purport to establish unity of command in state authorities...<sup>23</sup>

Since the above response was issued, no update, let alone a final position, has been officially published by DOD. The first sentence of the quote restates a long-standing tenant of the National Response Framework (NRF): “DOD elements in the incident

area of operations and National Guard forces under the command of a Governor will coordinate closely with response organizations at all levels.”<sup>24</sup> The second sentence of the response may imply to some that the National Guard is trying to usurp the President’s Article II Powers as Commander in Chief.<sup>25</sup> It is common knowledge in the military that members of the Armed Forces in federal status report ultimately to the President in all circumstances, so referring to the need to preserve the President’s authority is not a valid concern.

While true Unity of Command can be impossible to achieve in some environments, any movement in that direction can improve Civil Support response. DOD’s adherence to the view that Civil Support operations must be conducted with Unity of Effort reflects a culture hesitant to change. Understanding the complexities of these different cultural attitudes toward Civil Support C2 is a key factor in this paper’s proposed solutions for improving domestic C2.

### An Enigma: Understanding Differences

The different cultures of the Active Army and the Army National Guard contribute to divergent views on how domestic Civil Support military C2 should be conducted. While participation in Civil Support operations is Joint (multiservice), the majority of C2 friction is between the habitual ground participants (i.e. Army National Guard and the Active Army). Generally, there are those in the Active Army who believe they should have C2 of all military forces in domestic responses or have Unity of Effort only. Conversely, there are many in the Army National Guard who believe they should have Unity of Command of all military forces in a domestic response situation. These perspectives result from a combination of factors that have evolved throughout the

existence of the United States. Such factors include the interpretation of the Constitution; the history of both the Active Army and the Army National Guard; current federal laws; the impact of overseas Army National Guard deployments; the National Response Framework; the Emergency Management Assistance Compact; and a savvy perspective of domestic politics.

### “First Formation”

The genesis of the Active Army and Army National Guard cultural differences is the United States Constitution. The beginning of the modern day Army National Guard dates to the 1636 Massachusetts Bay Colony with the creation of a company-size militia force for self-defense against native Indians.<sup>26</sup> The growth of militias continued until formalized in the Constitution in several locations.<sup>27</sup> Correspondingly, the roots of the modern day Active Army are traced to the start of the Revolutionary War and also are enabled in the Constitution.

### The Meaning of a Republic

The cultural divide between the Active Army and Army National Guard originated in the Constitution’s first 10 Amendments. The 10th Amendment is commonly referred to as “States Rights”: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”<sup>28</sup> The US Constitution created a republic of states with most powers vested in the individual.

The long-standing interpretation of the 10<sup>th</sup> Amendment is that states, not the federal government, have control over all their activities unless the Constitution specifically states otherwise. This is the basis for the past and current C2 construct for

domestic Civil Support. The sovereign states are in charge of civil support operations within their borders. Federal civilian control of the federal military is well understood by the Active Army through the Constitution and reinforced in the Oath of Office.<sup>29</sup> The governor exercises C2 of its National Guard through the state chain of command, beginning with The Adjutant General. Unity of Command exists for all state National Guard forces.<sup>30</sup>

The Active Army generally is resistant to accept or understand Constitutional state control, which leads to difficulties in domestic operations. With the exception of a few historic examples (e.g. current operations have US Active Army forces serving under NATO command in Afghanistan); the majority of the Active Army's missions are under its own C2.<sup>31</sup> Consequently, when the Active Component becomes involved in domestic Civil Support operations, its instinct is to assume control of those operations also.

### The Irony of Overseas C2

The CNGR Report highlighted the inequity of the Active Army's willingness to serve under foreign command in wartime, yet refusing to serve under state C2 in a Civil Support operation.<sup>32</sup> The Report also notes that foreign command of U.S. forces is part of Joint C2 doctrine and is in practice overseas. Furthermore, in the context of the DOD response to the CNGR Report, it seems inconsistent for DOD to express concern about preserving the direct chain to the President in state-led operations when this is not an issue under foreign C2.

Mobilization of Army National Guard into federal status and deployment to an overseas combat zone yields one more C2 paradox. In 2005, the Army National Guard

42<sup>nd</sup> ID was mobilized and deployed for Operation Iraqi Freedom (OIF) and provided C2 for Task Force Liberty, which included two active-duty 3rd Infantry Division brigades.<sup>33</sup> It is illogical that the Army National Guard can command Active Army units in combat but not in Civil Support operations.

