

NEWSLETTER

NO. 10-16

DEC 09



Civil Support and the U.S. Army



Tactics, Techniques, and Procedures



Approved for Public Release,
Distribution Unlimited



Foreword

This inaugural edition of the *Civil Support and the U.S. Army Newsletter* is intended to provide a forum for ongoing discussions and efforts balancing the involvement and participation of today's federal and state military forces on the "homeland battlefield." The "homeland battlefield" could be a coastal city hit by a catastrophic hurricane, a location on the U.S. border, a container and shipyard, a street riot in major city, a championship-level football game, a bridge collapse, or even a political party's convention.

Following a May 2009 Federal Emergency Management Agency (FEMA) meeting, President Obama stated, "True preparedness means having federal and state and local governments all coordinating effectively." What could once be characterized as a "hand-wave relationship" between the military and federal, state, and other civilian agencies and first responders for disasters or short-duration events now has become a full embrace to facilitate victory and survival. Additionally, since 9/11, the Department of Defense was tasked to "... provide forces and capabilities in support of domestic chemical, biological, radiological, nuclear, high-yield explosive consequence management, with an emphasis on preparing for multiple, simultaneous mass casualty incidents."

This collection of articles is a sampling of civil support, hot-button topics and will expose some of the differences among various federal, state, other civilian agencies and first responders, and the diverse challenges each face in their areas of responsibility.

The primary audience for this newsletter includes: Army leaders, planners, and operators; the Department of Homeland Security; U.S. Northern Command; U.S. Army North; FEMA; the National Guard Bureau; and other local, state, and federal governmental agencies executing defense support of civil authorities operations. Formation of new partnerships and relationships must occur, along with the creation of new proficiencies in training, rehearsals, and collaborative communications. These partnerships and relationships will promote an enhanced understanding of organizational capabilities and limitations.

Future volumes of this newsletter will continue to capture and solicit articles highlighting high-quality examples of civil support without inhibiting discussion on areas needing improvement. I trust you will find these articles informative and consider using them as desk references on these critical issues. Thank you for your inputs to date and I look forward to your future civil support contributions.

A handwritten signature in black ink, appearing to read "Perry L. Wiggins". The signature is stylized and fluid, with a large initial "P" and "W".

PERRY L. WIGGINS
Brigadier General, USA
Deputy Commanding General
of U.S. Army North (Fifth Army)

Civil Support and the U.S. Army Newsletter

Table of Contents

Introduction	1
Department of Defense Support to Domestic Incidents	3
Army Posture Statement 2009 Extracts	9
Command and Control: Command and Control of Military Forces in the Homeland <i>Jeffrey W. Burkett</i>	13
U.S. Northern Command & Defense Support of Civil Authorities <i>Colonel R. Barry Cronin</i>	25
U.S. Army North: We're Here To Help <i>LTG Tom Turner</i>	33
Joint Task Force Civil Support (JTF-CS): A National Asset <i>MSgt (Ret) Michael Eck</i>	35
Support to Disaster Response: The Science and Art of Disaster Response by the National Guard <i>LTG Charles G. Rodriguez, Bernd McConnell and LTC Kristine Shelstad</i>	39
"Golden Guardian 2006" U.S. Army North Prepares for Disaster Response <i>Scott R. Gourley</i>	45
Support to Law Enforcement/Force Protection: The National Guard Transforming to an Operational Force <i>LTG H. Steven Blum</i>	49
The Role of State Defense Forces in Homeland Security <i>COL (Ret) John R. Brinkerhoff</i>	57
The Role of Federal Military Forces in Domestic Law Enforcement <i>COL (Ret) John R. Brinkerhoff</i>	63
Domestic Operational Law: The Posse Comitatus Act and Homeland Security <i>COL (Ret) John R. Brinkerhoff</i>	73
Chemical, Biological, Radiological, and High-Yield Explosive Preparation and Chemical, Biological, Radiological, and High-Yield Explosive Consequence Management Response Force: Preparedness for a CBRNE Event <i>Zygmunt F. Dembek</i>	81
CCMRF and Use of Federal Armed Forces In Civil Support Operations <i>MG Jeffrey A. Jacobs</i>	87
First Brigade Third Infantry Division as the Inaugural Task Force Operations for the 2009 Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives Consequence Management Response Force <i>COL Roger Cloutier, MAJ (P) Jason Garkey, MAJ Marc Bouth, MAJ Steve Ranieri, and CPT Erik Gemza</i>	91

Center for Army Lessons Learned

Director	Colonel Robert W. Forrester
Division Chief	Larry Hollars
CALL Analysts	William “Bill” Smith John Hopson
Production Coordinator	Kristine Bell
Editor	Michael Brooks
Graphic Artist	Eric Eck
Distribution Manager	Candice Miller

The Secretary of the Army has determined that the publication of this periodical is necessary in the transaction of the public business as required by law of the Department.

Unless otherwise stated, whenever the masculine or feminine gender is used, both are intended.

Note: Any publications (other than CALL publications) referenced in this product, such as ARs, FMs, and TMs, must be obtained through your pinpoint distribution system.

Introduction

The following collection of articles, reports, and interviews focuses on civil support and the U.S. Army. These articles are categorized in the following areas: background information; command and control; support to disaster response; support to law enforcement/force protection; domestic operational law; and chemical, biological, radiological, nuclear, high-yield explosive (CBRNE) preparation and CBRNE consequence management response force. These articles cover a wide range of issues relating to supporting civil authorities and include such topics as: *posse comitatus*; border security; disaster response; Title 10 versus Title 32 statutes; homeland defense and security; and joint, interagency, intergovernmental, and multinational partnerships. This newsletter is not a comprehensive or all-inclusive collection of civil support articles. In some instances, the information may be slightly dated but many of the topics and lessons learned are enduring. This newsletter captures relevant articles published in recent professional journals and from the Center for Army Lessons Learned (CALL) archives to show the complexity of civil support and provide a historical document for future reference.

In many instances, the ideas presented in these articles are personal opinions and in some cases not approved Army doctrine. Additionally, some of these articles may stir emotion as well as political rigor, especially when U.S. armed federal forces are used in support of law enforcement and/or in homeland security duties (namely for border protection and fighting the war on drugs). Many of these topics continue to evoke high-level discussions within the Department of Defense and within all branches of federal and state government. The recommendations in these articles should always be validated with the latest approved Army doctrine and tactics, techniques, and procedures.

CALL acknowledges and thanks the professional journals and authors who permitted the reproduction of these articles and in some instances were personally involved in assisting CALL in the formatting process.

Please note that minor modifications to format were made to support the CALL newsletter format.

Department of Defense Support to Domestic Incidents

From the Office of the Assistant Secretary of Defense/Homeland Defense and America's Security Affairs, January 2008:

<http://www.fema.gov/pdf/emergency/nrf/DOD_SupportToDomesticIncidents.pdf>

The primary mission of the Department of Defense (DOD) and its components is national defense. In some instances, national defense assets may be available to support civil authorities for routine and catastrophic incidents. Defense Support of Civil Authorities (DSCA) refers to support provided by U.S. military forces (Federal military, Reserve, and National Guard), DOD civilians, DOD contract personnel, DOD agency and DOD component assets.

DOD normally provides DSCA in response to requests for assistance (RFAs) from other Federal departments or agencies, or in some cases, local, tribal or State governments. Support provided in response to such RFAs may help civil authorities prepare for, prevent, protect against, respond to, and recover from domestic incidents including terrorist attacks, and major disasters. Such assistance may also be used to support domestic special events of national importance, such as the national political conventions. DOD assets are usually requested if local, tribal, State, and other Federal assets are not available. However, DOD resources are not typically required to mitigate every domestic incident. For example, of the 65 disasters Presidentially declared as major disasters or emergencies in 2005, DOD responded to only three.

Defense resources are committed after approval by the Secretary of Defense or at the direction of the President. Many types of DOD support can be provided by individual DOD Components under separate established authorities. When deciding to commit DOD resources, consideration is given to military readiness, cost, lethality, risk, appropriateness, and whether the response is in accordance with applicable laws and regulations. Continuous coordination with Federal, State, tribal, and local authorities before, during, and after an event is essential for efficient and effective DSCA.

With the exception of immediate response authorities and support provided under mutual aid agreements, which are described below, DOD does not provide first responder support to civil authorities. When planning or conducting exercises, civilian responders must understand that DOD resources may not be immediately available due to the Department's primary mission and should be prepared to conduct the initial response with limited DOD assistance. DOD assets may require some time to mobilize, train, and deploy to respond to a RFA.

DOD is a full partner in the Federal response to domestic incidents and the DOD response is fully coordinated through the mechanisms outlined in the National Response Framework (NRF). In providing DSCA, the Secretary of Defense will always retain command of DOD personnel, with the exception of National Guard forces under the command and control of the Governors. Nothing in the NRF impedes the Secretary of Defense's statutory authority pertaining to DOD personnel and resources.

Concepts of "command" and "unity of command" have distinct legal and cultural meanings for military forces and military operations. For deployed Federal military forces, command runs from the President through the Secretary of Defense to the combatant commander to the DOD on-scene commander. The civilian community's Incident Command System (ICS) definition of "unified command" is distinctly different from the military definition of this term. DOD resources will support the Incident Action Plan.

CENTER FOR ARMY LESSONS LEARNED

CATEGORIES OF CAPABILITIES: If requested, DOD could provide the following categories of capabilities:

- a) Transportation – air, ground, and maritime
- b) Damage assessment – Rotary and fixed wing aircraft equipped with imagery and full motion video capabilities
- c) Evacuation planning and support, including transportation assets for patient movement
- d) Communications
- e) Debris removal along emergency evacuation routes
- f) Liaison and Coordination (Defense Coordinating Officer / Defense Coordinating Element and Emergency Preparedness Liaison Officers)
- g) Support to temporary shelters
- h) Military installations for Mobilization Centers and Operational Staging Areas
- i) Fuel distribution points
- j) Temporary medical treatment facilities

REQUEST FOR ASSISTANCE: In most instances, DOD provides DSCA in response to RFAs from another Federal agency. DSCA normally is provided when local, tribal, State, and Federal resources are fully committed or when a capability unique to DOD is required. DOD typically provides DSCA on a reimbursable basis, as required by the appropriate statutory authorities.

CRITERIA: Upon receipt of an RFA, DOD uses the following criteria to evaluate the RFA for supportability:

- Legality (compliance with laws)
- Lethality (potential use of lethal force by or against DOD forces)
- Risk (safety of DOD forces)
- Cost (who is funding the request; impact on DOD budget)
- Appropriateness (whether the requested mission is in the interest of DOD to conduct)
- Readiness (effect on the DOD's ability to perform its primary national defense mission)

Once approved, DOD will provide the assets to fulfill the request. How quickly DOD support can be applied depends on several factors:

- (1) assessment of the requirement and the appropriate military asset to meet the requirement
- (2) identification, availability, and mobilization of assets
- (3) training

- (4) safety and security in the impacted area
- (5) travel distance to the disaster site
- (6) condition of transportation infrastructure, and
- (7) capacity for reception, staging, onward movement and integration capability in the affected area.

REQUEST FOR ASSISTANCE SITUATIONS

Prior to a Presidential Declaration of a Major Disaster and/or Emergency: During the immediate aftermath of an incident that may ultimately qualify for assistance under the Stafford Act, the Governor of the State in which an incident occurred may request the President to direct the Secretary of Defense to utilize DOD resources to perform emergency work that is essential for the preservation of life and property. The President may direct this emergency work for a period not to exceed ten days.

After a Presidential Declaration of a Major Disaster and/or Emergency: Once the President issues a major disaster and/or emergency declaration, DOD is normally in direct support of a primary Federal agency.

PROCESS

Initial Request for Assistance	Initiated by Primary Federal Agency
DOD Approval Authority	Secretary of Defense or designated representative
Request Process	Requests for assistance are made from the Primary Federal Agency Executive Secretary to the DOD Executive Secretary.
Assets that may be provided	All assets are subject to the evaluation criteria for RFAs

CENTER FOR ARMY LESSONS LEARNED

Request for Assistance originating from the disaster site	Initiated by the Federal Coordinating Officer or senior civilian representative of the Primary Federal Agency at the disaster site
DOD Approval Authority	Secretary of Defense or designated representative
Request Process	Requests are routed through the Defense Coordinating Officer: –Office of the Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs –Joint Director of Military Support
Assets that may be provided	All assets are subject to the evaluation criteria for RFAs

Follow-on Request for Assistance from the Primary Federal Agency Headquarters	Initiated by Primary Federal Agency
DOD Approval Authority	Secretary of Defense or designated representative
Request Process	Requests are routed through the Defense Coordinating Officer: –Office of the Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs –Joint Director of Military Support
Assets that may be provided	All assets are subject to the evaluation criteria for RFAs

Non-Federally Declared Disaster: Within DOD, local military commanders and responsible officials from DOD components and agencies are authorized by the Secretary of Defense to provide support to save lives, prevent human suffering, and mitigate great property damage. The following are examples of such support:

Mutual Aid Agreements for Fire Protection: In accordance with Title 42, § 1856a, each agency head charged with the duty of providing fire protection for any property of the United States may enter into agreements with local fire-fighting organizations to provide mutual aid in providing “fire protection.”

Requesting Agency	Local Civilian Authorities
DOD Approval Authority	Local military commanders and responsible officials from DOD components and agencies
Request Process	RFA processes are pre-coordinated between the local installation and local emergency response officials and are detailed in the agreements
Assets that may be provided	Personal services and equipment required for fire prevention, the protection of life and property from fire, fire fighting, and emergency services, including basic medical support, basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water mishaps, and trench, building, and confined space extractions

Immediate Response: Imminently serious conditions resulting from any civil emergency may require immediate action to save lives, prevent human suffering, or mitigate property damage. When such conditions exist and time does not permit approval from higher headquarters, local military commanders and responsible officials from DOD components and agencies are authorized to take necessary action to respond to requests from civil authorities. This response must be consistent with the Posse Comitatus Act (18 U.S.C. § 1385), which generally prohibits Federal military personnel and Federalized National Guard personnel from acting in a law enforcement capacity (e.g., search, seizures, arrests) within the United States, except where expressly authorized by the Constitution or Congress.

Requesting Agency	Local Civilian Authorities
DOD Approval Authority	Local military commanders and responsible officials from DOD components and agencies
Request Process	Requests for assistance are made directly to local military commanders and responsible officials from DOD components and agencies.
Assets that may be provided	All assets with the exception of those that have a potential for lethality under the control of local military commanders and responsible officials from DOD components and agencies. Assets with the potential for lethality must be approved by the Secretary of Defense.

ADDITIONAL DOD SUPPORT: Requests for direct law enforcement support, including interdicting vehicles, conducting searches and seizures, making arrests or apprehensions, surveillance, investigation, or undercover work may not be approved at the local level.

Support to Law Enforcement: Federal military support to law enforcement is provided in accordance with appropriate statutes, when directed by the President. The Attorney General and the Secretary of Defense are key advisors to the President during the decision process for certain types of assistance, e.g., assistance provided under Chapter 15 of Title 10, U.S. Code, “Enforcement of the Laws to Restore Public Order.” Provision of law enforcement support does not have to be initiated by a request for assistance.

KEY DSCA POSITIONS/STRUCTURES

Defense Coordinating Officer: DOD has assigned ten Defense Coordinating Officers (DCOs), one to each Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) Region. If requested and approved, the DCO serves as DOD's single point of contact at the Joint Field Office (JFO) for requesting assistance from DOD. With few exceptions, requests for DSCA originating at the JFO are coordinated with and processed through the DCO. The DCO may have a Defense Coordinating Element (DCE) consisting of a staff and military liaison officers to facilitate coordination and support to activated Emergency Support Functions (ESFs). Specific responsibilities of the DCO (subject to modification based on the situation) include processing requirements for military support, forwarding mission assignments to the appropriate military organizations through DOD-designated channels, and assigning military liaisons, as appropriate, to activated ESFs.

Joint Task Force: Based on the magnitude, type of incident and anticipated level of resource involvement, the combatant commander may utilize a Joint Task Force (JTF) to command Federal military forces (excluding U.S. Army Corps of Engineers resources) in support of the incident response. If a JTF is established, consistent with operational requirements, its command and control element will be co-located with the senior on-scene leadership at the JFO to ensure coordination and unity of effort. The co-location of the JTF command and control element does not replace the requirement for a Defense Coordinating Officer (DCO)/Defense Coordinating Element as part of the JFO Unified Coordination Staff. The DCO remains the DOD single point of contact in the JFO for requesting assistance from DOD.

Army Posture Statement 2009 Extracts

Defense Support to Civil Authorities (DSCA)

What is it?

The Army provides support to civil authorities as directed by the Secretary of Defense. The DSCA is formally defined in the National Response Framework published by the Department of Homeland Security (DHS). The DSCA includes activities of all Department of Defense (DoD) components that provide military support to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories and possessions. It does not apply to foreign disasters covered by DoD Directive 5100.46. The focus of DoD support and response is assignment and allocation of DoD resources to support civil authorities during civil emergencies arising during peace, war, or transition to war. Federal law restricts use of Title X forces to support civil law enforcement. The DoD provides federal military forces, DoD civilians, contract personnel, and DoD agencies and components in response to requests for assistance during domestic incidents. These incidents include terrorist threats or attacks, major disasters, and other emergencies.

What has the Army done?

Owing to unprecedented requirements for DoD support in the last three years, the Army published an order governing routine provisions of DSCA. In preparation for the 2008 hurricane season (June-November), the Department of the Army (DA) held a hurricane response exercise in conjunction with Army commands, Army Service Component Commands (ASCC), and direct reporting units to ensure appropriate response US. Army readiness in the event of a federal response to a DSCA mission. The DA, in coordination with the U.S. Army Forces Command, Army Materiel Command, Army National Guard (ARNG), U.S. Army Reserve Command, and U.S. Army Pacific Command, developed an equipping plan that supports the Army's response to a specified DSCA mission and provides assistance during ARNG response to a governor's request for support. The U.S. Army North (USARNORTH) serves as the ASCC to U.S. Northern Command (USNORTHCOM). The USARNORTH provides USNORTHCOM a robust and flexible Army capability to USNORTHCOM operations, a single service point of contact for Army service related issues, and helps to establish and sustain relationships with appropriate coalition, federal, state, local and tribal, and federal agencies to facilitate emergency preparedness coordination in the case of Presidential-declared disasters. The USARNORTH continues to develop relationships with Canada and Mexico for DSCA using all available agreements.