U.S. military Foreign Disaster Assistance to Canada also illustrates a cultural inequality when compared to analogous U.S. domestic support. The U.S. Canadian Assistance Plan lays out predetermined C2 when the U.S. military supports the Canadian military for disaster relief. U.S. forces are TACON to the Canadian military for operations in Canada.<sup>34</sup> It is permissible for T10 forces to be under the C2 of the Canadian military in Canada, yet it is not acceptable for the same force to be under the state National Guard C2 for the same type of operation conducted in the U.S.

#### Unintended Consequences of the USC “Firewall”

Current statutes define the differences between the Active Army and the Army National Guard in terms of C2 and funding, which further exacerbates the cultural divide between the two. These laws are documented in the United States Code (USC). The Active Army is covered in USC Title 10 (Armed Forces), which is federally controlled and funded, while the Army National Guard is covered in USC Title 32 (National Guard), which is state controlled but federally funded.

The Army National Guard by law conducts overseas missions in T10 status but normally conducts domestic missions in State Active Duty (SAD) status (state control and funding) or T32 status.<sup>35</sup> The Army National Guard can also mobilize in T10 federal status for domestic operations. The Active Army is generally not well versed in the three different options for domestic mission status of the Army National Guard (i.e. T32,

SAD, and T10), which can create further cultural barriers when the Active Army interacts with the Army National Guard in domestic operations. Due to frequent mobilization into federal status, the Army National Guard is provided the opportunity to interact and understand the Active Army in their T10 environment. Unfortunately, the opportunity for the reverse by the Active Army is not available, with exception of a small number of T32 exchange tours. The result is a general lack of understanding about the National Guard in their state role by Active Army soldiers. As we have seen in Iraq and Afghanistan, if one does not understand a different culture when operating in it, it is hard to be successful.

The C2 framework for domestic Civil Support has its roots in the T10 and T32 distinctions of the USC. Unless federalized into T10 status, the Active Army and Army National Guard have separate military chains of command for C2. The Active Army has a T10 command chain and the Army National Guard has a state command chain, which can be T32, SAD, or a combination. Militarily, both chains have individual Unity of Command, with Unity of Effort between them. The state is ultimately in charge of the military Civil Support operation, directly controlling its state military forces. However, it may receive support from the Active forces, given an approved Mission Assignment (MA) through the Federal Emergency Management Agency (FEMA) in accordance with the National Response Framework (NRF). The NRF does not place restrictions on how the military interacts when participating in a Civil Support response while in different status, as proved by previous implementations of dual-hatted commanders. These methods of response are ingrained as the values, norms and beliefs of the Active Component, making it difficult for a new approach to Unity of Command.

### The National Guard Serves Two “Masters”; the Active Army Serves One

The dual mission nature of the Army National Guard is another contributor to cultural differences with the Active Army. Both organizations are charged with a federal mission as governed by the federal Oath of Office. However, the Army National Guard has an additional state mission reflected in its state Oath of Office.<sup>36</sup> The Active Army can only conduct domestic Civil Support missions in federal status.<sup>37</sup> This does not mean they cannot operate under state C2 for Civil Support. The USC specifies the C2 chains must be separate when both the Army National Guard and Active Army conduct training together.<sup>38</sup> However, with the exception of dual-hatted command, the current USC does not refer to preventing T32 C2 over T10 forces in domestic operational missions.

### Historic Context: Civil War or a War Between the States

The long histories of both organizations also contribute to the cultural divide. The Army National Guard has had a significant role in most major conflicts in our history. When one visits a major Civil War battlefield, most are covered with monuments to state militia, not federal units, suggesting that it was literally a “War between the States”. The larger size of the Active Army is a more recent condition.<sup>39</sup> Prior to WWI and WWII the Army National Guard had large mobilizations comparable to the size of the standing Active Army. During that time the Active Army was relatively small but expanded during times of war by mobilizing the entire Army National Guard and implementing a draft. The Founding Fathers, due to their distrust of a king or head of government with a large standing federal army, intentionally omitted a mechanism to maintain an army of

significant size. It is only since the beginning of the Cold War that the country has maintained a large professional Active Army.

These organizational histories impact views on who has authority over state missions. The post WWII permanent expansion of the Active Army has created a perception among Active Component officers that, by virtue of its size and autonomy, it should influence state Civil Support operations, although there is no legal basis for this presumption.

#### EMAC and T32 Operational Funding: The Genies are out of the Bottle

Two recent cultural wild cards in the arena of domestic Civil Support involve post 9-11 policy and statute changes. The first allows funding for Title 32 Army National Guard forces to conduct operational missions (e.g. Civil Support) in the homeland.<sup>40</sup> The second is states' expansion in the use of or proliferation of the Emergency Management Assistance Compact (EMAC). This is an agreement that allows one state's governor to request support, including military, from another state.<sup>41</sup>

When approved by the SECDEF, a state can use federal funds for not only its Army National Guard but also to operationally employ Army National Guard forces from other states, with the consent of both governors. Such funding was first used during Hurricane Katrina response and has since been used by states. This arrangement results in a state achieving Unity of Command of a very large Army National Guard force. For example, a National Guard force of 50,000 troops from around the country conducted Civil Support operations after Hurricane Katrina operating in Louisiana and Mississippi, under the control of their respective governors. Culturally, from an Army

National Guard view, the combinations of EMAC with Title 32 funding almost negates the military need for generic Active Army forces.

T32 EMAC may lead to a future where governors request much less Active Component support for disaster response. Alternatively, it may result in a reduced involvement of federal forces in Civil Support operations, creating a scenario where it is even more appropriate for some type of state C2 over a small federal force. Such effects may have significant implications for USNORTHCOM, which is a topic worthy of future analysis but is not dealt with in this paper.

#### All Politics are Local

The political nuances and sensitivities unique to state Civil Support operations are unfamiliar to most Active Army soldiers and they often do not appreciate the importance of elected officials being in charge. The governor is an elected official and the TAG is a political appointee. The reality is they, and other state officials (e.g. State Emergency Manager, Police Chief, Fire Chief, etc) are paid to be in charge during Civil Support operations. Their authority and competence are directly challenged in the eyes of the voting public when a large federal force with a highly visible senior commander appears to lead the response. This situation can present a perception of state incompetence to the voters. Without preplanned mitigation measures, the governor can be unintentionally over shadowed by the federal General Officer (GO). Thus, while States welcome the T10 force capabilities, a burgeoning C2 structure can be problematic from a domestic political standpoint.

Our nation's tiered emergency management constructs defined in the NRF pose a paradox. A local incident commander is in charge of orchestrating the overall

response, as all incidents are commanded by the lowest level possible with the state in support. Conversely, federal military forces often seem to desire a senior leader at the incident to allow for the possibility of a larger deployment that may require a higher level of command. It can be a very intimidating situation for the local civilian incident commander (e.g. the Fire Chief) to deal with a federal General, even when the span of control warrants a senior officer. This can be mitigated when the local state National Guard command is the military contact.

In summary, the culture issue can be defined as “we look the same on the outside but think differently on the inside”. Culture in this thesis’s context is the “sense of what’s right” with regard to military C2 of Civil Support operations. The visibly identical Army Combat Uniform worn by both the Active Army and the Army National Guard, have the same “US Army” name tag. Yet, for both members of the Active Army and the Army National Guard, when it comes to domestic civil support, different cultures exist that affect their views on domestic C2. These different cultures have been created primarily as a result of the Constitution, laws, different histories, local politics, and in recent times, the new role of operationalizing domestic T32 forces combined with potentially unlimited use of EMACs. This paper proposes ways to integrate the federal military response under the state’s C2. However, the resistance to this idea is cultural and ultimately the long term impacts of T32 EMAC will change the way the federal and state military do or do not interact.

#### An Option Overlooked - Joint C2 applied to Civil Support (Supported-Supporting)

Changing culture is a hard and long process. Consistent with the practical limits of what is possible in the short term posed by a “clash of cultures”, evolution of Civil

Support C2 can be proposed nonetheless. In addition to OPCON and TACON, Support is a command relationship that has not been tried. If the C2 dilemma is approached from a Joint perspective and the DOD's view is that T10 forces must be under a T10 chain of command, then Support is an option worth considering. Support is to "aid, protect, complement, or sustain another force".<sup>42</sup> While traditionally used in the land domain for artillery fire support or logistics, nothing prevents its application to a Civil Support scenario. While Support is not true Unity of Command, it moves in that direction.