Defense Coordinating Officers and Defense Coordinating Elements (DCO/Es) serve as DoD first responders to a natural or man-made disaster. The Army maintains a permanently assigned DCO/E in each Federal Emergency Management Agency region to plan, coordinate, and integrate DSCA with local, state, tribal, and federal agencies. During 2008, a DCO/E representative deployed to the National Interagency Fire Center during wild-land firefighting operations. The DCO/E teams deployed to areas throughout the United States to support disaster response and recovery efforts, to include severe weather including tornados in Indiana, and Oklahoma; flooding in the Midwest (Illinois, Indiana, Wisconsin, Iowa, Missouri, and Kansas; wildland fire fighting in California, Colorado, and North Carolina. Finally, DCO/Es deployed and supported hurricane response operations throughout the hurricane season.

CENTER FOR ARMY LESSONS LEARNED

In 2008, the Army provided ceremonial K-9, medical, personnel, security, and logistics support to numerous national security special events and public recognition events, including:

- The 2008 State of the Union Address in January. The Army provided support to the U. S. Secret Service and U. S. Capitol Police which included: Military District of Washington for command and control; the Old Guard; the 12th Aviation Battalion; a collapsed-building search-and-rescue unit; military police detachments from Forts Meade, Myer, and Belvoir; and a Veterinary Medical Support Unit.
- Super Bowl XLII (February)
- The Army provided Department of Defense (DoD) Explosive Ordnance Disposal (EOD) and explosive detection dog (EDD) support to Pope Benedict XVI's first visit to the U.S. in April. The visit began in Washington D.C. and concluded in New York City.
- In May, the DoD sponsored the Public Service Recognition Week on the National Mall to recognize contributions of individuals dedicated to public service to our country.
- The DoD also sponsored the Joint Services Open House in May at Andrews Air Force Base, Maryland to display capabilities of the Armed Forces.
- In August, the Army supported the Democratic National Convention and the Republican National Convention in September
- During September, the Army deployed personnel to support any potential DSCA response during the 9-11 Memorial Ceremony in Washington, DC.
- September through October, the Army provided DoD EOD and EDD support to the United Nations General Assembly in New York City
- The Army supported the G20 Financial Summit in November.

The President authorized the Secretary of Defense to provide DoD capabilities, primarily state National Guard, to support the Department of Homeland Security and U.S. Customs and Border Protection. Under Operation Jump Start, approximately 1,884 Army National Guardsmen assisted the U.S. Border Patrol in this crucial homeland defense mission across four Southwest border states (California, Arizona, New Mexico, and Texas). During 2008, operational successes supported by the National Guard included aid in more than 176,600 alien apprehensions, the seizure of 316,397 pounds of marijuana, and 5,224 pounds of cocaine. Additionally, the National Guard assisted in the rescue of 100 aliens and the seizure of more than \$80,698 in currency.

The Army provided static displays on the following topics: mines and mine defenses, EOD, the Army Material Command, the Army Intelligence and Security Command, Counter Drug, and the Military District of Washington. The Army also provided a vast array of Army combat and combat support systems including the following: M-1A2 Abrams Main Battle Tank, M-2A3 Bradley Infantry Fighting Vehicle, Howitzer, Patriot Missile Launcher, Mine Resistant Ambush Protected (MRAP) vehicle, Avenger Air Defense Artillery, Reverse Osmosis Water Purification Unit, Tactical Fire Truck, Smoke Generator, Dry Support Bridge Launcher, Common Bridge Transporter w/boat and crane, and the Army Marksmanship Trainer. Additional exhibits included: Operation Tribute to Freedom, Freedom Team Salute, the Army Adventure Van, the Army National Hot Rod Association car, the Weapons of Mass Destruction Unified Command Suite, and the Mobile Analytical Lab System. Completing the Army's contribution were orientation teams from the National Guard, Army Reserve, 3rd Infantry (Mechanized), 10th Mountain, 82nd Airborne, and 101st Airborne (Air Assault) Divisions, and a Golden Knights Parachute Team demonstration.

What continued efforts does the Army have planned for the future?

The Army will continue providing support to civil authorities when requested. Army agencies will continue providing displays and personnel at special events. In the future, the Army will identify ways to streamline support provided to civil authorities understanding rules and regulations established by the DoD. One initiative is producing a yearly standing DSCA execute order, which will cover natural and man-made disasters. The Army has identified organizations to provide support outlined in the order. Providing timely and appropriate response to an incident remains one of the Army's key operational concepts.

Why is this important to the Army?

Army DSCA contributes to relief efforts supporting President-declared disasters. Supporting civil authorities enhances working relationships and mutual support between the Army and tribal, local, state, and federal agencies. It also contributes to national security. The DoD has a long tradition of supporting civil authorities, while maintaining its primary mission of fighting and winning the Nation's wars. The Army will remain the DoD's premiere land-based homeland defense response force. It stands ready to provide teams of highly skilled professionals with state-of-the-art equipment for integration and collaboration with federal, state, tribal, and local partners.

Defense Support of Civil Authorities (DSCA) - Defense Coordinating Officer

What is it?

Each year, the Army provides support to civil authorities as directed by the Secretary of Defense (SecDef). The DSCA includes activities of all Department of Defense (DoD) components that provide military support to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories and possessions. The DoD provides federal military forces, DoD Civilians and contract personnel, and DoD agencies and components in response to requests for assistance during domestic incidents. These incidents include terrorist threats or attacks, major disasters, and other emergencies. The DSCA support is generally coordinated through the Defense Coordinating Officer (DCO)/Defense Coordinating Element (DCE). The DCO/DCEs serve as DoD first responders to a natural or man-made disaster. The Army maintains a permanently assigned DCO/DCE in each Federal Emergency Management Agency (FEMA) region to plan, coordinate, and integrate DSCA with local, state, tribal, and federal agencies. Each DCO/DCE has a permanent staff of seven personnel with planning and operations expertise. The DCO, as the Joint Force Commander, assumes operational or tactical control of all assigned Title X forces and DoD resources in the mission area.

What has the Army done?

The Army has placed a principle DoD representative co-located with the FEMA regional director. The DoD representative is responsible for planning, coordinating, and integrating DoD's homeland defense and DSCA support with local, tribal, state, and federal agencies throughout the region. They maintain a high state of readiness within the DCE by ensuring that all assigned personnel are trained and prepared to deploy in response to both natural and man-made disasters. They also direct operational activities and evaluate the performance of appropriate regional and Army Emergency Preparedness Liaison Officers (EPLO's) and integrates additional multi-service EPLO's into operations. The representative develops and promotes critical relationships with military, civil, and interagency organizations.

Specific responsibilities include:

- DoD representative in the disaster area.
- Link between lead federal agency representative and DoD.

CENTER FOR ARMY LESSONS LEARNED

- Liaison to state, local and other federal agencies.
- Coordinates requirements with emergency operations center(s).
- Validates action request form and accepts mission assignments (MA) from the federal coordinating officer.
- Assists with receiving, staging, onward movement, and integration (RSOI) of units/personnel.
- Determines best military resource(s) to meet MA requirements and forwards a recommended force with MA through the combatant commander, the Joint staff, and ultimately to the SecDef.
- Provides link to base support installation for facility support
- Coordinates administrative and logistical support of deployed military forces. Controls DoD resources in the disaster area operational control (OPCON) of forces for MA, and tactical control (TACON) for non-MA forces.
- Maintains accounting records for reimbursement.

What continued efforts does the Army have planned for the future?

The Army will continue providing support to civil authorities through U.S. Army North when requested. In the future, the Army will identify ways to streamline support provided to civil authorities understanding rules and regulations established by the DoD. Providing timely and appropriate response to an incident remains one of the Army's key operational concepts. The DCO/DCEs will continue to provide support as the Army's Service Component Command to the U.S. Army Northern Command.

Why is this important to the Army?

The Army's DSCA support contributes to relief efforts in the case of President-declared disasters. Supporting civil authorities enhances working relationships and mutual support between the Army and tribal, local, state, and federal agencies. The DCO/DCE is the key Army element coordinating DoD support to, and liaison with, these agencies. The Army continues to lend necessary assistance to civil authorities when requested by the DoD. The Army will remain DoD's premiere land-based homeland defense response force. It stands ready to provide teams of highly skilled professionals, integrated and interoperable with federal, state, tribal, and local partners, for any and all actions relevant to America's security and civil support challenges in the 21st Century

Command and Control: Command and Control of Military Forces in the Homeland

Jeffrey W. Burkett

Reprinted with permission from *Joint Force Quarterly*

To serve in the National Guard is to accept a dual mission. You can be called on to defend the country against enemies abroad, or to protect lives and property here at home in times of local emergency.¹

—Richard B. Cheney

The U.S. military and state National Guard have a long and proud tradition of defending our nation from attack and assisting civil authority during times of crisis. Notwithstanding their primary Federal purpose of fighting wars, the frequency with which U.S. military forces are employed for missions related to homeland security has risen dramatically since 9/11. This change is understandable given the increase in the perceived and actual threat to the United States. The American military, which is one of the largest Federal investments, is arguably the most versatile organization in terms of capability and responsiveness. Fiscal appropriations by Congress for its organizational structure, composition, and equipment are intended to satisfy the current National Military Strategy.

In an effort to streamline military roles and responsibilities for homeland defense² and civil support, several notable changes have taken place since 9/11. First, Presidential authority established U.S. Northern Command (USNORTHCOM) in 2002. Second, the National Guard reorganized itself at the state level and launched a series of homeland defense and security programs. Likewise, the National Guard Bureau (NGB) also transformed itself by improving its national coordinating ability and refining its supporting role for state governments and the national defense community. Finally, Congress changed the Federal law (Title 32) that governs the National Guard to create the legal framework for the executive branch to employ the Guard in homeland defense and civil support actions.

Despite these and other initiatives, improvements to the ability to employ Federal military capacity in support of civil authorities are contentious, in part, because of a lack of state and Federal strategic cooperation over command and control (C2) authority. As a result, a political and operational rift has emerged in the state-Federal support relationship, creating the potential for a less than optimal response when the Department of Defense (DOD) provides support.

The lack of unity of effort between the National Guard and Federal military forces must be resolved. Natural disasters such as hurricanes, tornados, floods, and earthquakes repeatedly demonstrate that catastrophes can strike unexpectedly and may quickly overwhelm the ability of local, county, tribal, and state governments to respond. Incidents contained in national planning scenarios such as chemical, biological, radiological, nuclear, and high-yield explosive (CBRNE) events are also possible and may be even more overwhelming. It would be a tragedy if any state had difficulty in teaming with the Federal military if any of these scenarios occurred. This article examines the command and control of military forces in support of civil authority and recommends that the Title 32 dual-status command arrangement be mandated and institutionalized for all domestic military civil support responses, including no-notice catastrophes.

Background

Recognizing the convergence and growing scope of state and Federal military domestic missions following 9/11, Congress amended Title 32 in the 2004 National Defense Authorization Act, permitting National Guard commanders to retain their state commissions after being ordered to Active duty. This change allows a National Guard officer to command both Federal and state forces simultaneously (dual-status) to preserve unity of command at the operational level. Within months of this legislative change, dual-status command arrangements were implemented in three national special security events and in support of the U.S. Customs and Border Protection's border patrol during Operation Winter Freeze. These operations were coordinated extensively among USNORTHCOM, NGB, and the National Guard and were viewed as successful examples of state and Federal military cooperation.

Building on this momentum, in 2005 Congress again amended Title 32, authorizing the Secretary of Defense to "provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities."³ With these laws in place, the opportunity to federally fund and de-centrally leverage the National Guard under state authority for domestic operations was established. Together, these two amendments to Title 32 establish the framework for integrating state and Federal military efforts while preserving the principles of federalism. These actions also support the concept of an active, layered defense contained in the National Defense Strategy and reinforce DOD's homeland defense and civil support vision, which recognizes that "the National Guard is particularly well suited for civil support missions."⁴

Unfortunately, Federal military support of civil authorities since 9/11 is proving to be more complicated than anticipated. Regardless of how effective USNORTHCOM is in providing support to civil authorities, it is wasted effort if this support does not advance state and Federal civil support goals simultaneously. The national consternation caused by the uncoordinated National Guard and Federal military response in the aftermath of Hurricane Katrina makes this point clear. The White House, Congress, multiple think tanks, and the public observed dysfunctional relationships and lack of unity of command and effort by Federal and state forces. To be sure, the military performed superbly at the tactical level, but according to the Executive Office of the President, at the strategic and operational level, "lack of an integrated command structure for both active duty and National Guard forces exacerbated communications and coordination issues during the initial response."⁵

Louisiana Governor Kathleen Blanco's opposition to federalizing the state National Guard and her rejection of President Bush's offer to appoint an Active-duty officer instead of using a state National Guard officer as a dual-status commander highlight the clash between top-down (Federal) and bottom-up (state) philosophies. Some experts have argued that Hurricane Katrina is a political anomaly and should not be used for comparison. Nevertheless, Hurricane Katrina and the flooding of New Orleans constituted the first missed opportunity for USNORTHCOM and the National Guard to demonstrate the utility of a National Guard dual-status command for a no-notice event.

Regrettably, Hurricane Katrina is not the only example of a counterproductive struggle over the issue of C2 authority. Other notable incidents reflecting confusion over C2 authority include Hurricanes Rita and Wilma in 2005. These civil support actions illustrate how a subtle but significant degradation has occurred in the Federal-state relationship with respect to military support of civil authorities.

Polarizing Domestic Military Assistance

After witnessing complications in the aftermath of Hurricane Katrina, Governor Rick Perry of Texas was determined to lead the Hurricane Rita response by retaining command and control over the Texas National Guard. In response to a White House request to establish an Active-duty officer as a dual-status commander, Governor Perry requested Presidential authorization for a Texas National Guard officer to be approved as a dual-status commander.⁶ Hurricane Rita did not have the impact on Texas that Katrina had on Louisiana, and significant Federal military support was not required. Nevertheless, Governor

Perry's request went unfulfilled, and unity of command under a dual-status arrangement never happened. Federal forces operating in Texas answered to the Federal chain of command that ran back to USNORTHCOM versus integrating with the state military response directly.

The stalemate over C2 left the impression with Governors and Guard members that National Guard dual-status commanders are not trusted to lead both state and Federal forces for a disaster response. By October 2005, Hurricane Wilma threatened Florida and created the perfect storm for a state and Federal showdown. Determined to be in place and ready to respond to any Federal Emergency Management Agency mission assignment, USNORTHCOM alerted the Fifth Army, under the command of Lieutenant General Robert Clark, and began planning to establish a joint task force (JTF) in Florida. USNORTHCOM never proposed a dual-status command arrangement. On discovering the pending deployment of Federal forces, Governor Jeb Bush of Florida called the Secretary of Homeland Security, Michael Chertoff, and complained that the Federal Government's unilateral actions were insulting to him personally and to the citizens of Florida.⁷

Two significant themes emerge from these events. First is the reluctance of a state to give up its sovereignty and authority during a crisis. Second is the state's desire to have its own National Guard commander in charge of all forces that are in support of a state response. More importantly, these cases illustrate a trend in the state-Federal relationship and offer evidence that Federal assistance can be viewed as a complicating factor rather than a solution even in a crisis. Where Federal military forces are concerned, it reflects an unacknowledged tension in USNORTHCOM's inability to integrate with the National Guard and seamlessly support state requirements during a contingency.

The strategic damage from a polarized Federal-state relationship cannot be overstated. Debating over command and control during a crisis wastes precious time and could result in future state rejection of Federal assistance. Moreover, current DOD policies that block operational integration of Federal military resources are counterproductive. In 2003, congressional foresight codified National Guard dual-status commands as essential to bridge the Constitution's division of responsibilities between the Federal and state governments. Dual-status command preserves Presidential and gubernatorial authority and leverages the tremendous U.S. military capability for response in the homeland. Therefore, the question of why dual-status commands have not been wholeheartedly embraced for domestic military response after four successful experiences in 2004 must be examined.

C2 in the Homeland

Domestic emergency management doctrine is based on a tiered framework that originates at the local level and is progressively supported by additional response capability when needed. Since most emergencies are limited in scope and scale, this policy is generally successful. The benefits include rapid, efficient, and cost-effective responses meeting the needs of the American public for most situations. The bottom-up approach also encourages community resiliency and self-sufficiency at the local level. Regardless of the scale and scope of a disaster, four C2 options are available to our military and civilian leadership.

State Command

The first option is state command and consists purely of National Guard forces ordered to duty by a Governor. Every aspect of such National Guard employment is in accordance with state law and funded by the state. Several hundred Guardsmen around the Nation are in state Active-duty status every day performing state missions such as search and rescue, incident response, and critical infrastructure protection. These missions also provide a domestic deterrent against potential attackers and indirectly support the Nation's homeland defense and homeland security missions.⁸ The other status that falls under state command is Title 32, by which Guardsmen perform duties to accomplish training for their Federal mission or execute operational missions approved by the Federal Government, such as counterdrug or homeland defense activities.

CENTER FOR ARMY LESSONS LEARNED

The use of state command employs a Joint Force Headquarters-State (JFHQ-State) providing command and control for all in-state National Guard forces. The JFHQ-State can also act as a joint Service headquarters for national-level response efforts during contingency operations.⁹ In this role, the JFHQ-State will generate a tailored JTF to assume tactical control of National Guard units supporting emergency response requirements. For operations that demand a large response force or multiple unique military capabilities, subordinate JTFs may be generated. The C2 diagram in figure 1 illustrates the simplicity of state-only coordination with multiple JTFs.

In the event that a specific military capability is not available in a state, assets may be requested from other states through mutual aid agreements, the Emergency Management Assistance Compact (EMAC), other emergency assistance compacts, or the Stafford Act. The utility of states sharing National Guard capability as well as other resources was demonstrated during Hurricane Katrina. Moreover, several initiatives since 2005 have refined the EMAC coordination process, and today it is considerably more efficient.