The use of the Support command relationship requires understanding of the concept of "Supported-Supporting", i.e. where one commander is designated as the Supporting commander and provides requested support to the Supported commander. It still allows the T10 tactical unit(s) with a designated Support relationship to a T32 command to remain in a T10 (USNORTHCOM) C2 chain clearly to the President. This meets the current DOD legal concern about not having the President in the chain of command.<sup>43</sup> Support by T10 forces is the best fit for Civil Support because it allows the Active Component response force to retain an element of its C2 autonomy while providing sufficient control to the state to approach Unity of Command.

While the rules for OPCON and TACON are well defined and rigid, when employing a Support relationship an establishing directive is normally used. This directive tailors the relationship to meet both the T32 and T10 commanders' needs. Key items that are negotiable in the directive are authority granted to the Supported commander and the criteria allowing the Supporting commander to modify the relationship. In a time sensitive response, the directive can be verbal followed by a

written document, as was the case with many Hurricane Katrina mission assignments. A support relationship will involve lower ranking federal officers at the incident site and will not be hampered by the political complexities associated with a preplanned dual-hat event.

There are four Joint types of Support: general support, mutual support, direct support, and close support. Figure 1 depicts a generic Civil Support C2 Relationship of Direct Support.

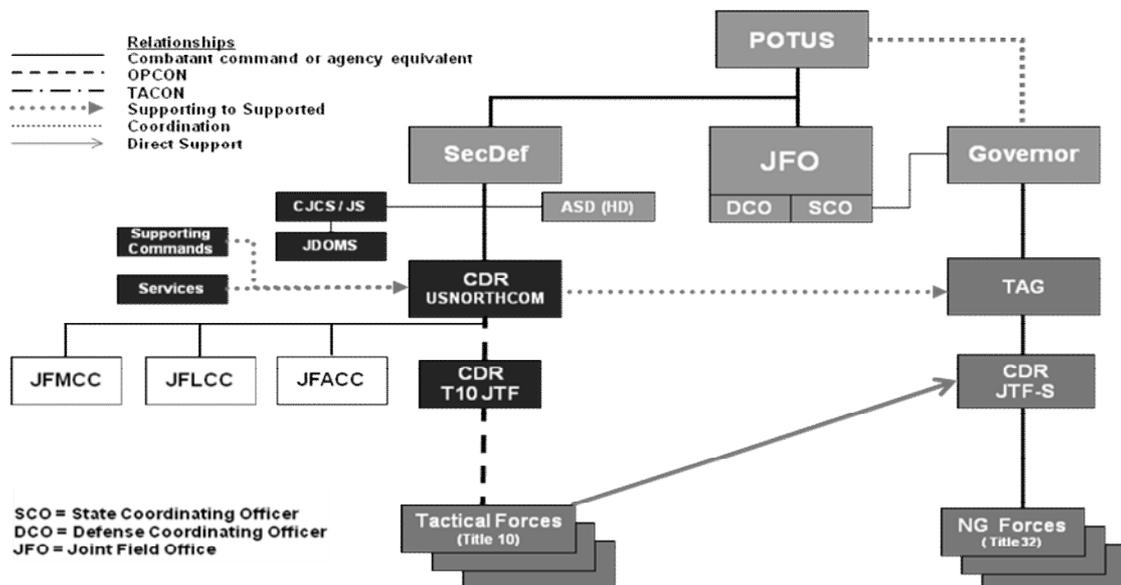


Figure 1 - Civil Support Direct Support C2 Relationship

Direct Support is: “A mission requiring a force to support another specific force and authorizing it to answer directly to the supported force's request for assistance”.<sup>44</sup> Direct Support by T10 forces is the best fit for Civil Support because it is the only scenario where the types of support can be multiple; the support is unidirectional; and targeted at only one specific force.

Middle Ground: OPCON TACON “Combo”

An additional alternative derived from current Joint doctrine is applying both OPCON and TACON in pursuit of Unity of Command for Civil Support. Federal forces would establish an OPCON command relationship to their tactical forces. Simultaneously, a TACON relationship would be created from the tactical forces to the state JTF. As with the Support option, the T10 chain to the President remains but there is technically no common commander to establish the relationship other than agreement between SECDEF and governor/TAG. Figure 2 depicts a Civil Support C2 Relationship of OPCON TACON.

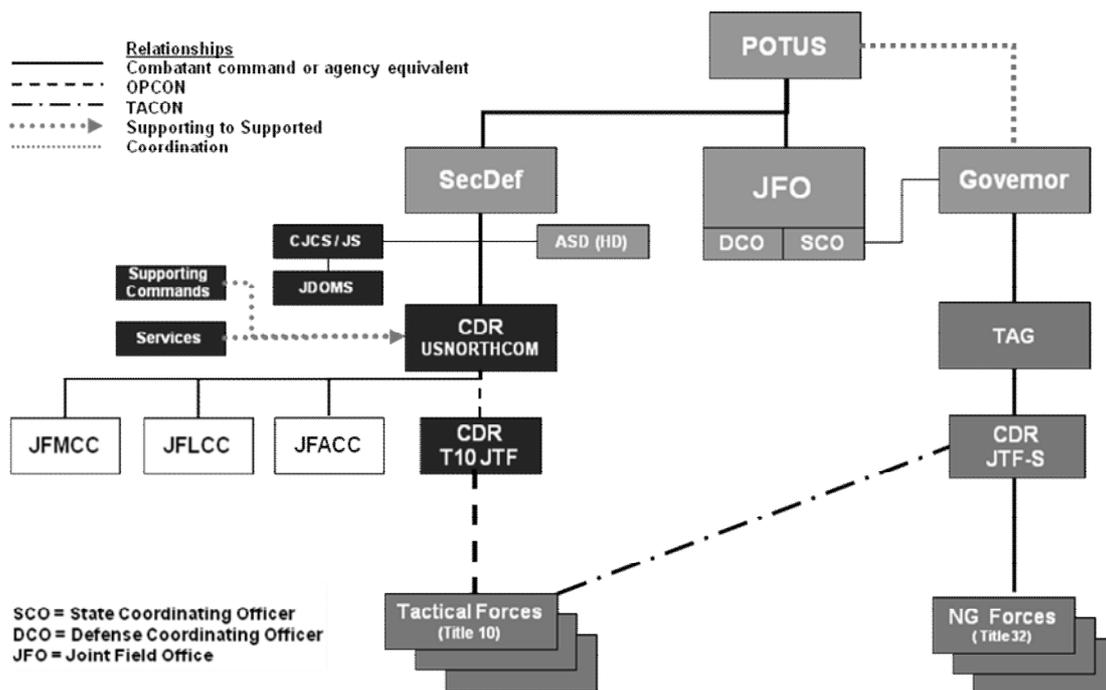


Figure 2 - Civil Support OPCON TACON C2 Relationship (State Lead)

This OPCON TACON relationship is not new to the Active Component. It has been successfully implemented in OIF between T10 forces when dissimilar chains of

command were involved in operations.<sup>45</sup> The Rand Katrina study also identified this type of C2 as an option for Civil Support operations and considered it viable.<sup>46</sup>

Out of the Box Thinking: “DOCON”

While current Joint C2 options are available as previously described, this paper contends that a new type of C2 relationship should be considered to move in the direction of Unity of Command. Since the Active Component does not endorse any current C2 options under the state National Guard, with the exception of “dual-hat” preplanned events, a new approach might meet DOD and state National Guard concerns. The new command relationship proposed by this paper could be called Domestic Control (DOCON). Figure 3 depicts a generic Civil Support C2 Relationship of DOCON.