Communication and coordination are provided in every JFHQ-State with an around the- clock joint operations center, which provides situational awareness and a common operating picture to state and Federal stakeholders. Not only are all state joint operations centers capable of classified and unclassified operations, but they are also tightly integrated with state emergency operations centers and staffed with experienced personnel.

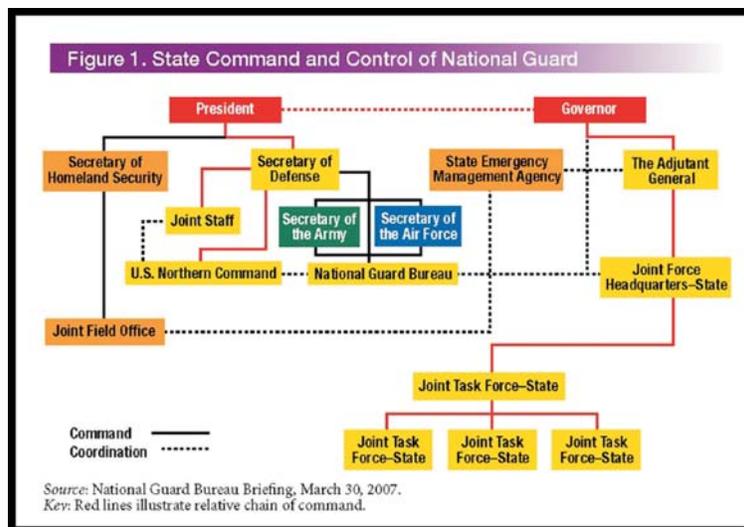


Figure 1

The primary advantages of the state command option include the preservation of state sovereignty over the response effort, detailed local area knowledge, clear lines of command, unity of effort, unity of command, avoidance of Posse Comitatus restrictions, and fast response times. With a state-only Guard response, Governors retain their constitutional authority and control. Additionally, this option maximizes familiarity with local conditions, resources, personalities, and organizations.

Because Governors' constitutional responsibilities span a range of issues from enforcement of civil order to protection of critical infrastructure, the National Guard is a powerful capability in supporting a Governor's ability to discharge the duties of office effectively. Figure 2 highlights equities against the National Defense Strategy and shows the range of possible duty statuses to reveal the overlapping state-Federal relationship. Viewed in this manner, it is apparent why every state considers essential programs such as Weapons of Mass Destruction Civil Support Teams, CBRNE Enhanced Response Force Packages, and National Guard Rapid Reaction Forces.



Figure 2

Activating a state command is relatively simple because state emergency management plans integrate the capabilities of state National Guard units and in some cases those of neighboring states. For example, Florida and Georgia have standing agreements for sharing resources in addition to the EMAC, which can tap resources nationally.

Another advantage of state command is that emergency management personnel, first responders, and Guardsmen at all levels are typically highly networked and have a comprehensive understanding of the local political, geographic, social, cultural, and industrial environment. At the senior level of state government, the adjutant general, state emergency management director, and director of homeland security are usually members of the Governor’s cabinet, and their respective organizations are tightly integrated. In several states, the adjutant general is triple hatted with all three responsibilities. In many other states, the adjutant general wears the hat of the emergency management director or the director of homeland security.¹⁰

Exercising a pure state command option creates an inherently fast National Guard response because Guard units are community based throughout the Nation. The ability to generate forces rapidly from over 3,200 locations nationwide is essential to being effective on the ground within the first 72 hours of a disaster. The fact that over 2,500 Guardsmen participated in the New York City response on 9/11 is proof of this statement. Finally, because the National Guard is a Reserve force, it provides a tremendous return on investment from a fiscal perspective. Because the majority of its members are part-time, and the full-time expenses associated with Active-duty personnel are avoided in steady-state operations, National Guard personnel costs are dramatically lower.

The key disadvantage of the state command option is that it cannot absorb Federal military capability under its authority. For example, under emergency response authority, Federal military forces can only coordinate with the National Guard because of separate legal authorities. The inherently limited statutory framework of the state command option means achieving true unity of effort is not possible. Lessons learned from Hurricane Katrina document this conclusion well.

Parallel Command

The second command option introduces Federal military forces under the command and control of USNORTHCOM. For civil support operations, the Federal military responds to DOD-approved requests that originate from an incident command within a state, and USNORTHCOM employs capabilities that

operate in parallel with state Guard forces. The underlying assumption for this approach is that the Federal military is available and prepared to respond. Additionally, it is assumed that the National Guard will already be operationally engaged, given their proximity and ability to respond rapidly.

Parallel state/Federal commands have been used exclusively since Operation Winter Freeze in 2004 for operations ranging from the deployment of Navy salvage divers to multiple JTFs with thousands of troops. In all cases, USNORTHCOM operates in support of a Federal agency responsible for an emergency support function (ESF) with the exception of ESF-3, Public Works and Engineering, which is the responsibility of the Army Corps of Engineers. The Federal response usually only occurs in support of the already ongoing state response.

With respect to C2, the concept of operations is to match an appropriate structure to meet the span of control requirements for the magnitude of the requested response. For example, in a small-scale operation, the defense coordinating officer may act as a joint force commander. For larger responses, a dedicated JTF or a functional component command may be employed.

The advantage of this approach is the ability to employ the resources of the Federal military in support of a disaster response. As a combatant command, USNORTHCOM can coordinate and direct joint Federal military forces at the strategic level to support the affected state. Federal and state military chains of command, authorities, and accountability are clear from the tactical level up.

The disadvantage of a parallel command operation is the increased complexity of activity coordination due to the division of command at the operational level. State sovereignty is not challenged because the Federal military JTF is executing mission assignments generated from the joint field office in support of a state requirement. Parallel command military operations can be problematic in the chaotic environment of a disaster recovery because control of information, timely decision-making, synchronization, interoperability, and situational awareness are degraded when command and control is divided. The generic parallel C2 structure depicted in figure 3 illustrates the organizational divide and the high degree of effective coordination that must occur at the operational and tactical levels for this option to be effective.

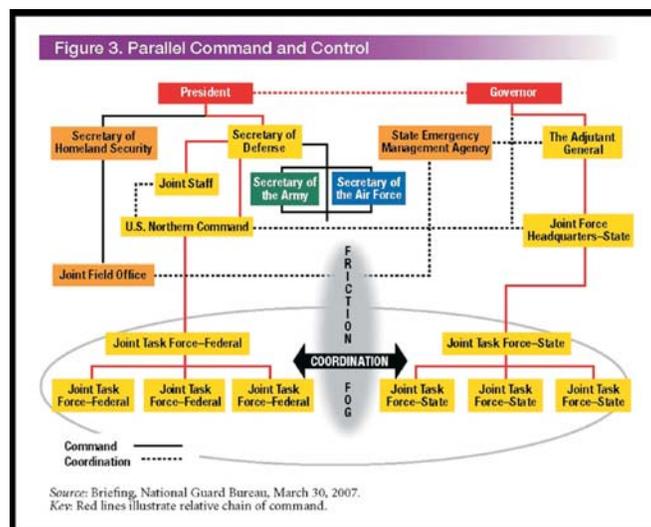


Figure 3

Parallel command arrangements are contrary to both civil and military doctrine. Under the authority of Presidential Directive 5, Management of Domestic Incidents, the National Incident Management System and the Incident Command System explicitly recognize the need for unity of command to clarify reporting relationships and eliminate the confusion of multiple, conflicting directives.¹¹

Additionally, Joint Publication (JP) 1, Doctrine for the Armed Forces of the United States, specifies, “Command is central to all military action, and unity of command is central to unity of effort.”¹²

Moreover, JP 3-16, Joint Doctrine for Multinational Operations, emphasizes that the use of a parallel command structure should be avoided if possible because of the absence of a single commander.¹³

Despite the universality of unified command doctrine and the authoritative nature of this guidance, the parallel command option has been employed with mixed results.

Dual-status Command

The dual-status command structure combines the advantages of the state command option and the parallel command option. The dual-status command structure addresses the unity of command dilemma directly. Under this construct, National Guard commanders on Title 32 status are ordered to Federal Active duty (Title 10 status), retaining their state commission when activated. This dual-status provides the statutory authority for one person to command both state and Federal military forces simultaneously. This permits the dual-hatted commander to control a unified military response at the operational level in support of the state. In figure 4, a notional dual-status command illustrates the chain of command beginning with the President and Governor. National Guard forces in state Active-duty or Title 32 status perform state missions under the authority of the Governor, and assigned Title 10 Federal forces perform defense support of civil authority for USNORTHCOM.

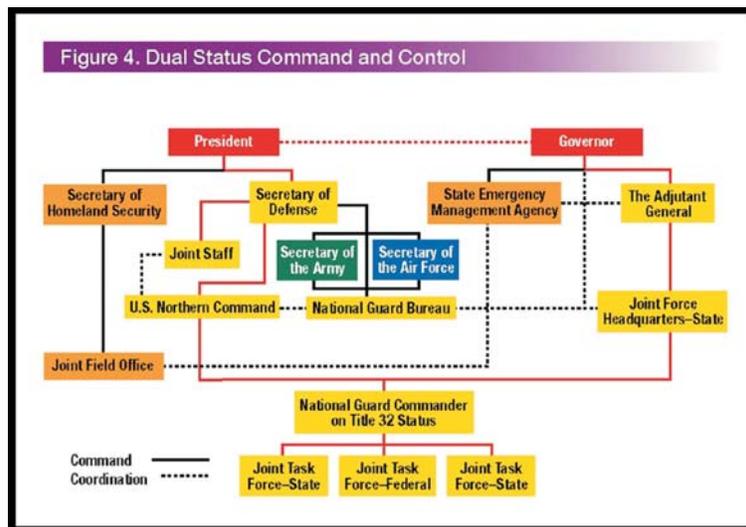


Figure 4

The advantages of the dual-status command include a Governor retaining authority over the response, clear lines of command, and the ability to integrate Federal military forces operationally to achieve unity of effort. Conversely, Presidential C2 is preserved. Every advantage previously described for the state command applies to the dual-status command.

Additionally, it promotes the control of information, timely decision-making, synchronization, interoperability, and situational awareness for both state and Federal forces. This option also complies with the congressional intent of United States Code 32, Section 325 and JP 1 with respect to establishing unity of effort.

Another advantage of the dual-status command is that it has the ability to execute interstate operations with assigned Title 10 forces. This is possible because a dual-status commander with Title 10 authority can operationally direct Title 10 assigned forces regionally. Disasters such as an earthquake along the New Madrid fault line, which would affect multiple Midwestern states, could be effectively managed with dual-status commands located in each state with assigned Federal military forces. The operational flexibility to direct Federal forces to wherever they are most needed regionally would reduce current interstate gaps and improve the application of military capability.

The disadvantages include the bureaucratic complexity of the present request process for dual-status approval, potential conflicting strategic level guidance, and separation of the legal lines of operation. For a dual-status command to be established, a commander must be authorized by the President and consented to by the Governor. Either sovereign executive may initiate the process. Conflicting strategic guidance can present problems for a dual-status commander. These unlikely conflicts would only originate between the President and a Governor, in which case a deadlock would require negotiation between both sovereign executives. Finally, a dual-status command risks utilizing state and Federal forces in operations prohibited by law. An example of this would be Federal forces performing law enforcement activities.

Federal Command

The final option is a pure Title 10 Federal command. In this arrangement, all National Guard forces are federalized and integrated with Active-duty forces under the command and control of USNORTHCOM. Resorting to this option is unlikely unless an extreme event unfolds and a state is completely overwhelmed and local government ceases to operate. Under these conditions, the President is constitutionally obligated to restore public order and enforce the laws of the United States.

The concept of operations is to mobilize National Guard forces using the JFHQ-State and integrate them into the responding Federal JTFs or functional component commands illustrated in figure 5. The Federal Government unilaterally makes decisions, and Presidential involvement is expected to be significant until functioning civil authority is restored in the affected state.

The advantages of a Federal command are that it preserves U.S. sovereignty, leverages the Total Force, and establishes unity of command and effort. The disadvantages include the compromise of state sovereignty, political cost of federalizing the National Guard, and economic cost of taking charge of the response.

Not having a standardized approach for command and control of civil support events is detrimental because it complicates response effectiveness and cohesion when they are most needed. Acknowledging that every disaster response will be unique, determining the option that optimizes National Guard and Federal military C2 is problematic.

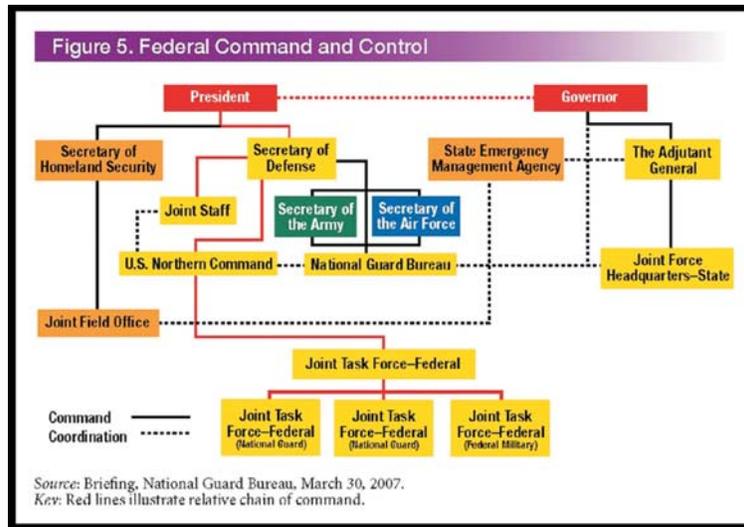


Figure 5

Recommendations

Recognizing that the first dual-status command in our nation's history was established in 2004, it is understandable that there is a reluctance to use it in a crisis when lives are on the line. However, when the benefits of a dual-status command and the polarizing effect that parallel commands have had on the Federal-state relationship are considered, it is counterproductive not to pursue the development of this hybrid arrangement. Therefore, the following recommendations should be adopted to guide DOD, USNORTHCOM, and NGB actions for developing dual-status command as the primary C2 option for all domestic military civil support responses, including no-notice catastrophes, unless a Governor requests otherwise.

First, dual-status commanders should be preapproved to improve readiness and minimize bureaucratic obstacles during a contingency. Every state should certify at least two senior National Guard commanders in the Dual-Status Title 10/32 JTF Commander's course. This list of certified commanders should then be approved by USNORTHCOM and NGB and submitted to the respective state Governor for consent. Following the Governor's consent, the list should be coordinated with the Secretary of Defense and forwarded to the President for annual approval. This pool of preapproved commanders can then be quickly tapped for no-notice events. Finally, the President should issue a Presidential decision directive recognizing state and Federal responsibilities and order that dual-status command be used to the maximum extent practical for domestic operations. Following this directive, Governors should issue similar directives and gain approval from their respective state legislatures.

The second step in developing the expertise and competence required to execute a dual-status command is the training of future commanders and their staffs. Fortunately, a program sponsored by NGB in coordination with USNORTHCOM is currently providing dual-status JTF commander certification. What is missing is similar training for National Guard and Active-duty personnel who will provide the staff functions for the dual-status commander. These command staff personnel must efficiently interoperate, effectively coordinate with interagency partners, plan for domestic operations, and be aware of the legalities of combined state/Federal military operations.

Third, USNORTHCOM and National Guard exercises should be integrated to practice National Guard dual-status command, validate and refine plans, and provide National Guard and Federal leadership an opportunity to build relationships. This recommendation builds on developing staff expertise by exercising field units in tactical scenarios. Full-scale exercises that involve actual versus notional

participants are key to refining blended state/ Federal military operational issues, tactics, techniques, and procedures, which will be vital to delivering the maximum supporting or supported effects in a crisis. Additionally, exercises will help identify tactical, operational, and strategic issues with organizational structure, composition, and processes.

Fourth, it is recommended that each National Guard JFHQ-State in coordination with USNORTHCOM develop a dual-status concept of operations plan (CONPLAN) and draft a dual-status JTF memorandum of understanding for approval by the Secretary of Defense. The dual-status plan should address the five phases of support in CONPLAN 2501 with respect to dual-status command to ensure smooth staging, deployment, employment, and transition of Federal forces. Moreover, the CONPLAN should provide the guidance for operations plan (OPLAN) development and address the potential for states providing National Guard capability through mutual aid agreements and emergency management compacts. This will improve the planning transparency required to enhance Federal and state military operations and reduce confusion with interagency partners vertically and horizontally during execution. Additionally, developing dual-status triggers and embedding them into the concept of operations will reduce bureaucratic obstacles and streamline the establishment of dual-status commands, which in turn will increase the likelihood of their use.

Finally, DOD, USNORTHCOM, and NGB should advocate for congressional authorization for automatic Federal recognition of acting dual-status JTF commanders in a temporary grade of O-8 for the duration of the command. The senior flag officer rank of an O-8 is essential to execute the duties of a dual-status commander effectively due to the rank discrepancies between the National Guard and Federal military. Additionally, the rank of O-8 will eliminate many organizational culture authority issues that may impede a response.

The opportunity cost of adopting these recommendations is marginal compared to the benefits that a dual-status command can deliver. The principal financial investment is in the exercises and staff training required to refine the tactics, techniques, and procedures for dual-status operations. The cost of developing the CONPLAN, OPLANs, and staffing of certified dual-status commanders is negligible.

The primary consequence of taking these actions will be on the existing USNORTHCOM and National Guard exercise programs. In particular, USNORTHCOM will need to expand or modify its exercise program to accommodate these new requirements. Implementing these steps will likely lead to an expanded footprint of National Guardsmen serving in Title 10 status at USNORTHCOM and the establishment of an Active-duty presence at the NGB as a result of increased need for collaboration. This will likely meet resistance initially due to the organizational change and the strain it will place on all stakeholders, but as personnel are educated and gain experience, misconceptions will be dismissed because the practical benefits of dual-status command will become obvious. For example, DOD concern over serving under state command will be dispelled, because under a dual-status command, Federal military personnel are always under Federal command.

To be sure, developing a reliable dual-status command option in every state will take time and effort, but neglecting its development as a viable alternative for our civil leadership is counterproductive. Dual-status command can be a win-win approach for the Federal military, National Guard, and the American people if given a chance.

The Department of Defense, U.S. Northern Command, and the National Guard Bureau must act now to eliminate the barriers to implementing dual-status commands and reverse the counterproductive policy of relying exclusively on parallel command for contingency operations. Pre-approving commanders, training staffs, integrating domestic exercises, developing coordinated plans, and providing the requisite authority to execute this command arrangement will lay the foundation for optimizing the choices that our civil and military leadership will need to respond successfully in future disasters. Delaying action on this front will further exacerbate tenuous relationships, waste valuable political capital, and put lives and property at risk unnecessarily.

Notes

1. Richard B. Cheney, remarks before the Indiana Air and Army National Guard, Camp Atterbury, IN, October 20, 2006, available at <www.whitehouse.gov/news/releases/2006/10/images/20061020-3_v102006db-0130jpg-515h.html>.
 2. As defined by the Department of Defense Strategy for Homeland Defense and Civil Support (Washington, DC: Department of Defense, 2005), homeland defense is the protection of U.S. sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression, or other threats as directed by the President.
 3. U.S. Code, Homeland Defense Activities: Funds (32 USC § 902), accessed September 15, 2007, at <www.law.cornell.edu/uscode/html/uscode32/usc_sec_32_00000902-----000-.html#FN-1REF>.
 4. Department of Defense Strategy for Homeland Defense and Civil Support, 35.
 5. U.S. Executive Office of the President, The Federal Response to Hurricane Katrina: Lessons Learned (Washington, DC: The White House, February 2006), 43.
 6. Author interview with Brian Newby, chief of staff, Office of the Governor, Texas, December 4, 2007.
 7. Robert Block and Amy Schatz, “Local and Federal Authorities Battle to Control Disaster Relief,” Wall Street Journal, December 8, 2005, available at <<http://online.wsj.com/article/SB113401254148017116.html>>.
 8. As defined by the National Strategy for Homeland Security (Washington, DC: Office of Homeland Security, July 2002), homeland security is the concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.
 9. National Guard Bureau, “Joint Force Headquarters- State Fact Sheet,” available at <www.ngb.army.mil/features/HomelandDefense/jfhq/JFHQState.doc>.
 10. Timothy J. Wright, director of operations, National Guard Bureau, “Keynote Address,” available at <http://proceedings.ndia.org/7030/Wright-Keynote_Brief.pdf>.
 11. Department of Homeland Security, National Incident Management System (Washington, DC: U.S. Government Printing Office, 2004), 11.
 12. Joint Publication (JP) 1, Doctrine for the Armed Forces of the United States, May 2007, IV-1.
 13. JP 3-16, Joint Doctrine for Multinational Operations, March 2007, II-7.
- Note:** This article was originally published in the October 2008 edition of *Joint Force Quarterly*.

U.S. Northern Command & Defense Support of Civil Authorities

R. Barry Cronin, Colonel, Deputy Commander, Joint Task Force North, U.S. Marine Corps, Fort, Bliss, Texas

Reprinted with permission from *The Police Chief*



Law enforcement agencies and the U.S. Department of Defense have a long history of positive, mutually supporting cooperation. Routine sharing of assets such as firearm training range facilities, tactical training programs and facilities, and dog teams is common. Traditional cooperation occurs in local search-and-rescue operations, in natural disasters such as Hurricanes Katrina and Andrew, and in response to riots in major cities.

After the September 11 terrorist attacks, the necessity for successful cooperation took on an entirely new perspective. Law enforcement agencies throughout the United States responded by reorganizing and redistributing assets to meet the new threat to law and order. The Department of Defense recognized the need to enhance cooperation with law enforcement agencies at all levels while respecting the legal constraints imposed by the Posse Comitatus Act¹ and the U.S. Constitution. Consistent with that mindset, the department has made significant changes. Among the most notable of those changes was the creation of the U.S. Northern Command, known to military officials as USNORTHCOM.

The purpose of this article is to provide a strategic overview of the U.S. Northern Command's organization, roles, and missions, focusing primarily on the U.S. Northern Command's responsibilities for defense support of civil authorities and explaining the process by which the Department of Defense authorizes and the U.S. Northern Command conducts approved missions in support of its civilian law enforcement partners. The article also addresses how the Defense Department works with communities to provide emergency support to save lives and protect property at the local and regional levels.

U.S. Northern Command

Located at Peterson Air Force Base near Colorado Springs, Colorado, the U.S. Northern Command was established October 1, 2002, to provide command and control over the Defense Department's Acronyms homeland defense efforts and to coordinate defense support of civil authorities. The U.S. Northern Command defends the U.S. homeland, protecting its people, national power, and freedom of action. The U.S. Northern Command has a twofold mission:

- Conduct operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories, and its interests in the assigned area of responsibility
- As directed by the president or secretary of defense, provide support of civil authorities (typically a lead federal agency) in homeland defense operations, including consequence management² operations.

CENTER FOR ARMY LESSONS LEARNED

The U.S. Northern Command's area of responsibility includes air, land, and sea approaches and encompasses the continental United States, Alaska, Canada, Mexico, and the surrounding water out to approximately 500 nautical miles, including the Gulf of Mexico and the Straits of Florida. Although the U.S. Northern Command is responsible for planning, organizing, and executing homeland defense and civil support missions, it has few permanently assigned forces. The command is assigned forces whenever necessary to execute missions, as ordered by the president and the secretary of defense. The commander of the U.S. Northern Command is in charge of the North American Aerospace Defense Command (NORAD), which is responsible for aerospace warning and aerospace control for Canada, Alaska, and the continental United States. As such, the NORAD area of operations and the U.S. Northern Command's area of responsibility overlap but are not congruent. NORAD and the U.S. Northern Command are two separate commands, neither subordinate to the other. The commander is commander of both NORAD and the U.S. Northern Command.

The U.S. Northern Command's civil support mission includes domestic disaster relief operations that occur in response to fires, hurricanes, floods, and earthquakes. Civil support also includes counterdrug operations and managing the consequences of a terrorist event employing a weapon of mass destruction (WMD). The command provides assistance to a lead agency when the Defense Department orders it to do so. Under the law, military forces can provide civil support but cannot become directly involved in law enforcement.³ In providing civil support, the U.S. Northern Command generally operates through established joint task forces that are subordinate to the command. The U.S. Northern Command can become involved in civil operations only when an emergency has exceeded the capabilities of local, state, and federal agencies. In most cases, support will be limited, local, and specific. When the scope of the disaster is reduced to the point that the lead agency can resume full control and management without military assistance, U.S. Northern Command forces will depart, leaving the local experts to finish the job.

The U.S. Northern Command comprises multiple subordinate and service component commands. The commands most involved in day-to-day nonemergency support to civil law enforcement are Joint Task Force North (JTF-N) and Joint Force Headquarters, National Capital Region (JFHQ-NCR). U.S. Army North and Joint Task Force Civil Support (JTF-CS) are the two commands primarily involved in emergency support. In addition to the military subordinate commands, the U.S. Northern Command headquarters staff also includes representatives from numerous federal agencies.

Acronyms	
CBRNE	Chemical, biological, radiological, nuclear, and high-yield explosives
DCE	Defense coordinating element
DCO	Defense coordinating officer
HIDTA	High-intensity drug trafficking areas
JFHQ-NCR	Joint Force Headquarters, National Capital Region
JTF-N	Joint Task Force North
JTF-CS	Joint Task Force Civil Support
NORAD	North American Aerospace Defense Command
SPOC	State point of contact
WMD	Weapon of mass destruction

Defense Support of Civil Authorities

Defense support of civil authorities refers to Defense Department support, including federal military forces and the Defense Department's civilian and contract personnel and its agencies and components,

for domestic emergencies and for designated law enforcement and other activities.⁴ While most commonly understood to refer principally to response and consequence management in terrorist scenarios involving WMDs, there are additional categories of authorized support.

Although defense of the U.S. homeland is the command's top priority, the U.S. Northern Command actually spends most of its time and effort providing military support to lead federal agencies. The next several paragraphs discuss the various categories of support, starting with routine day-to-day interaction and concluding with support provided under the National Response Plan.⁵

Day-to-Day Defense Department Interaction

Civil jurisdictions near military installations undoubtedly already enjoy close working relationships. Military installation security and criminal investigation organizations routinely work with local civil law enforcement organizations. In the area of crime prevention, installations coordinate with local law enforcement in order to share information regarding current trends in criminal activity. Installations also coordinate with local law enforcement to ensure adequate patrol coverage of perimeter areas, and many installations have access to local law enforcement frequencies to ensure coordinated response to incidents. Command criminal investigators routinely work with local law enforcement in order to ensure investigative coordination of crimes that involve military personnel and property, and military installation security personnel work closely with local law enforcement to identify and protect critical infrastructure that supports military installations.

The Law Enforcement Support Office at the Defense Logistics Agency at Fort Belvoir, Virginia, is authorized to transfer Defense Department equipment to federal and state law enforcement agencies using two programs.⁶ The first program, known as the 1033 Program (formerly the 1208 Program), authorizes the transfer of excess Defense Department property for counterdrug and counterterrorism missions.⁷ The second is known as the 1122 Program, which authorizes the purchase of law enforcement equipment suitable for counterdrug missions through the federal government.⁸ The Law Enforcement Support Office is also the Defense Logistics Agency point of contact for this program as well. In order to effectively manage the programs, each state appoints a state point of contact (SPOC) to administer the programs, and the Law Enforcement Support Office, in turn, provides the respective SPOCs with the opportunity to purchase items from any of the four inventory control points managed by the Defense Logistics Agency. In the end, the 1122 Program helps state and local governments save money on major items required for mission accomplishment.⁹

Subordinate Commands of the U.S. Northern Command

The U.S. Northern Command's subordinate commands involved in day-to-day support to civil law enforcement are JTF-N and JFHQ-NCR.

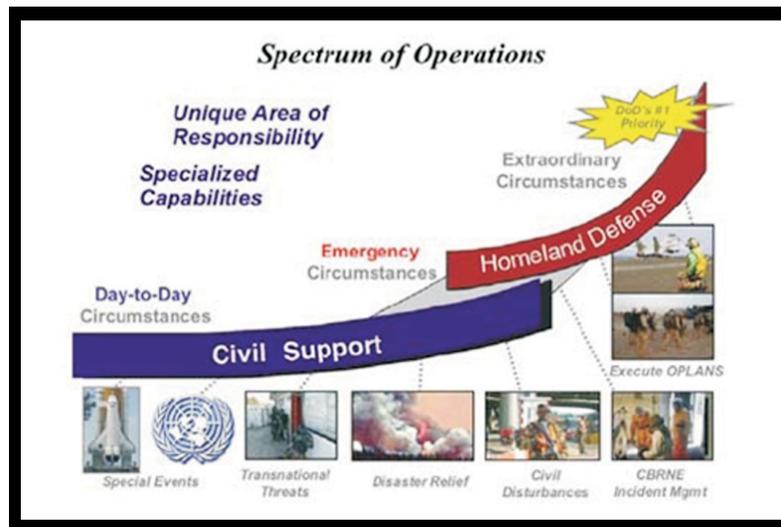
Joint Task Force North

Located at Biggs Army Airfield, Fort Bliss, Texas, JTF-N is the U.S. Northern Command's lead operational headquarters for providing support to law enforcement agencies (LEAs) by employing military assets to help police agencies detect and interdict transnational threats with a counterdrug nexus. JTF-N personnel do not participate in any arrest or seizure, nor do they collect or retain intelligence on U.S. citizens. They focus on foreign intelligence and ensure that it is properly analyzed and shared with appropriate agencies and is used to focus limited resources against our greatest threats.

JTF-N missions are always led by a federal law enforcement agency. JTF-N is not a disaster response headquarters but instead employs volunteer units to support law enforcement detection and interdiction efforts.

Under the law, transnational threats consist of “international terrorism, narcotics trafficking, weapons of mass destruction and the delivery systems for such weapons, and organized crime.”¹⁰ JTF-N specifically identifies drug trafficking organizations, alien smuggling organizations, foreign terrorist organizations, and WMDs as transnational threats.

JTF-N is authorized to accept support requests from the Department of Homeland Security, the Department of Justice, and any of the regional high-intensity drug trafficking areas (HIDTAs) designated by the White House Office of National Drug Control Policy. Police and sheriff’s departments in a HIDTA may also request support through that HIDTA. All requests must have a counterdrug nexus and provide a training value to the military unit involved. Additionally, JTF-N has no permanently assigned forces and relies on volunteer units to conduct all missions.



U.S. Northern Command Spectrum of Operations

The types of support that the Department of Defense can provide to counterdrug activities are clearly defined in the U.S. Code and department policy. JTF-N provides four broad categories of support to law enforcement agencies.

Operational Support: This category includes military capabilities applied to increase supported law enforcement’s ability to interdict threats and employs the capabilities ground sensors, air surveillance radar, unmanned aerial systems, Stryker vehicles, and other detection platforms. This mission category also includes aviation reconnaissance to detect cultivation or processing of illegal drugs in public lands and forests.

Intelligence Support: This support focuses on developing intelligence collection requirements, conducting analysis, and participating in the prioritization of missions. It also includes information sharing, imagery support, and training law enforcement agencies in analysis.

Engineering Support: This support shapes the operating environment by denying threat mobility and enhancing law enforcement agencies mobility along the southwest border of the United States. Defense Department engineers support law enforcement agencies by constructing roads and bridges, fences, vehicular barriers, and lights.

General Support: This includes methods for tunnel detection, transportation of law enforcement personnel and equipment using fixed-wing aircraft, aerial refueling, and one of our largest types of

support, mobile training teams. Mobile training teams export certain types of expertise to law enforcement agencies emphasizing a train-the-trainer approach. The Defense Department has provided training in such skills as special reaction team operations, desert survival, trauma management, chemical weapons detection and emergency response, patrolling, land navigation, and intelligence link analysis.

Joint Force Headquarters, National Capital Region

Joint Force Headquarters, National Capital Region plans, coordinates, maintains situational awareness, and, as directed, employs forces for homeland defense and defense support of civil authorities to safeguard the U.S. capital. Located in Washington, D.C., JFHQ-NCR has participated in several real-world events, including managing Defense Department support during the ricin attack in U.S. Senate office buildings and supporting state funerals. It makes good sense to have a standing command and control element in place to support special events in Washington, D.C.

Emergency Support

The U.S. Northern Command subordinate commands primarily responsible for responding to emergencies or disasters are U.S. Army North (previously known as the Fifth U.S. Army) and JTF-CS. There are two ways that the Department of Defense provides support to civil authorities: immediate response and support for incidents under the National Response Plan. Support pursuant to the National Response Plan is normally provided under the Stafford Act and through the joint director of military support process.

Immediate Response: A Department of Defense directive defines immediate response as “any form of immediate action taken by a DOD component or military commander . . . to assist civil authorities or the public to save lives, prevent human suffering, or mitigate great property damage under imminently serious conditions occurring where there has not been any declaration of major disaster or emergency by the president or attack.”¹¹ With respect to immediate response, the key things to remember are that there must first be a request for assistance from civil authorities. Local military commanders do have the authority to provide immediate response to save lives, prevent human suffering, or mitigate great property damage. The Department of Defense has bases and installations throughout the United States that are a part of local communities, and for those civil jurisdictions near a military base it is worthwhile to work out potential scenarios in advance via exercises and agreements.



The National Response Plan in a hypothetical scenario

Support under the National Response Plan

The National Response Plan, last updated May 25, 2006, establishes a comprehensive all-hazards approach to enhance the ability of the United States to manage domestic incidents. The plan incorporates best practices and procedures from incident management disciplines of homeland security, emergency management, law enforcement, firefighting, public works, public health, responder and recovery worker health and safety, emergency medical services, and the private sector and integrates them into a unified structure. The National Response Plan forms the basis of how the federal government coordinates with state, local, and tribal governments and the private sector during incidents. It establishes protocols to help do the following:

- Save lives and protect the health and safety of the public, responders, and recovery workers
- Ensure security of the homeland
- Prevent an imminent incident, including an act of terrorism, from occurring
- Protect and restore critical infrastructure and key resources
- Conduct law enforcement investigations to resolve incidents, apprehend the perpetrators, and collect and preserve evidence for prosecution or attribution
- Protect property and mitigate damages to and impacts on individuals, communities, and the environment
- Facilitate recovery of individuals, families, businesses, governments, and the environment¹²

In a hypothetical scenario under which Defense Department assets could potentially be brought to bear under the provisions of the National Response Plan the following situation develops. An event occurs, in this example the detonation of a radiological dispersion device, or dirty bomb. Local first responders are at some point overwhelmed, and neighboring state responders are mobilized and deployed in response to preexisting compacts or memorandums of mutual support. In the event additional response forces are required, the governor has the authority to request federal support, directly from the president, who in turn directs the Department of Homeland Security, as the primary federal agency, to respond accordingly. Any additional military requirements needed by the Department of Homeland Security can be asked for through an interagency request for assistance to the Defense Department. The U.S. Northern Command is ultimately the organization tasked to identify and deploy military assets in response.

U.S. Army North

One important aspect of this process, from the perspective of Defense Department support, is the role of the defense coordinating officer (DCO). This is a key player and someone well worth knowing before an emergency takes place. Note that the DCO joins the state and federal coordinating officers in the joint field office (JFO) during an emergency. This synchronization is the key to an overall coordinated response. The DCO represents the single point of contact at an incident management location for coordinating and validating the use of Defense Department resources. The DCO works directly with the federal coordinating officer or designated federal representative.

All DCOs are army colonels assigned to U.S. Army North, one of the subordinate service component commands of the U.S. Northern Command. The command's mission statement includes homeland defense and civil support, most likely in the form of defense support of civil authorities. Potential civil support missions include employment of a DCO in response to a hurricane, fire, or earthquake, up to and including the deployment of an entire JTF staff in response to a catastrophic disaster. In other words, the

DCO is most likely the Defense Department's first responder. As such, tasks include familiarization with existing state and federal emergency response plans, coordination with military installations in the Federal Emergency Management Agency region regarding available base support operations, and readiness oversight for all designated or dedicated homeland defense and civil support forces. The DCO should also be participating in local, state, federal, and military exercises in the region.