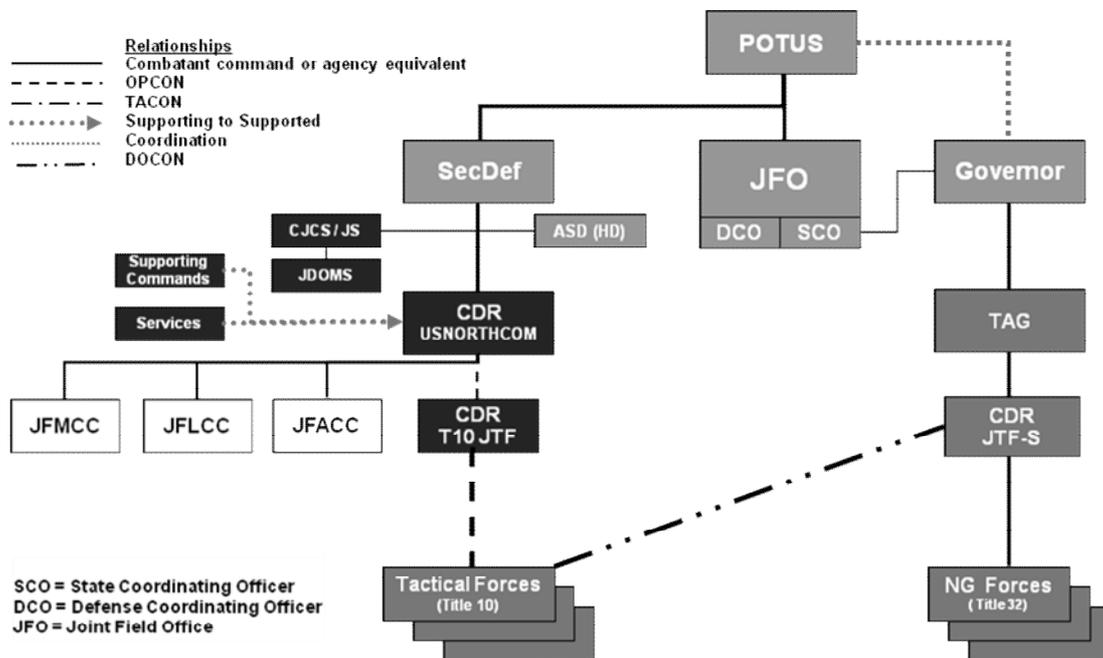


Figure 3 – Civil Support “DOCON” C2 Relationship

This proposed C2 arrangement would model itself on existing Joint doctrine for Multinational Operations, which allows U.S. forces to operate under the C2 of another country's military.<sup>47</sup> DOCON would have most characteristics of OPCON/TACON. The key points that would distinguish DOCON C2 of Active Component forces under the National Guard are the following:

1. Commander in Chief's role for the federal forces preserved, including the authority to end the C2 arrangement.
2. JTF-State control and direction of T10 forces.
3. T10 task organization change requires USNORTHCOM approval.
4. T10 Civil Support mission change allowed by JTF-State.
5. No T32 disciplinary authority over T10 forces.
6. Employed for Civil Support operational and training missions.

DOCON is an original approach that would have to be developed in concert by both the National Guard and DOD to meet both sides' needs, while pursuing the goal of Unity of Command. DOCON would allow the state National Guard to have Unity of Command over both T10 and T32 military forces for Civil Support operations, at the same time as meeting the DOD's concerns.

### Conclusions

True Unity of Command is not achieved currently in domestic Civil Support in the U.S. involving the National Guard and federal military forces. If it were to be obtained, response theoretically would improve. In reality, true Unity of Command may not be possible but the closer future C2 approaches it, the better our response will be. Event type (e.g. scope, magnitude, duration, etc.) will dictate when Unity of Command is

appropriate for Civil Support. All responses are different. The problem is most evident when a rapid response is required. When an event is pre-planned (e.g. political convention), a solution such as dual-hat can be found. However, the dual-hat approach has not been tested in a real life crisis. No-notice Civil Support incidents require a detailed but rapid analysis to determine the correct C2 construct between the state and federal military forces.

In the post-Katrina Civil Support environment, the expansion of operational T32 EMAC has provided states easy and direct access to tens of thousands of National Guard troops to respond to their requests for assistance. In these situations, the National Guard forces are all under the C2 of the state, enabling true Unity of Command. Meanwhile, DOD's view that parallel C2 is appropriate when federal forces are requested may lead to the Active Component being marginalized, as they may not be requested by states. The solution is for DOD to embrace one or more of the C2 options proposed in this paper as they move toward Unity of Command.

Supported-Supporting is the best solution for the Active Component, as it would relinquish the least of its federal C2 relative to the current parallel structure. Conversely, federal OPCON/state TACON is the best solution for the state as it provides a closer approximation of Unity of Command. Of these two options, Supported-Supporting is more practical because it requires less compromise by DOD, making it more viable. In reality, it is unlikely that there will be agreement on either of these two options. The alternate solution of DOCON as proposed by this paper, provides a framework to meet the concerns of both the state and federal requirements, thus providing a basis for achieving Unity of Command.