Prior to Hurricane Katrina, the DCO was an additional duty for an army colonel. As a direct result of lessons learned during that response, the position is now permanently filled in order to ensure a quicker, more efficient Defense Department response. The other critical component of this concept is the defense coordinating element (DCE), which is the five-person staff for each DCO. Like the DCO, the DCE will also be permanently assigned. The scene of a catastrophe is not the place to exchange business cards for the first time. By permanently assigning a DCO to each Federal Emergency Management Agency region, the U.S. Northern Command intends to ensure that its first responders are well known to their civilian counterparts before an emergency.

Joint Task Force Civil Support

Joint Task Force Civil Support, located in Hampton, Virginia, is specifically organized and equipped to deploy rapidly in response to an event involving chemical, biological, radiological, nuclear, and high-yield explosives (CBRNE). Operations are directed toward saving lives and preventing further injury by providing such services as decontamination, medical assistance, and temporary critical life support for the local population. Once the situation stabilizes and Defense Department support is no longer required, the force redeploys. JTF-CS is a stabilization force, not a rebuilding or recovery force.

There is an important distinction between CBRNE and WMD. CBRNE is any chemical, biological, radiological, nuclear, or high-yield explosion, including those caused by industrial accidents, acts of nature, acts of war, or acts of terrorism. WMD refers specifically to a CBRNE weapon, device, or material designed to produce mass casualties. JTF-CS is capable of responding to either, and the response is much the same, regardless of the source or nature of the incident.

Homeland security organizations operate on parallel lines of authority, coming together at the operational level during a CBRNE event to ensure a coordinated response. To best accomplish this, an enormous amount of information sharing is required, not only within DOD agencies, but also with other federal agencies as well as state and local authorities. The joint field office is where tasks and requirements are identified and validated, with resolution achieved at the lowest level. The state coordinating officer manages the state and local response, the federal coordinating officer manages the federal response, and, lastly, the DCO manages issues requiring response from the Department of Defense. JTF-CS acts only on mission assignments received from the primary federal agency (formally referred to as the lead federal agency) passed by the federal coordinating officer to the defense coordinating officer. The unclassified and classified worlds converge at the site of a CBRNE response. In order to help facilitate command and control, the JTF-CS Emergency Response Communications Suite and the Federal Emergency Management Agency's Mobile Emergency Response System provide both secure and nonsecure voice and data systems to facilitate critical command, control, and decision-making processes required for timely, effective response.

This article has provided the reader a brief overview of the complex and potentially confusing topic of military support, with a particular emphasis on how the U.S. Northern Command and its subordinate and service component commands provide support to civil authorities. It is important for the emergency service community to understand what the U.S. Northern Command is, what it is authorized to do and when, what it cannot do and why, and how and when civil authorities can obtain support. Every year, the U.S. military responds to hundreds of requests for assistance from civilian law enforcement. The dedicated men and women of the U.S. Northern Command stand ready to provide that support when and as directed by the president and the secretary of defense.

Notes

1. The Posse Comitatus Act (18 U.S.C. 1385) provides that “whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both.”
2. “Consequence management . . . describes ways and means to alleviate the short- and long-term physical, socioeconomic, and psychological effects of a chemical or biological attack.” Chris Seiple, “Consequence Management: Domestic Response to Weapons of Mass Destruction,” *Parameters* (Autumn 1997).
3. According to 10 U.S.C. 375: “The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.”
4. Department of Defense Directives 3025.15 (Military Assistance to Civil Authorities) and 3025.1 (Military Support to Civil Authorities).
5. According to the Department of Homeland Security’s National Response Plan, issued May 2006, “The National Response Plan is an all-discipline, all-hazards plan that establishes a single, comprehensive framework for the management of domestic incidents. It provides the structure and mechanisms for the coordination of federal support to state, local, and tribal incident managers and for exercising direct federal authorities and responsibilities.”
6. According to 10 U.S.C. 380: “The Secretary of Defense, in cooperation with the Attorney General, shall conduct an annual briefing of law enforcement personnel of each State (including law enforcement personnel of the political subdivisions of each State) regarding information, training, technical support, and equipment and facilities available to civilian law enforcement personnel from the Department of Defense.”
7. See 10 U.S.C. 380(c)(1).
8. According to 10 U.S.C. 381: “The Secretary of Defense shall establish procedures in accordance with this subsection under which States and units of local government may purchase law enforcement equipment suitable for counter-drug activities through the Department of Defense.”
9. States that wish to apply for entry into the program or learn more about it may do so by contacting the executive agent at 703-604-7450 or going to the Law Enforcement Support Office Web site at <<https://pubweb.drms.dla.mil/cmis/>>.
10. Under the law (50 U.S.C. 402), a transnational threat is “any transnational activity (including international terrorism, narcotics trafficking, the proliferation of weapons of mass destruction and the delivery systems for such weapons, and organized crime) that threatens the national security of the United States” and “any individual or group that engages” in a transnational activity that threatens the national security of the United States.
11. Department of Defense Directive 3025.1 (Military Support to Civil Authorities).
12. U.S. Department of Homeland Security, National Response Plan (May 2006), <www.dhs.gov/xprepresp/committees/editorial_0566.shtm>.

Note: This article was originally published in the April 2007 edition of *The Police Chief*.

U.S. Army North: We're Here To Help

LTG Tom Turner

From *ARMY Magazine*, September 2007. Copyright 2007 by the Association of the U.S. Army. Limited reprint permission granted by AUSA.

U.S. Army North (Fifth Army) was established as the Army service component command to U.S. Northern Command. The Chief of Staff of the Army ordered the creation of Army North as part of the transformation of theater armies to match the Department of Defense's (DOD's) number one priority, homeland defense. The command achieved initial operating capability in September 2005 and full operating capability in October 2006.

Army North's mission is to conduct homeland defense, civil support operations and theater security cooperation activities with the armies of Mexico and Canada. The Northern Command area of operations is an incredibly complex and dynamic environment, and includes Canada, Mexico and the continental United States. Its area of responsibility encompasses more than 8 million square miles and a diverse population of more than 440 million people.

U.S. Army North is located in the historic Quadrangle on Fort Sam Houston, Texas. The headquarters consists of 538 soldiers and civilians. The staff is functionally aligned to generally match the Northern Command staff.

Army North is capable of deploying two operational command posts (OCPs) or task force headquarters. The OCPs are not standing organizations, but are composed of 61 personnel from every primary and special staff. In Defense support of civil authorities (DSCA) operations, our primary mission is to save and sustain lives and relieve suffering in an affected region. An OCP may deploy to command and control active duty committed DOD elements and redeploy when DOD transition criteria are met. The task force headquarters also provides liaison officers to appropriate civil agencies and receive liaison officers from appropriate military commands and civil agencies. The OCPs do not possess any internal field-sustaining capabilities for billeting, feeding or transportation. Each requires space for approximately 61 personnel when forward deployed. That number could exceed 200, however, if the OCP is augmented by the services and deployed as a Joint task force. It will likely be collocated or in close proximity to a designated base-support installation. Of note, both OCP commanders are members of the reserve components. They maintain a small full-time presence at Fort Sam Houston and fully train and deploy with OCP members.

Army North has 10 Defense coordinating officers (DCOs), Army colonels who are permanently assigned to each of the Federal Emergency Management Agency (FEMA) regions. Where possible, they are collocated within the FEMA regional headquarters. DCOs and Defense coordinating elements (DCEs) are essential force multipliers and are the DOD first responders. When tasked during a disaster, they will integrate their operations within the primary federal agency's joint field office. The DCO and DCE coordinate all Department of Defense support requested by the primary federal agency. Because they are located in each region, they become subject-matter experts for the state and federal emergency response plans within their designated regions. In addition, they are familiar with the military installations in their regions in order to make recommendations for base support installations during Defense support of civil authorities operations.

The DCO has a permanently assigned staff of six officers, noncommissioned officers and Department of the Army civilians. Depending on the region, the DCO may have as many as 26 emergency preparedness liaison officers (EPLOs), allowing him to extend the staff effort. Army North has operational control of the Army EPLO program, which allows for more precise use of this valuable

asset. EPLOs are U.S. Army Reserve personnel and normally drill with their region DCO, supporting planning and participation in state, federal and DOD exercises.

Army North also executes and administers the Defense support of civil authorities course on behalf of Northern Command. The purpose of this strategic-level Department of Defense course is to acquaint staff with an overview of the planning, coordination, execution and support of DSCA operations. This course also introduces students to local, state, national and DOD statutes, directives and plans; command-and-control relationships; and capabilities regarding DOD support for domestic emergencies and other activities. The course is structured as the standard baseline academic training for all Defense coordinating officers, DCE members, emergency preparedness liaison officers and Northern Command staff, including service component commands, subordinate Joint task forces, Joint director of Military Support personnel, Joint regional medical planners, National Guard Bureau and service staffs directly involved in DSCA missions. The DSCA course is available to interagency and intergovernmental audiences to provide broad-based professional development. To date, we have trained more than 1,400 personnel from all services and federal and state partners.

Army North also executes training and readiness oversight of 55 certified weapons of mass destruction-civil support teams in the Northern Command area of operations. These are 22-person Air and Army Guard-AGR organizations that are highly trained to respond to incidents involving chemical, biological, radiological, nuclear or high-yield explosives (CBRNE). The teams are the governors' first responders and are designed to assess a potential CBRNE incident and provide the governor an accurate assessment of the size and extent of the incident. The Civil Support Readiness Directorate is a 68-person organization that is divided into two civil support readiness groups, one in Atlanta, Ga., and one at Fort Sam Houston. The directorate also has the mission to provide CBRNE expertise to Army North as required.

Army North continues to mature and reinforce our professional ties with our local, state and federal civil partners and with our partners in the U.S Army Reserve and National Guard. We are rapidly becoming the recognized "go-to" headquarters to lead, coordinate and support DOD land domain operations in Northern Command's area of responsibility.

As the newest Army service component command, Army North stands ready to support the needs of the nation in any natural or man-made disaster.

Joint Task Force Civil Support (JTF-CS): A National Asset

MSgt (Ret) Michael Eck

Reprinted with permission from the *Joint Center for Operational Analysis Journal*

“September the 11th provided a warning of future dangers, of terror networks aided by outlaw regimes and ideologies that incite the murder of the innocent, and the use of biological and chemical and nuclear weapons that multiply destructive power.”

—President George W. Bush

“Terrorists and/or rogue states will attempt multiple, simultaneous mass casualty CBRNE attacks against the US Homeland. What is at issue is the timing of the event, not that it will occur.”

—Paul McHale, Assistant Secretary of Defense for Homeland Defense

March 11, 2004—Ten bombs concealed in backpacks are detonated via cell phone on crowded commuter trains in Madrid, Spain, killing 191 people and injuring more than 1,500.

July 23, 2005—At least 83 people are killed when three bombs explode in Sharm El-Sheikh, Egypt.

August 10, 2006—Police conduct a coordinated sweep in and around London and Birmingham, England to break up a plot to blow up 10 transatlantic passenger jets.

September 8, 2006—A car bomb exploded near the US Embassy in Kabul, killing at least 16 people.

Date not yet known—A Chemical, Biological, Radiological, Nuclear, high-yield Explosive (CBRNE) event in the United States.

“Defending our Nation against its enemies is the first and fundamental commitment of the Federal Government.”³

—President George W. Bush

The Department of Defense (DOD) remains ever vigilant in its effort to prevent further attacks on American soil. In response to the tragic events of 11 September 2001, the Secretary of Defense created US Northern Command (USNORTHCOM). USNORTHCOM provides command and control of DOD’s Homeland Defense efforts and to coordinate Defense Support

of Civil Authorities (DSCA). USNORTHCOM’s specific mission is 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 (AOR); and, as directed by the President or Secretary of Defense, to provide DSCA. DSCA includes support of civil authorities conducting consequence management (CM) of a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident. Domestic CBRNE CM support encompasses both deliberate and inadvertent CBRNE incidents, including terrorism, acts of aggression, industrial accidents and acts of nature in the 50 States, US territories, and possessions.

Force Requirement

The unit charged to assist civil authorities in conducting CBRNE CM within the USNORTHCOM AOR is Joint Task Force Civil Support (JTF-CS). JTF-CS is a standing Joint Task Force headquarters located on Fort Monroe, near Norfolk, Va. In response to base re-alignment decisions, it will eventually relocate to Fort Eustis, Va. Tracing its establishment back to 1998, through actions taken by the Secretary of Defense and the Chairman Joint Chiefs of Staff (CJCS), JTFCS stands ready to provide command and control of military resources when called upon to support federal, state and local authorities in the United States, its territories and its possessions as a result of a CBRNE attack or incident within America's borders.

On Oct. 1, 2008, US Army North (ARNORTH), as USNORTHCOM's, Joint Force Land Component Commander (JFLCC), assumed operational control of JTF-CS. On order, JTF-CS deploys in response to a weapon of mass destruction (WMD) attack with CBRNE consequences; a team of military and civilian planners then executes a plan that brings a variety of military capabilities to assist the federal, state and local agency response to CBRNE incidents.

Interagency – National Response Plan Partnerships

Preparing for and executing a domestic consequence management mission requires JTF-CS to work closely with the many other federal, state, and local agencies that also respond to CBRNE incidents. Although the Federal Emergency Management Agency (FEMA), under the Department of Homeland Security (DHS), will most likely be the agency JTF-CS supports during an incident of national significance, liaison with other federal and state agencies, is critical. These agencies include, but are not limited to, the Department of Justice, the Department of Energy, and the Centers for Disease Control, various State Emergency Management Agencies, state and local law enforcement agencies, state National Guard headquarters, and state medical and public health agencies. The Department of Defense is just one member of the federal response community. JTF-CS therefore recognizes the vital need for interagency coordination.

Capability / Skill Set Requirement

As a partner in the National Response Framework, DOD provides support to state and local authorities managing responses to natural disasters. However, the forces, equipment, and experience required to effectively respond to a CBRNE incident are very different from those needed to respond to natural disasters. The JTF-CS was established to develop the expertise and maintain the focus on the mission of providing command and control during domestic CBRNE CM missions. Authorization and designated forces are articulated in the CJCS CBRNE Consequence Management Execute Order (EXORD).

DOD CM support and assistance to civil authorities may require DOD's robust logistical roles, skills and structures, such as the ability to mobilize large numbers of people, to move large amounts of material and equipment, and to provide other logistical support beyond civil authority capability.

Legal / Funding Constraints

JTF-CS accomplishes its CM mission in strict adherence to existing federal law, which carefully balances the support capabilities of the US military with the needs of civil authorities during emergencies. The primary mission authority for DOD to engage in domestic consequence management operations is the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 5121 et seq). The Stafford Act authorizes the President to provide disaster and emergency assistance to state and local governments upon receipt of a request from the state or territorial governor. Only upon Presidential and Secretary of Defense direction, can JTF-CS (USC Title 10 forces) engage in civil support domestically. When deployed in any domestic setting, JTF-CS supports the primary and coordinating agencies, as defined in the National Response Framework. This support will continue

throughout the CBRNE CM operation so long as JTF-CS support is required to supplement civil capability. It is understood that the long-term recovery efforts are the responsibility of civil authorities.

Tasks and Responsibilities

JTF-CS' ongoing support includes deliberate planning activities; developing CBRNE doctrine and identifying requirements; analyzing local and state emergency plans to help anticipate requirements for DOD assistance; and managing high fidelity geo-spatial products and geographic information system (GIS) data sets. These data sets relate to US municipalities and critical infrastructure and are established in a web-based architecture. JTF-CS participates in joint and interagency exercises and supports contingency planning for National Special Security Events (NSSE). Additionally, JTF-CS has taken the lead to assist the JFLCC and USNORTHCOM with situational awareness and intergovernmental coordination efforts to improve DOD civil support readiness in the face of current threats from pandemic influenza. In the event of multiple CBRNE events, JTF-CS may be directed to deploy a Joint Planning Augmentation Cell (JPAC) to support other domestic command and control headquarters. The JPAC is a tailored group of functional planners that assist a supported staff in planning joint force CBRNE CM operations.

Concept of Operations

The JTF-CS concept of operations guides the organization in executing its mission and describes how it will respond. This concept of operations has been validated through the CJCS exercise program. Taking lessons learned from these exercises, the concept of operations has then been retested and validated in numerous subsequent exercises. The concept of operations is divided into six separate phases.

Phase 0, Staging: Phase 0 is maintaining continuous situational awareness and preparedness. Actions in this phase include interagency coordination, exercises, and public affairs outreach (which continues through all phases). Phase 0 ends with the identification of a potential CBRNE-CM incident.

Phase I, Anticipate: Phase I begins with the identification of a potential CBRNE CM mission or when directed by the Secretary of Defense. The purpose of Phase I is to position forces to expedite the response. Phase I success includes the deployment of the Defense Coordinating Officer (DCO) and the Defense Coordinating Element (DCE), in coordination with state and local officials. Phase I ends when the CBRNE Consequence Management Response Force, or CCMRF, receives a prepare-to deploy order.

Phase II, Respond: Phase II begins with the CCMRF deployment and may be concurrent with Phases 0 and I. Because of the nature of CBRNE CM operations, forces will likely deploy into and out of the Joint Operations Area (JOA) as long as the CBRNE CM operation requires DOD support. Phase II success equals forces deployed with enough consequence management capability to accomplish the mission. Phase II ends when response forces are ready to conduct operations in the JOA.

Phase III, Operate: Phase III begins when CBRNE CM operations commence. The purpose of this phase is to conduct consequence management operations. Success equals civil authorities capable of effectively continuing consequence management requirements. This phase ends with civil authorities prepared to assume responsibility for operations. In cases where JTF-CS is redeployed to a secondary CBRNE site, this phase would end for JTF-CS when a follow-on DOD force assumes command and control of continued CM operations at the initial CBRNE site.

Phase IV, Stabilize: Phase IV begins when civil authorities or follow-on DOD forces scale down operations and civil authorities resume "new normal" activities. This phase ends when redeployment criteria have been met.

Phase V, Transition: Phase V starts when all response forces begin redeployment and operational control transfers to the designated command, usually the DCO. Response forces will deploy to follow-on or a near simultaneous CBRNE incident or return to their home base. Success equals a complete transfer of responsibilities to civil authorities.

Sourcing the CCMRF

JTF-CS, in accordance with the CJCS CBRNE CM EXORD, and the USNORTHCOM CONPLAN 3500, is sourced through force providers, such as US Joint Forces Command (USJFCOM). On Oct. 1, 2008, USNORTHCOM was assigned a dedicated force capable of responding within 48 hours to CBRNE incidents in the homeland. The CBRNE CCMRF is a team of about 4,700 joint personnel that deploy as DOD's initial response force to a CBRNE incident.

Each CCMRF will be composed of three functional task forces - Task Force Operations, Task Force Medical and Task Force Aviation - that have their own individual operational focus and set of mission skills. Their capabilities include search and rescue, decontamination, medical, aviation, communications and logistical support.

Summary

JTF-CS is not a primary agency as defined in the National Response Framework, nor does it provide a first response capability commensurate with local and state incident specific responders, to include the National Guard. JTF-CS is, however, ready to support those first responders, as directed with control authority maintained by the DOD. The authorization process to deploy JTF-CS begins with a request from a governor to the President for federal support. JTFCS (DOD) support would then be contingent upon a follow-on Presidential, or Secretary of the Department of Homeland Security declaration. In coordination with other federal and state agencies, JTF-CS continuously prepares for such an event; to respond to the broadening spectrum of potential terrorist attacks— chemical, biological, radiological, nuclear, and high-yield explosive – anywhere in the United States.

Note: This article was originally published in the winter 2008–2009 edition of *Joint Center for Operational Analysis Journal*. References and endnotes were removed from this article for reprinting and are available upon request from the original publisher of this article.

Support to Disaster Response: The Science and Art of Disaster Response by the National Guard

LTG Charles G. Rodriguez, Bernd McConnell and LTC Kristine Shelstad

Reprinted with permission from *Joint Force Quarterly*

Response to a domestic emergency to save life, limb, and property of citizens is one of the fundamental roles of government at all levels, but especially at state and local levels. The domestic mission, including the continual development and refinement of doctrine to protect the homeland and its citizens, justifies at least as much emphasis as overseas military operations. This article suggests basic tenets for the military's contribution, particularly that of the National Guard, to an emergency response; highlights the importance of collaborative and unified efforts by all involved, both civilian and military; and summarizes evolving organizational concepts that might enhance such civilian-military collaboration.

Homeland security, homeland defense, and community preparedness have something in common with military affairs: all are both science and art. Traditionally, the military has attributed great value to adhering to commonly accepted and directed ways of doing business (that is, doctrine). The science is this doctrine and its evolutionary refinement, supported by policies, instructions, and standard operating procedures. Through training and exercises, the translation of doctrine into practice and habitual behavior becomes reality.

But more than simply science is required for unified effort and readiness. There is also art, which combines experience with wit and inspiration, resulting in preparedness. While one should never depend exclusively on the intuitiveness of art, one shortchanges success by not incorporating it into emergency response preparations and operations. Without the art, there is no passion and no creative initiative to transcend the gaps in knowledge that science inevitably presents.

Requirements

In any emergency, local responders converge and surge early, but then drop off as fatigue sets in after a few days. Also, many first responders need to be relieved to care for their own impacted families and households. Mutual aid from adjacent geographical jurisdictions restores some of the first responder numbers. However, for major disasters, requirements far exceed the available first responder capability.

Initially, statewide civilian mutual aid and National Guard forces are dedicated to damage assessment to ensure that subsequent response is focused and calibrated. However, damage assessment is a key step that habitually is not done well. There is no universally accepted process about how to do quick-look assessments, so typically responders default to a best guess method based on information received and interpreted by both experienced and novice response coordinators. Part of the challenge is that multiple entities at various levels of government (local, regional, state, and Federal, civilian and military) are engaging in uncoordinated but simultaneous damage assessments, just as they may engage in uncoordinated responses.

There should be an aversion to such piling on by authorities; the assessments should be part of a common operating picture. Only the appropriate number and type of responders can properly mitigate a disaster. Too much of the wrong kind of help, in the wrong place, only complicates relief and multiplies the disaster's effects. The National Guard nationwide, always in support of civilian authorities, provides its Civil Support Teams and fly-away mobile communications teams to local civilian disaster coordinators, staffs headquarters during this initial assessment phase, and continues this support, as required by the state, as a continuous part of the disaster response process.

The National Guard is often responding before a predicted event, such as hurricane landfall, by pre-coordinating and pre-staging interagency strike teams to locations where they might immediately go to work, fully stocked to provide timely relief. In Texas, the Guard entity is the Texas Military Forces (TXMF), which consists of the adjutant general's department, Texas Army National Guard, Texas Air National Guard, and Texas State Guard (a volunteer state militia authorized in Texas law). For Hurricane Rita, the TXMF and the Governor's Division of Emergency Management developed mass care strike teams in military vehicles, working with the Federal Emergency Management Agency (FEMA), which provided commodities, food, water, and medical teams. These teams were pre-staged on the west side of Houston and rolled into Beaumont as soon as the storm passed.

As state and National Guard responses increase, their efforts may be augmented by Emergency Mutual Assistance Compact (EMAC) resources from sister states. It was through EMAC and with the TXMF in state Active duty status that a deployment to New Orleans was executed within hours after Katrina's landfall. The Superdome was secured and evacuated by city officials, with the help of the Texas Army and Air National Guard security forces, before the first Federal troops arrived. The calming presence of citizen-Soldiers who responded rapidly and early is important to assuring public order. The state-to-state EMAC process has proven the fastest, most efficient, and most effective way of augmenting a response with both civilian and state military resources. The real challenge for EMAC in the future may come from a nationwide biological event, such as a pandemic, or a national or regional catastrophic event, such as a New Madrid Fault scenario or another cross-border mass migration crisis in which capabilities are so degraded or resources so stretched that states are precluded from fully sharing their assets.

National aid would be triggered for special requirements and capabilities that cannot be satisfied by local, regional, or state civilian and military responders. During Rita, U.S. Northern Command (USNORTHCOM) led the effort in coordinating several specialized response capabilities such as evacuation of special needs patients on Air Force C-5 and C-130 aircraft with specialized Active duty Air Force medical teams; air space management from First Air Force; and liaison with Army Corps of Engineers experts monitoring near-capacity dams.

There was no requirement for general purpose Title 10 Federal ground forces in Texas during the response to Hurricane Rita. The TXMF committed approximately 5,000 troops between mid-September and mid-October 2005. Despite the fact that the TXMF had more than 5,000 troops deployed out of country at the time, there was still a reserve of more than 5,000 uncommitted within the state. Typically, there will be no real requirement for Federal ground troops, just for specific, specialized combat support and combat service support packages that are based on time-sensitive requirements that exceed the capabilities of a state's civilian and military assets. As much as possible, these special-purpose packages should be pre-coordinated with the force-providing Active component units to preclude the insertion of unnecessary personnel, which could complicate already functioning control and coordination structures managing reception, staging, onward movement, and integration for state and local mutual support operations.

Emergency Response Tenets

This overview about the science and art of emergency response leads to the following tenets for military responders:

- Preposition personnel, equipment, and commodity teams close to the incident.
- Provide early, rapid, and visible presence after the event.
- Support civil authorities, always allowing civilian authorities to lead.

- Refresh and rotate the response force.
- Assure a consistent public face: the Governor leads, the military delivers.

These five tenets spring directly from decades of hurricane, wildfire, flood, and other disaster response in Texas. The first three have already been addressed. The fourth-resource refreshing and rotation-applies to deployments involving extended duty. A rule of thumb is to plan rotational relief of heavy-use search and rescue troops after 7 to 10 days. Those performing labor-intensive distribution and transportation of commodities and extended-shift support to law enforcement should be rotationally relieved after 2 or 3 weeks. This requires a flow-forward of fresh personnel and a reconstitution site or series of sites to sustain a ready and rested force-an essential task.

The fifth tenet is perhaps the most important. The success of a disaster response is measured in lives saved, property safeguarded, and nurturing of the public perception that civilian authorities indeed are in control and are delivering relief as proactively as possible. Aggressive public affairs and routine media messaging are essential. The lead civilian authority should speak regularly during a crisis. If the emergency is medical or technological in nature, the lead health authority or the other most relevant official should speak. When military leaders can appear in the media, they should. The most important “calming presence” messages that should be delivered include the local disaster response authority (usually the mayor or Highway Patrol captain) describing the type and timing of assistance being delivered to impacted areas. The military should never upstage or speak out of step with the lead civilian authority. For statewide response, the senior civilian authority is the Governor.

JIIM Partnerships

Citizens are not well served if disaster response is not based on the joint, interagency, inter-governmental, and multinational (JIIM) partnership. JIIM is a disaster response imperative. Similar to peace support operations overseas, if domestic operations are not based on JIIM partnership, the operations are suboptimal. It is wasteful and counterproductive not to engage early and regularly with civilian and military partners who, acting synchronously, provide valuable mutual assistance to one another.

A current example of JIIM is the ongoing support to various Southwest border security operations. Operation Jump Start began in May 2006 and engaged more than 1,500 TXMF personnel during its first year along 1,200 miles of international border with Mexico. TXMF personnel are continuing to assist the U.S. Customs and Border Patrol as well as the Department of Homeland Security. In addition, Operations Rio Grande and Wrangler, in which the TXMF provides planning and operational coordination support, dates back to 2005. Conducting random antiterrorism measures with county sheriffs, Department of Public Safety law enforcement agents, and other state agency representatives, the TXMF has provided aviation support and technical security assistance to the Texas Governor’s interagency, intergovernmental missions. The TXMF has a 17-year history of conducting support activities with law enforcement agencies (local, state, and Federal) through the National Guard’s counterdrug mission. In 2006, Operation Rio Grande alone is credited with reducing crime by up to 65 percent in areas where TXMF presence and coordinated antiterrorism missions have been executed, including the Del Rio, Laredo, El Paso, and Rio Grande Valley areas.

Also representative of JIIM work is the historic precedent of September 2006, when the TXMF was designated by the Governor’s Division of Emergency Management as the lead state agency for planning and training coordination for the Lower Rio Grande Valley Evacuation Plan. This effort required the TXMF team to interface with local, regional, state, law enforcement, medical, transportation, fuel logistics, public school, and other elected and appointed authorities to knit together a comprehensive hub-and-spoke plan to evacuate Brownsville by caravans of buses before hurricane landfall. Texas’ emergency response leaders rely heavily on TXMF members’ proficiency as planners, trainers, and

operators to develop practical plans and provide disaster response training across the state's interagency structure.

As Major General Guy Swan III, USA, Director of Operations for USNORTHCOM, has said, "Knowing all the military and civilian players before a disaster strikes is the key to success." Working together from the planning stage through the execution stage, civilian and military communities can make interagency cooperation a routine practice.

The notion of multi-nationality was evident during the responses to Hurricanes Katrina and Rita. The TXMF has a special training relationship with the Singapore air force, and some of the visiting CH-47 Chinook pilots live with families in the Dallas area and train with Texas Guard rotary wing aviators in their own Singaporean Chinooks. In the aftermath of Hurricane Katrina, Singapore's helicopters deployed to New Orleans under the oversight of TXMF pilots and helped in the levee repair and evacuation missions. It took many intermediate partners to bring this about, such as USNORTHCOM, the State Department, and the courageous pilots of the Singapore air force. This was multinational assistance in action.

In the immediate aftermath of Hurricanes Katrina and Rita, Louisiana evacuees in Central Texas received magnificent support from the Mexican army, which provided a large capacity field kitchen and medical assistance for the sprawling Kelly Army mass shelter complex in San Antonio. The TXMF provided the U.S. military command post on-site and some of the interpreters that made the support of the Mexican army there so seamless. Texans genuinely appreciated the selfless support provided by their Mexican counterparts, and this partnership was made possible through the good offices of many Federal and state partners. However, such multinational support should be pre-coordinated and embedded in evolutionary contingency plans on both sides of the border.

JFHQ-State

Today, JIIM is most important when it comes to contingency response or disaster relief missions; and the state's joint force headquarters (JFHQ) is a key part in implementing tenets of disaster response, making JIIM work, and realizing the necessary unity of effort and common operating picture.

Soon, the JFHQ in each of the 54 states and territories will be designated as an extension of the joint activity toward which the National Guard Bureau is transforming. The February 2006 Townsend Report on Hurricane Katrina highlighted the appropriateness of the state JFHQ serving as a logical platform for both hosting a common operating picture and acting as headquarters for coordinated civilian-military unity of effort in future domestic disaster responses. The Joint Force Headquarters-Texas (JFHQ-TX) now prepares itself for unified command with local, state, Federal, and even Active component (Title 10) forces in order to assure unity of effort in domestic disaster response. Additionally, the JFHQ-TX has commenced active dialogue and familiarization exchanges with the FEMA-run joint field office, the regional home for Federal disaster response leaders.

The JFHQ-TX mission and commander's intent (see figure), taken together, are essentially a mandate to make JIIM work. In order to help participants to understand fully the JFHQ purpose and commander's intent and the complexities of the National Incident Management System (NIMS)/Incident Command System (ICS) operational environment, the Texas adjutant general requires all joint staff officers, noncommissioned officers, and civilian employees of the JFHQ-TX to complete several FEMA online courses covering the National Response Plan, NIMS, ICS, Emergency Operations Center, and continuity of operations, as well as Texas-specific staff team training in state emergency management operations. In 2008, additional joint individual training requirements will include Internet training modules for the adaptive battle staff members provided by U.S. Joint Forces Command.

USNORTHCOM has organized its joint staff around a nodal construct for crisis operations, a modification of the traditional J1-J9 model, as published in the USNORTHCOM concept of operations:

- joint operations
- joint planning
- joint support
- joint information synchronization
- joint interagency coordination.

When JFHQ-TX reorganized after the 2005 hurricane season, it adopted U.S. Northern Command's adaptive battle staff (ABS) model and refined it to meet the needs of the state.

Texas consolidated the ABS model into three nodes, melding joint planning and joint interagency coordination into joint operations, and mapped processes to deliver capabilities from the force providers via the Joint Task Force-Texas and/or joint interagency task force to ultimate customers. The Texas Guard's philosophy is not command-centric. By design, and in accordance with the principles of NIMS and ICS, there is no military commander at the top of the TXMF ABS organizational diagram. The response approach in Texas is customer-centric, and the customer is the distressed citizen, as represented by impacted civilian or elected leaders. The Governor's Division of Emergency Management acts as a thermostat on the JFHQ-TX ABS processes, using Annex W (Military Support) of the state's emergency management plan to engage and disengage the TXMF as required.

One of the adaptations Texas is pursuing, which is worthy of special note, is the Defense Support of Civilian Authorities Joint Interagency Task Force (DSCA JIATF). This task force is the subordinate interagency element that the JFHQ-TX "gives birth to" and deploys forward to the vicinity of the disaster site. It is staffed by personnel from the JFHQ-TX and selected members and liaison officers from force provider components, such as the Texas Army National Guard, Texas Air National Guard, and Texas State Guard. The Texas DSCA JIATF also includes representatives from key state agencies. It is designed to deploy forward at alert+2 hours and relies on full-time Texas Guardsmen to launch and establish the forward operating sections, followed up within a day or two by traditional and State Guardsmen. The DSCA JIATF simultaneously launches liaison officers farther forward to assist key civilian responders at the county and municipal levels—a key enabler for success with local political entities and in the maintenance of a common operating picture, which in Texas exists through a robust liaison officer exchange, along with reliance on Web EOC, the software utility used almost universally by local and state emergency responders. DSCA JIATF military members are there to provide unified command with attached civilian responders in key functions, as suggested by the ICS staffing model. The DSCA JIATF is designed to have operational management responsibilities and can oversee multiple functional and geographical strike teams and subordinate task forces in accordance with established NIMS and ICS procedures.

Commitment to the Federal System

Texas and its JIIM partners have begun a journey to answer the challenge of the Townsend Report and to provide the most timely, well-coordinated response to future major disasters in Texas or wherever the TXMF is called. As part of this journey, the JFHQ-TX is continually evolving with its JIIM partners. While the word doctrine is always present in the military, the Texas Military Forces prefers to "evolve practice" with JIIM partners through an ever-shifting balance between science and art rather than stubbornly adhering to doctrine that either does not really exist or is quickly left behind due to changing circumstances presented by disasters and the requirements of local civilian authorities.

Defense support of civilian authorities is a critical National Guard responsibility. However, no doctrinal template or one-size-fits-all plan will fully prepare civilian or military responders for the next major disaster. It will take constant training together and untiring respect for the American system (that is, local, state, and national governments coexisting) to establish genuine domestic operational preparedness. Flexible response should be informed by evolving practice and operational development and refinement. Yet equally important is the art of adaptive, ad hoc collaboration among peer responders: local, state, national, civilian, military, private, nonprofit, and multinational.

The military, led by the National Guard in domestic operations, might best find its place in “leading quietly from behind,” contributing its planning and operational coordination expertise and its disciplined ranks and technical ability. The goal of domestic operations by the military is rapid restoration of the economy, domestic calm, and local civilian sovereignty. The Texas Military Forces stands as guardian of this goal in the Lone Star State and opposes any subversion of the Federal system of self-government as articulated in the Constitution, especially the 10th Amendment. Science and art combine to make this possible in Texas and nationally.

Note: This article was originally published in the 1st Quarter 2008 edition of *Joint Force Quarterly*.

“Golden Guardian 2006” U.S. Army North Prepares for Disaster Response

Scott R. Gourley

From *ARMY Magazine*, February 2007. Copyright 2007 by the Association of the U.S. Army. Limited reprint permission granted by AUSA.

It is a frightening possible scenario: a magnitude 7.9 earthquake striking the San Andreas Fault just south of San Francisco during the early morning hours. The consequences of such an event could quickly overwhelm local, state, and regional response assets. As the Federal Emergency Management Agency (FEMA) refines its assessments and projections, the Defense Coordinating Element (DCE) assigned to each regional FEMA office would be alerted. The DCOs and DCEs are part of U.S. Army North (Fifth Army) and served as an initial point of contact for military post-disaster support to civil authorities. In many cases, they can provide the necessary command-and-control structure.