The current inability to progress domestic Civil Support toward true Unity of Command is rooted in culture. The National Guard and Active Component should work together to surmount this obstacle and jointly identify and develop solutions for better Unity of Command in domestic Civil Support operations. Over time, and as we work together and mutual understanding improves, barriers are likely to come down, enhancing future opportunities to move toward true Unity of Command

### Recommendations Specific to C2

The following recommendations are presented to advance C2 toward Unity of Command:

1. Establish a Joint DOD and National Guard working group to develop a new domestic Civil Support C2 relationship that achieves or approaches Unity of Command and meets the needs of both the National Guard and DOD. Use this paper's proposed C2 constructs as options.
2. Officially test the limits of the current system. State governors, through the NGB formally request TACON or a Supported-Supporting Relationship with Direct Support for federal forces from the SECDEF in the next appropriate Civil Support event or exercise to formally establish operational precedence or identify specific DOD objections.
3. Gain Congressional support prior to enacting future legislation, NGB and the states gain consensus with DOD for future state proposals to achieve Unity of Command.
4. Modify T10, Public Law, DOD Policy, the NRF and Joint doctrine as necessary to allow for increased Unity of Command in domestic Civil Support

operations using one or more of the methodologies addressed in this paper and agreed upon by both the National Guard and DOD.

5. Incorporate applicable new concepts into exercise programs of both DOD and the states.

### Recommendations Specific to Cultural Issues

By breaking down the cultural barriers between the Active Army and the Army National Guard in relation to domestic operations, better C2 and overall responses for civil support can be achieved in the future by both organizations. Implementation of the following recommendations may help to minimize existing cultural differences:

1. Improve the knowledge of the Active Army regarding the constitutionally grounded role of Army National Guard in domestic operations. Many educational techniques are available to achieve this end but it is beyond the scope of this paper to analyze them in detail.
2. Create short (e.g. 6 months) tours by Active Army members in the Army National Guard focused at the Joint Task Force State Headquarters level prior to follow assignment to USNORTHCOM or its subordinate commands.
3. More command directed professional study of domestic Civil Support operations.

The purpose of the military support to civil authorities during a disaster is ultimately to assist the public in the most efficient way practical, which ideally includes military Unity of Command when possible. The states and the DOD currently have differing views on this issue. Both the National Guard and the DOD, including the Active Component, must work together to effect a change that will improve Civil Support

operations in the U.S. Ultimately, this will benefit the American public that both the National Guard and the Active Component serve.

## Endnotes

<sup>1</sup>Israeli Defense Force, "Homefront Commander's Course", November 2005. Command slogan from author's class notes.

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<sup>3</sup>Headquarters Department of the Army, *Operations*, FM 3-0, (Washington, DC: Department of the Army, February 27, 2008), A-1.

<sup>4</sup>*Ibid.*, A-3.

<sup>5</sup>Department of Defense, *Civil Support*, Joint Publication 3-28, (Washington, DC: Department of Defense, September 14, 2007), GL-6.

<sup>6</sup>*Crimes and Criminal Procedure*, Title 18, United States Code, (December 31, 1992), sec. 1385.

<sup>7</sup>Department of Defense, Joint Publication 1-02, *DOD Dictionary of Military and Associated Terms*, (Washington, DC: Department of Defense, 17 October 2008).

<sup>8</sup>*Ibid.*

<sup>9</sup>Department of Defense, Joint Publication 1, *Doctrine for the Armed Forces of the United States*, (Washington, DC: Department of Defense, 14 May 2007), IV-7-9.

<sup>10</sup>*Ibid.*, IV-7-9.

<sup>11</sup>United States Government Accountability Office, *Report to the Congressional Committees, HURRICANE KATRINA: Better Plans and Exercises Needed to Guide the Military's Response to Catastrophic Natural Disasters*, May 2006, <http://www.gao.gov/new.items/d06643.pdf>, (accessed December 17, 2008).

<sup>12</sup>Paul McHale, *Assistant Secretary of Defense for Homeland Defense Statement Before the 109<sup>th</sup> Congress Committee on Homeland Security and Governmental Affairs United States Senate*, February 9, 2006, 6, 10.

<sup>13</sup>Rand Corporation, *Hurricane Katrina Lessons for Army Planning and Operations*, [http://www.rand.org/pubs/monographs/2007/RAND\\_MG603.pdf](http://www.rand.org/pubs/monographs/2007/RAND_MG603.pdf), (accessed December 10, 2008), iii.

<sup>14</sup>*Ibid.*, 43-45.

<sup>15</sup>United States Government Accountability Office, *Report to the Congressional Committees, HURRICANE KATRINA*, 6, 32.

<sup>16</sup>"*Command and Control of Military Forces in the Homeland*", Jeffrey W. Burkett, Issue 51, 4th Quarter 2008, [http://www.ndu.edu/inss/Press/jfq\\_pages/editions/i51/27.pdf](http://www.ndu.edu/inss/Press/jfq_pages/editions/i51/27.pdf), (accessed December 3, 2008).

<sup>17</sup>*National Defense Authorization Act for Fiscal Year 2004*, Public Law 108–136, 108th Congress (November 24, 2003), sec 516.

<sup>18</sup>September 21, 2008 Gen. Victor E. Renuart Commander, U.S. Northern Command Transcript, 130th NGAUS Convention, <http://www.ngaus.org/NGAUS/files/ccLibraryFiles/Filename/000000004467/GEN%20RENUART.pdf>, (accessed December 3, 2008).

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<sup>20</sup>The Commission on the National Guard and Reserves, *Transforming the National Guard and Reserves into a 21st-Century Operational Force*, (Washington, DC: The Commission on the National Guard and Reserves, January 31, 2008), 112.

<sup>21</sup>*Ibid.*, 108-111.

<sup>22</sup>SECDEF Memo, *Recommendations of the Commission of the National Guard and Reserves*, 24 November 2008, Attachment 2, Recommendations for Which No Further Action is Required, para. 3, 1.

<sup>23</sup>SECDEF Memo, *Implementation of Recommendations of the Commission of the National Guard and Reserves*, 10 May 2007, Attachment 1, 5.

<sup>24</sup>Department of Homeland Security, *National Response Framework*, 26.

<sup>25</sup>U.S. Constitution, art.2, sec. 2.

<sup>26</sup>U.S. Army War College, *How The Army Runs, A Senior Leader Reference Handbook 2007-2008*, (Carlisle, PA: U.S. Army War College, December 13, 2007), 105.

<sup>27</sup>U.S. Constitution, art.1, sec. 8.

<sup>28</sup>*Ibid.*, amd. 10.

<sup>29</sup>Jim Garamone, "Why Civilian Control of the Military?", May 2, 2001, <http://www.defenselink.mil/news/newsarticle.aspx?id=45870> (accessed October 6, 2008).

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<sup>31</sup>JoAnne O'Bryant and Michael Waterhouse, "CRS Report for Congress, U.S. Forces in Afghanistan", July 15, 2008, <http://www.fas.org/sgp/crs/natsec/RS22633.pdf>, (accessed October 6, 2008).

<sup>32</sup>The Commission on the National Guard and Reserves, *Transforming the National Guard and Reserves into a 21st-Century Operational Force*, 110.

<sup>33</sup>GlobalSecurity.Org, *Task Force Liberty/42nd Infantry Task Force*, <http://www.globalsecurity.org/military/agency/army/tf-liberty.htm> (accessed December 10, 2008).

<sup>34</sup>USNORTHCOM, *U.S. Canadian Assistance Plan* (draft), June 2007, para. 3.

<sup>35</sup>*National Guard*, Title 32, United States Code, (December 31, 1992), Ch. 1, sec. 102.

<sup>36</sup>*Ibid.*, Ch. 3, sec. 312.

<sup>37</sup>*Armed Forces*, Title 10, United States Code, (December 31, 1992), Ch. 307, sec. 3061.

<sup>38</sup>*National Guard*, Title 32, Ch. 3, sec. 317.

<sup>39</sup>Encyclopedia Britannica, *"The United States Army"*, 2008, <http://www.britannica.com/EBchecked/topic/617597/The-United-States-Army> (accessed October 08 2008).

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<sup>41</sup>*Emergency Management Assistance Compact Home Page*, <http://www.emacweb.org/>, (accessed October 08, 2008).

<sup>42</sup>Department of Defense, *Doctrine for the Armed Forces of the United States*, IV-10.

<sup>43</sup>SECDEF Memo, *Implementation of Recommendations of the Commission of the National Guard and Reserves*, Attachment 1, 5.

<sup>44</sup>Department of Defense, *Doctrine for the Armed Forces of the United States*, IV-11.

<sup>45</sup>Author's Personal Observation, Operation Iraqi Freedom, 2003-2004.

<sup>46</sup>Rand Corporation, *Katrina Lessons for Army Planning and Operations*, 66.

<sup>47</sup>Department of Defense, *Doctrine for the Armed Forces of the United States*, IV-4-5.