Following the attacks of September 11, 2001, U.S. Northern Command (USNORTHCOM) was established to provide command and control of DoD homeland defense efforts and coordinate defense support of civil authorities. Although Forces Command (FORSCOM) was originally dual-hatted as the Army Service Component Command (ASCC) for USNORTHCOM, Army transformation planners identified the need for a dedicated ASCC element.

Previously, the United States was divided between Fifth Army in the West and First Army in the East. Within their regions, the two armies were responsible for training, readiness, mobilization of the Guard and Reserve and defense support to civil authorities. With Army transformation, however, First Army took over the training, readiness and mobilization missions for the entire United States. Fifth Army was drawn down and subsequently assigned to the new USNORTHCOM ASCC: U.S. Army North (Fifth Army).

With a personnel strength of just 511 (including 286 Department of the Army civilians), Army North's vision statement reads: “DoD's premier land-based homeland defense response force; a team of highly skilled professionals; interoperable and integrated with federal, state, tribal and local partners; relevant to America's security and civil support challenges of the 21st century.” U.S. Army North achieved initial operations capability in September 2005 with full operations capability in October 2006. One month later the state of California conducted Exercise Golden Guardian, an emergency earthquake response drill, in which U.S. Army North tested its defense support to civil authorities.

While the California exercise featured events across the state that were monitored at the state's Emergency Operations Center in Sacramento, the Army element operated its parallel exercise nearby at the former McClellan Air Force Base.

“This is the first major exercise that we have participated in since we achieved full operational capability in October,” explained Lt. Gen. Robert T. Clark, commanding general U.S. Army North. “We are now in the sustainment training mode. This exercise offers us an opportunity to do a few things. First, we can work the ‘partnership business’ with the senior emergency management officials in the state of California, the California National Guard, this FEMA region and other regional partners. Second, it gives us a chance to work an earthquake scenario. The earthquake scenario is a major scenario that we plan for and train against, as we anticipate the great natural disasters to which we may have to respond. Third, this is the first time we have actually deployed our Sentinel vehicle and our emergency response vehicle by strategic airlift. So, for the first time, we have really brought all of that together in this exercise.”

“This is a state-led exercise,” echoed Lt. Col. Paul Condon, chief of Exercise Division, G-7, U.S. Army North. “As part of our engagement plan we saw this as an opportunity to work with the state and our

federal partners, should the need come up for our involvement. Several months back, when we saw this exercise being planned by the state, we started to get involved, attending their planning conferences, and then were invited to participate.”

“We’re also going through our own standard operating procedures,” Condon continued. “We’re a new organization, so we are writing and validating our entire kit bag of doctrine. We are, right now, the premier Army unit with this sole function. It’s different from a warfighting mentality because we are here in response to a state or other agency’s request for assistance with some capability that they don’t possess. We’re not in the lead. For the military that can be hard, but in this case you have to be cautious and cognizant of the other political things that are going on and the realities of operating within the continental United States.”

“This is not just Army North,” he added. “There are several participants here. Every time we go out and exercise, we not only want to build our relationship with the state or local agency but also internally within the USNORTHCOM umbrella of units.”

Under the Golden Guardian scenario, the earthquake was monitored by Army North’s operations center at Fort Sam Houston, Texas. Quickly realizing that the requested DoD assistance would likely exceed the command-and-control capabilities of the DCO/DCE, USNORTHCOM directed Army North to alert one of its two operational command posts (OCPs) for likely deployment to serve as the command-and-control element for a potential joint task force.

Each OCP includes approximately 66 personnel equipped with command-and-control capabilities optimized for the mandates of support to civil authorities. The November event targeted the deployment of OCP 1, commanded by Maj. Gen. Walter E. Zink II.

“I would say the OCP is Army North’s engagement element for response,” Gen. Zink said. “It can be tailored. The commanding general can send out a portion of it that we call a command assessment element (CAE) or we can send out the full OCP. Its purpose is almost always to provide support to the lead federal agency.”

“Our mission includes the assessment of the needs of that agency in concert with the other players in the area of operations,” Zink said. “We try to distill that information and provide it back to Army North and Northern Command. They then decide for our headquarters what role we will play in providing assistance to save lives, protect property, restore order and restore faith in government.”

He added, “We partner with lots of people like the National Guard who have been doing a tremendous homeland defense mission since Lexington and Concord, but in terms of the Department of Defense, we believe we are the premier element to accomplish that mission. We have the ability to draw on a wide variety of resources. That’s the benefit of having USNORTHCOM as our higher headquarters.”

Among the unique exercise elements identified by Gen. Clark was the first-ever tactical air deployment of Army North’s new emergency response vehicle, known as Sentinel. In fact, early OCP elements arrived by C-17 with two of their vehicles: a Suburban-based vehicle similar to those used by each of the 10 DCOs/DCEs and a brand new command-and-control vehicle called Sentinel.

Built on an International Truck chassis by Wolfcoach, Sentinel is optimized for the command-and-control mandates for civil support. Capabilities range from reach-back satellite video teleconferencing capabilities to a communications device that uses software to temporarily band normally incompatible radio frequencies. For example, aerial search-and-rescue assets on a military VHF frequency could be banded to talk with civilian police or fire responders operating on an 800 MHz frequency.

BELOW: The Sentinel allows the military to communicate with federal and state agencies, even though they use different communications frequencies, and a picture of the Suburban-based vehicle for C2 for the Operation Command Post personnel.



“One of the Army North training objectives was to physically deploy the OCP,” observed Col. Condon. “We’re using this as our first opportunity to air-load the Sentinel. That was a validation of our ability to deploy that vehicle in a short period of time using DoD assets.”

“The real significance of these exercises is that Army North, really just a headquarters without assigned troops, gets the opportunity to deploy in its intended role, which is as a task force to be made joint with additional resources from other services,” added Col. Kerry Larrabee, Chief of Staff for OCP 1. “This is a huge learning experience. Nobody here has a monopoly on how to do this right. We talked to the state yesterday and they admitted that they are learning just as much as we are, although a lot of them have a heck of a lot more experience and a lot more years in doing it. There’s something new every time, and since they stood up the Department of Homeland Security, working together has been the focus. The more we can work together and learn more about how each other functions, the more responsive we will be if anything actually happens.”

“This is the way training will go in the future, with every training event being a different scenario with a different focus,” observed Gen. Clark. “Some will be homeland-defense-focused and others will feature a natural disaster. We have 15 different national planning scenarios that we train against, and that gives us plenty of substance for the development of our own training scenarios. Every year we will also participate in a couple of national-level exercises where NORTHCOM is our military lead. Those are exercises where the Department of Defense and Department of Homeland Security are major players.”

“We are the Army’s homeland defense force,” he added. “We work under the operational control of USNORTHCOM and that’s our number one priority. Our number two priority is civil support following a natural disaster. Of those two priorities, homeland defense is the most critical but probably not as likely as the civil support/disaster scenario, so we are prepared to do both. There are great similarities in the kinds of work we would have to do, but one is more likely than the other. When I say that we are the Army’s homeland defense force, however, I want to be careful to distinguish between what we do and what the National Guard does. We are not the first response choice for an event that would occur in a state or in multiple states. In our system it’s a bottom-up arrangement that runs through local responders, municipal responders, county responders and state responders—and that includes state National Guard. We come in during a natural disaster scenario when the governor asks the President for help and the state doesn’t have certain capabilities to do the consequence management. That’s when we come in as the Army piece of the DoD response, capable of doing joint operations and command and control of DoD forces.”

Support to Law Enforcement/Force Protection: The National Guard Transforming to an Operational Force

LTG H. Steven Blum

Reprinted with permission from *Joint Force Quarterly*

When you call out the Guard, you call out America. Never in the Nation's history has this been more true. From our response to the terrorist attacks of September 11, 2001, to our reaction in the aftermath of Hurricane Katrina, one thing stands: America's National Guard has transformed from a strategic Reserve force into a fully operational force multiplier for the Department of Defense. This transformation makes the Guard ideally suited for missions to protect our homeland from any threat.

The foundation to perform and excel at these missions is a set of core principles that continues to focus our vision as we navigate the operating environments of the 21st century:

- securing and defending the homeland in support of the war on terror
- transforming as we fight, enhancing readiness and capabilities for rapid action across the full spectrum of military operations
- remaining the constitutionally based citizen militia that continues to serve our nation so well in peace and war
- insisting on a relevant, reliable, ready, and accessible National Guard

These principles guide our Citizen-Soldiers and Citizen-Airmen, ensuring that they are ready to face any challenge, anywhere, anytime they are called.

21st-Century Challenges

The National Guard is a critical element of America's warfighting capability. While the Guard has certainly transformed in significant ways, there are challenges ahead that require unwavering focus and attention. It is imperative to achieve the right force mix and types of units. We are developing maximum readiness across the full spectrum of national security requirements—from a full-scale war fought overseas to myriad homeland security missions. To that end, we are aggressively working with the Army and the Air Force to integrate with their transformation plans. Simultaneously, we are continuing to trans-form the Guard into a more joint and effective organization from top to bottom to meet the needs of our elected and uniformed state and Federal leaders. We must and will do what is right for America.

The operational environment is vastly different than just 5 years ago. The level of the Guard's involvement inside that environment is equally different. The days of large-scale, single-agency operations are long gone. The war on terror, the responses to September 11 and Hurricane Katrina, and the mission to assist U.S. Customs and Border Control with securing the southern border are windows into the future of U.S. military operations at home and abroad, and are all examples of joint, combined, interagency, intergovernmental, and international operations. The ability to think, plan, and operate in a joint, unified, and combined construct is essential in such an environment.

The Guard's homeland defense and security roles mandate the ability to operate seamlessly between state and Federal intergovernmental and interagency roles. One need only look back to September 11, 2001, and the response to Hurricane Katrina in September 2005, as illustrations of the new operating environment. On September 11, the Guard was there when it was needed. Some 8,500 Soldiers and

Airmen were on the streets of New York in less than 24 hours. Guard members were at the Nation's airports within 72 hours. Moreover, the Guard has flown more than 30,000 incident-free, fully armed combat air patrol missions over the United States since September 11.

Less than 4 hours after Hurricane Katrina struck the Gulf Coast, National Guard forces were in the water, on the streets, and in the air throughout the affected region, rescuing people and saving lives. Also, Guard forces responded in record time with unprecedented numbers, putting more than 50,000 Soldiers and Airmen into the region at the peak of the effort. The fact that units were deployed in Iraq at the time of Katrina did not lessen the Guard's ability to respond with trained and ready personnel and equipment. Perhaps more importantly, the summer of 2005 once again demonstrated that the Guard can operate, and must continue to be able to operate, across the full spectrum of national security missions.

The Guard successfully accomplished all of these missions while conducting close quarters combat (including seven infantry brigades and Special Operations Forces) in Iraq and Afghanistan, international peacekeeping in Bosnia and Kosovo, and counterdrug border support in the United States. Simultaneously, the Guard was responding to Governors' calls for homeland security operations and minimization of suffering in the face of natural and manmade disasters.

Joint Force Headquarters

One reason the National Guard has been able to respond so effectively is the development of the Joint Force Headquarters. This has been a critical innovation in every state and territory and is a significant change from the days of separate Army and Air Guard state headquarters geared toward administrative peacetime operations.

Every state now has a joint operations center with 24-hour, 7-day-a-week, 365-day-a-year operational coverage. These centers are structured and equipped to provide shared situational awareness with all interagency, intergovernmental, and Federal military partners, particularly U.S. Northern Command. The result is a National Guard with a common operating picture of what is going on across the operating spectrum, as well as a better idea of how to work together as we approach issues.

We have developed the Joint Force Headquarters as a sophisticated communications node capable of assuming command and control from all Services and components when responding to domestic emergencies. These new headquarters were tested and proven effective during multiple national special security events in 2004-2005: the Winter Olympics, the Group of Eight Summit, the Democratic and Republican National Conventions, and the Presidential inauguration. The value of these headquarters was further validated in 2005 by the rapid and successful National Guard response to hurricanes Katrina, Rita, and Wilma.

We are moving forward to link these headquarters to provide more robust capabilities for sharing secure and non-secure information within the states or territories, to deployed incident sites, and to other Department of Defense and intergovernmental partners engaged in homeland defense missions and support to civil authorities. To support these needs, the National Guard Bureau has fielded 13 rapid response communications packages, called the Interim Satellite Incident Site Communications Set. These regionally based packages proved absolutely vital when the entire domestic communications infrastructure in the Gulf Coast region collapsed during Hurricane Katrina.

To satisfy the full range of required command, control, communications, and computers capabilities, the National Guard and U.S. Northern Command have worked together closely on the Joint Continental U.S. Communications Support Environment (JCCSE). When fully operational, the JCCSE will provide U.S. Northern Command, U.S. Pacific Command, the National Guard Bureau, each state Joint Force Headquarters, and our intergovernmental partners with the vital capabilities and services needed to support continuous and accurate situational awareness of operational capabilities. JCCSE will also enhance information-sharing and collaboration capabilities to facilitate mission planning, resourcing,

and execution, and fully integrate trusted information-sharing and the collaboration environment to facilitate coordination and unity of effort.

As the National Guard prepares to respond to a potential influenza pandemic, we know that the state Joint Force Headquarters are the only existing organizations with the intrinsic capabilities, knowledge of local conditions, geographic dispersion, resources, and experience to coordinate the massive state-Federal response that would be required in a pandemic of the predicted magnitude, which experts indicate could challenge domestic tranquility like no other event since the Civil War.

Aided by the JCCSE communication backbone, the state Joint Force Headquarters can assist civil authorities as they share a common operating picture, request and coordinate specialized, regionally based response forces, and receive follow-on forces from other states, Federal Reserve forces, or Active duty forces.

Homeland Security

The Guard must continue to transform to maintain its status as a fully operational force multiplier of the Army and the Air Force, while at the same time increasing its ability to respond to a terrorist attack or disaster at home.

WMD Civil Support Teams. Beginning in 1999, Congress funded the formation of joint weapons of mass destruction (WMD) civil support teams within the National Guard. These teams were designed to provide direct assistance to civilian emergency responders in the event of a chemical, biological, radiological, nuclear, and high-yield explosive (CBRNE) attack on the homeland. Few in number and still in operational infancy in 2001, these teams have proven effective. In fact, the New York National Guard's 2d Civil Support Team-WMD was the first organized unit of any military Service or component to arrive at Ground Zero on the morning of September 11, sampling the air to ensure that no biological or chemical contaminants were present and providing critical communications capabilities. Overhead, in New York and Washington and across the Nation, Air National Guard fighters conducted armed patrols against further attacks. The homeland defense mission-the original task of our militia forebears when they first settled on this continent-had returned to the forefront at the dawning of a new century, demanding that the National Guard restructure in response.

Of the 55 teams authorized by Congress, 12 were approved in fiscal year 2004 and are nearing completion of the certification process. Eleven teams were authorized in fiscal year 2005, completing the congressional mandate to field at least one team in every state, territory, and the District of Columbia. These final teams will be certified by March 2007.

When requested by civil authorities and with a Governor's approval, the teams rapidly deploy to an actual or suspected domestic incident site, conduct identification of agents/ substances, assess the potential effects of the WMD incident, advise the local authorities on managing the results of the attack, and assist with appropriate requests for additional support in order to minimize the impact on the civilian populace. The teams are equipped with a mobile laboratory capable of identifying chemical or biological materials, and with a sophisticated communications suite that can link the incident site with other local, state, and Federal agencies and military headquarters. This combination of skill and equipment makes these teams decisive contributors to public order, stability of government, and public confidence in our national defense. The timely and effective response of these teams to the needs of the emergency response community has resulted in their acceptance as valuable and integral members of the first military response to terrorism.

CBRNE Enhanced Response Force Packages. We have also stood up 12 CBRNE Enhanced Response Force Packages, and with the assistance and direction of Congress, we will stand up 5 more. They are arrayed all over the United States so no region is left uncovered. These packages are designed to

augment civil support team capabilities in the case of a catastrophic event and consist of a medical company with decontamination/treatment capability, an enhanced engineer company with specialized search and rescue equipment, and a task-trained combat unit capable of supporting law enforcement. The package is fully available to the combatant commanders and meets a previously identified U.S. Northern Command request.

Quick and Rapid Reaction Forces. We have created National Guard Quick and Rapid Reaction forces through dual-missioning and training existing units. These units are immediately available to state and Federal governments for homeland security purposes and are already forward deployed throughout the United States. The units will retain warfighting and homeland security capabilities. They also meet a previously identified U.S. Northern Command request for forces requirement. Located in every state and territory, as well as the District of Columbia, they are a ready security force available at the request of the Governor or President. A company-sized unit can respond in 4 hours and the remainder of a battalion in 24 hours. They can protect key sites, such as powerplants and transportation hubs, establish roadblocks, and secure WMD incident sites. They can also respond to an incident as part of a state effort, well before Federal assets are called on.

A Cost-Efficient Force

Today, the Guard delivers national defense capabilities to the Nation and individually to the states, Guam, the Virgin Islands, Puerto Rico, and the District of Columbia in a way that makes it the most cost-effective trained and ready force.

Guard forces already provide efficiencies by maintaining capabilities at a fraction of the cost of full-time Active duty units. For example, the annual operating cost of an Army National Guard brigade combat team is only 28 percent of the cost of its Active duty Army equivalent. Similarly, an Army National Guard (ARNG) Soldier costs 28 percent of what an Active duty Soldier costs. Given the planned usage level for each force-Active duty Army, 1 deployment every 3 years; ARNG, 1 deployment every 6 years-anything less than 50 percent makes the ARNG the most economical choice for providing the required capability.

In addition to furnishing 44 percent of the Army's brigade combat teams with a quarter of the resources, the ARNG aggressively seeks efficiencies throughout its organization. Current analysis is under way regarding many Army Guard contracts, already resulting in reduced costs.

Clearly, the National Guard is the American taxpayers' best defense bargain. The Army National Guard uses only 12 percent of the Army budget, yet it provides 32 percent of the overall capabilities. At its peak in 2004-2005, the Army Guard provided about 40 percent of the Army deployed overseas on the ground, fighting in Iraq and Afghanistan.

The Air National Guard's business model has also proven its efficiency and effectiveness repeatedly. Its mixture of full-time (35 percent) and part-time (65 percent) personnel allows it to provide the Air Force with a comparable combat capability at a significant savings. This ability to surge within a mission area allows the Total Force flexibility in managing critical skill sets. For example, when the Air National Guard operated the B-1 bomber, its average cost per flying hour was \$12,322 compared to Air Combat Command's cost of \$14,101 (fiscal years 1997-2001). Current figures for the F-16C/Ds have the Air National Guard averaging \$3,703 per flying hour compared to Air Combat Command's \$4,185. The Air National Guard flying hour cost for the F-15C/D is \$8,535 compared to Air Combat Command's \$9,601.

In its aircraft inventory, the Air National Guard overall has 1,304 fixed-and rotary-wing aircraft, which is 29 percent of the total Air Force airframes, to include:

- 764 fighter/attack (A/O-10, F-15, F-16, F-117), or 30 percent of total Air Force fighters
- 229 transports (C-5, C-17, C-130, C-141), or 31 percent of total Air Force airlifters
- 252 tankers (HC-130, KC-10, KC-135), or 40 percent of total Air Force refueling capability.

In fiscal year 2005, of the Air Force budget of \$119 billion, the Air National Guard portion was \$7.3 billion, about 7 percent. The Air National Guard is truly the “big bang” for the Air Force’s buck.

Family and Employer Cooperation

A tenet of the National Guard is its sensitivity to the needs of families and employers. Soldiers and Airmen join the National Guard by choice. They want to serve their country, state, and community, yet they also want to remain civilians. They wish to live and work in the community, supporting schools and culture, rather than serving on Active duty status full time. This is especially appealing to Servicemembers who have separated from the Active duty forces and do not wish to relocate or be away from home frequently or for extended periods.

Guard members want a predictable schedule for traditional weekend training once a month and for annual training, which normally occurs once a year for up to 15 days. They understand their commitment to be available in times of national and state emergency and are willing and able to make the sacrifice as long as it is occasional rather than constant and predictable rather than random.

Employers and families need the same predictability so that they, too, can support both the Nation and their communities and keep the civilian workplace and home operating as normally as possible. The National Guard leadership understands these needs and works at all levels to ensure that families and employers are considered. To that end, the Guard has developed a model for deployed predictability that enhances recruiting and retention. The model for the Army National Guard provides the likelihood of a Soldier being deployed for up to 1 year of every 6, as long as the military requires larger numbers of forces for worldwide missions.

For the Air National Guard, the Air Expeditionary Force model forecasts the likelihood that a unit may deploy for up to 120 days in a 20-month cycle. The model provides the Air National Guard maximum flexibility in fulfilling its Air Expeditionary Force requirements. To minimize the impact on the employer and the traditional member, Airmen typically deploy in 15-, 30-, or 40-day periods.

While family matters have always been important for the Guard, they came more to the forefront in the early 1990s when Guardsmen were called up en masse for operations in Southwest Asia, the first such call-up of that immensity since the Berlin Crisis of 1961. Guard leaders quickly realized that with declining Active duty installations nearby, the families would need more assistance to attain the benefits that would enable them to carry on in the prolonged absence of the Soldier or Airman. The National Guard Family Program was formally established with a full-time support office in each state, staffed by volunteers and family members. Regardless of whether the Guardsman is deployed or serving at home, families have a place to get help.

Recruiting Challenges and Solutions

Maintaining our authorized end strength in recent years has been more challenging, in part because we have become an operational force. Citizens who joined the Guard before September 11 were reasonably certain they would perform their military training 2 days each month plus an annual training period of 15 days and were likely to be called up only in an extreme national security situation or for a

deployment that would require up to a 9-month absence from the workplace and home. Since the attacks of September 11, the world has changed completely with respect to national security threats, which has made the National Guard more necessary than ever and has required thousands of Guardsmen to mobilize and deploy for an average of 18 months.

Nevertheless, by working toward greater predictability in deployments, adding new incentives, and changing the ways we market the National Guard, we are making considerable progress in attaining our authorized end strength of 350,000 for the Army Guard and 106,800 for the Air Guard.

Army National Guard. We are especially encouraged by our first quarter 2006 recruiting efforts. The Army National Guard has exceeded its enlistment goal by signing up 13,466 recruits, achieving 106.8 percent of its goal of 12,605. This marks the first quarter since 1993 that the Guard has exceeded its enlistment objectives for this period of the year and the first time it has met 3 consecutive months of recruiting goals since 2003.

We launched a number of changes in fiscal years 2005 and 2006 that account for recent success, including the new American Soldier advertising campaign and the Guard Recruiting Assistance Program (G-RAP), where individual Guardsmen who help recruit new members can receive financial incentive for each referral of a non-prior Service lead that results in an enlistment. G-RAP has been a strong tool in efforts to meet authorized end strength. Launched in December 2005, this contracted program is currently open to traditional Guardsmen, who may receive up to \$2,000 for each referral they provide to a recruiter, provided the prospect meets the enlistment qualifications, is sworn in, and enters basic military training.

Between August 2004 and December 2005, the Army Guard increased the number of recruiters nationwide from 2,700 to 5,100. Enlistment and reenlistment bonuses grew during fiscal year 2005 from \$5,000 to \$10,000 for new recruits and from \$5,000 to \$15,000 for prior service Soldiers who join the Guard. These benefits were further increased for fiscal year 2006 as new Soldiers will receive up to \$20,000 for joining the ARNG along with tuition assistance from the Montgomery G.I. Bill.

ARNG retention continues to be strong as ARNG Soldiers renew their commitment. Retention bonuses, individual Soldiers' confidence in their leaders, and unit camaraderie are the keys to this success.

Air National Guard. The Air Guard has changed its traditional recruiting operations by adding storefront locations in an effort to match the recruiting force with the population, as post-9/11 security provisions have made it more difficult to gain access to Air Guard installations.

With the cooperation of the Air Force, in-service recruiting liaisons have been positioned at 13 Active duty Air Force bases worldwide to make the Air Guard more available to Airmen who have completed their obligation but want to continue serving.

The Air Guard's G-RAP, implemented in April 2006, is already having a positive impact on recruiting, with nearly 1,800 active recruiting assistants and 800 potential enlistments. Also, prior service, non-prior service, and affiliation bonuses have increased from \$10,000 last year to \$15,000 this year. In December 2006, the National Guard will be 370 years old. Indeed, we are evergreen-transforming and adjusting to many demands on the new Minutemen. We have transformed the Guard from a strategic reserve to an operational force. We have changed the way we fight, the way we do business, and the way we work with others-all to provide the relevant National Guard that America needs.

Today, we are a joint force, and the Army and Air National Guard are united like never before. We are some 444,000 volunteers- trained, combat experienced, and doubly qualified as we bring our civilian skills to the fight and to the aid of our local communities when disaster strikes.

America insists on a reliable, ready, relevant, and accessible National Guard. Today's Guard member, the 21st-century Minuteman, must be available to deploy at a moment's notice to defend the Nation, at home or abroad. America expects no less. And we are always ready, always there.

Note: This article was originally published in the October 2006 edition of *Joint Force Quarterly*.

The Role of State Defense Forces in Homeland Security

COL (Ret) John R. Brinkerhoff

Reprinted with permission from the *Joint Center for Operational Analysis Journal*

Introduction

State defense forces can play an important role in homeland security by providing additional armed, trained, disciplined, and organized military troops to augment the police, National Guard, and federal military troops available for domestic law enforcement operations. State defense forces are today's version of the traditional local militia—citizen patriots who volunteer to defend their homes and hearths. They are strictly state troops to serve the respective governors during times of emergency. The National Guard originated as state militias, but today is a federal force—funded by federal dollars; equipped with federal weapons, aircraft, and vehicles; and organized and trained to federal standards, in order to provide units to the Army and Air Force respectively in time of need. When not being used by the federal government, National Guard units are available to the governors as state military forces, but when the federal government needs the National Guard, its units and personnel are ordered to federal active duty and used under the direction of the President. This is the situation now for operations in the Global War on Terrorism, and this is the situation that will be the norm for many years to come.

Department of Defense (DOD) policy is to try to make one-half of each state's National Guard available to the governors over the long-term.

State defense forces can provide governors additional troops to make up for the absence of the other half of their National Guard units. Among the various states, state defense forces are known by other names, including National Guard reserve, state guard, home guard, and state military forces. The generic term "state defense forces" will be used in this article, and the term "state" also is inclusive of the District of Columbia and U.S. territories.

State defense forces in the Twentieth Century

State defense forces served the nation well during four major wars of the Twentieth Century. Many governors established state defense forces when their National Guards were placed on federal active duty for World War I, World War II, and the Korean War. They were also formed during the Cold War in anticipation of the mobilization of the National Guard for a major conventional war in Europe. During these wars, Governors' responsibilities for disaster response and civil security did not end, and threats such as sabotage, enemy raids, and domestic disorders were more important than in peacetime.

For these wars, the Congress enacted laws enabling the governors to establish and maintain state defense forces. The Constitution does not provide for state defense forces. Article I, Section 10 of the Constitution says "No state shall, without the consent of the Congress, ...keep troops, or ships of war in time of peace..." During the preparedness period just prior to World War I, Congress for the first time consented to having state defense forces in the event the National Guard was federalized. Section 61 of the National Defense Act of 1916 says: "No state shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed in this Act." Section 79 of the Act, however, says that when the National Guard is federalized, "there shall be immediately organized" reserve battalions of infantry or cavalry to constitute the fourth battalion of each regiment ordered to active duty.

When the National Guard was federalized in 1916 and 1917 for World War I, several governors were reluctant to allow them to go because of the need for state troops to maintain civil security. As the war got underway, the Congress enacted on 14 June 1917 the Home Defense Act in response to the evident

need for military forces to serve as state troops. The act established rules for federal support of the Home Guards and legitimized what had already been done de facto by some states. The act authorized the Secretary of War, during the emergency, to “issue from time to time to the several States and Territories and the District of Columbia for the equipment of such home guards having the character of State police or constabulary as may be organized under the direction of the governors of the several states...” The law gave specific permission to provide “rifles and ammunition, cartridge belts, haversacks, canteens, in limited amounts as available supplies will permit.” By December 1917, there were Home Guard units in 42 states, and these units had an aggregate strength of about 100,000 men. After the war, some of the Home Guards were transferred to the National Guard, but most of the units were dissolved. The Home Guards were gone, but the need for organized military units to provide home defense was remembered when the Nation started preparing for World War II.

In World War II, state defense forces were organized in 46 states and Puerto Rico, with an aggregate strength of about 170,000 members. The National Defense Act of 1916 was modified in 1940 to provide a legal basis for these state troops and authorized support for them by the Secretary of War. State defense forces, as noted in an official 1981 study (T. N. Dupuy, Grace Hayes, Bradley Chase, and Thomas Tulenko, U.S. Homeland Defense Forces Study, Historical Evaluation and Research Organization, 1981), were intended to be “solely state forces, whose employment and composition were determined by the governors. Federal involvement was still intended to be indirect and limited. ...Training objectives would be prescribed by state authorities.”

These state defense forces were used for four principal missions during the war: peacetime duties of the National Guard, full-time guard duty in coastal areas during the year after the attack on Pearl Harbor, auxiliary combat troops in the event of hostile invasion (1942-1944), and after March 1944, internal security against espionage, sabotage, and domestic disorders. At the end of World War II, laws permitting formation of state defense forces were rescinded, and the program was terminated. The National Security Act of 1947 made no provision for state defense forces. After valuable worthwhile service in World War II, the state defense forces disappeared as the National Guard was reconstituted to serve as state troops.

When National Guard units from several states were called up for federal service in the Korean War, action was taken to form state defense forces in some of those states. In August 1950, the National Guard Association sponsored legislation to allow cadres of state military forces to be maintained at all times in addition to the National Guard. Despite Army objections to a provision of the bill that made the National Guard Bureau responsible for planning and coordinating the formation of these units, the bill was passed on 27 September 1950. Several states organized state military forces to replace mobilized National Guard units. The Army was preoccupied with avoiding defeat in Korea while creating an effective combat force in Germany and did little to support the internal security battalions that some of the states were forming. The result was that some states had these forces, and others did not. The program was not a great success, despite the initial enthusiasm and the need. When federal authority for state defense forces expired in September 1952, existing forces were disbanded and the state defense force program was lost to memory for thirty years.

In 1980 at the height of the Cold War, the state defense force program was revived to provide state troops for internal security in the event that the National Guard was mobilized. The war plan called for mobilization of the entire National Guard to augment the active forces in a global conventional war. In this event, the homeland would be left without adequate forces to preserve civil security in the event of sabotage, raids by Soviet Special Forces, or a nuclear attack. Few federal military personnel could be spared for domestic operations, and the National Guard would not be available to the governors. The states were encouraged to establish strong state defense forces. DOD agreed to provide from excess stocks the rifles, vehicles, uniforms, and radios the state defense forces would need for training and operations. Oversight of the revived state defense force program was assigned the National Guard Bureau. This program was a vital element of plans to protect the population against a massive Soviet nuclear attack and reconstitute society under civil rule in the aftermath of that attack. At the end of the

Cold War in 1989, the state defense force program, along with many other programs designed to defend the homeland, was once again discarded.

State defense forces in the Global War on Terror

Today the United States is facing the threat of attacks by terrorists using weapons of mass destruction. A chemical attack, a major biological attack with an infectious disease microorganism, a radiation bomb, a nuclear explosion, or even multiple simultaneous conventional attacks will be catastrophic incidents. Managing them will require a large number of trained, organized, and disciplined personnel to recover victims, tend to the injured, bury the dead, take care of the survivors, prevent the spread of the danger, restore essential services, and provide a basis for recovery. There will be a need for firefighters (many of them volunteers), emergency medical personnel, doctors and nurses, emergency managers, engineers, and lots of citizen volunteers. In these kinds of emergencies, there will also be a need for large numbers of police officers and military troops who, in addition to being trained, organized, and disciplined, are also armed.

Armed police officers and military troops are needed to maintain law and order, protect critical infrastructure targets, control crowds, and provide protection for emergency personnel. While most Americans will pull together in the face of danger, some criminal elements will seek to take advantage of the panic and confusion of a catastrophic emergency to enrich themselves, promote their own agendas, or save their own lives at the expense of others. That is, violence is likely to accompany the devastation of the attack itself. This may be compounded by spontaneous movements of people attempting to escape danger. Armed, trained, organized, and disciplined personnel are needed to protect the citizenry from looters, criminal gangs, mobs, and themselves.

Police have the primary responsibility for maintaining law and order. They do this well in a daily basis and are generally able to manage major disasters and small attacks without extra help. For catastrophic emergencies, however, the police are too few in number to do it by themselves, and too bound to their own jurisdictions to reinforce other jurisdictions. There are about one million sworn police officers in the United States. A sworn police officer is authorized to arrest suspects and use deadly force if necessary to enforce the law. About 170,000 of these are employed by the federal government and during a catastrophic attack will be almost completely engaged in protecting their installations or working in their assigned field offices. About 770,000 officers are employed by local governments and will have their hands full in their localities during a widespread emergency. Only about 60,000 state police officers are available to reinforce local departments within their states in the event of a catastrophic attack. Police resources look large in the aggregate, but when divided by the fifty states, there are on the average only about 15,000 local officers and 1,200 state officers per state. Police departments are much larger in major metropolitan areas and much smaller than the average in rural areas, but in catastrophic attacks that affect large areas in several states simultaneously, there will not be enough police officers to do what has to be done. Since lateral reinforcement is not feasible when all adjacent areas are involved, the only source of augmentation for local departments will be from the states, which have the fewest resources.

When local and state police are unable to manage an emergency, the governors—who are responsible for maintaining law and order in their states—call on the National Guard to augment the police forces. In present circumstances, however, the National Guard alone may not have sufficient additional capability to meet the needs of the governors during catastrophic terrorist attacks. Although there are no authoritative estimates of police and troops required to deal with catastrophic emergencies, the demand for armed troops is likely to be greater than that experienced before because of the use of weapons of mass destruction. (This assertion is made on the basis of research to date. Current estimates of “requirements” are based on prior experience and do not include troops to maintain law and order during and after the attacks. The author welcomes rebuttal to this assertion.)

Furthermore, as noted earlier, not all of the National Guard units in a state will be available to the governors because many National Guard units will be on federal active duty. The DOD policy is to allow half of each state's National Guard to remain available for the governors. Even at full strength of 458,000 (350,000 in the Army National Guard and 108,000 in the Air National Guard) the National Guard provides only about 9,000 military troops per state on the average. Anticipating that half of the National Guard is on active duty, the states would fall short about 225,000 personnel from their full capabilities. That shortfall could be made up by having state defense forces in each state equal in strength to the unavailable National Guard troops—225,000 members in the aggregate nationally.

When local and state resources are inadequate and are overwhelmed by the demands of an emergency, the governors of the states may request the President to authorize the use of federal troops to maintain law and order, provide security, and support consequence management. It is quite likely that some federal troops will have to be used to manage catastrophic attacks and disasters. The number of federal troops needed could be reduced if state defense force troops were available for the governors. States less affected could get by without requesting federal troops. States more affected would need fewer federal troops. The existence of a large number of well-trained and armed state defense forces would reduce the resources that the Department of Defense would otherwise have to use for domestic emergencies.

The value of state defense forces

State defense forces are a low-cost, effective way to increase the Nation's capability to deal with catastrophic terrorist attacks. States are authorized by Title 32 USC Section 109 to form such military forces. In order to be legitimate military forces, they must be formed in accordance with the constitutions and laws of the respective states, serve under the governors, and be commanded by the adjutants general of the states. The state defense forces are composed entirely of volunteers who train without pay and often perform their emergency duties without pay.

Administrative costs are borne entirely by the states. Even in the absence of a catastrophic attack, they provide governors additional troops to manage lesser emergencies. During and after the attacks of 11 September 2001, the New York State Guard was pressed into service to provide security and assist in dealing with the attack on New York City. State defense force units in other states were also called on to augment security at key installations. State defense forces in several southeastern states served during the hurricane season of 2004. They provide extra personnel that governors can use in time of need without calling for federal troops.

Presently, twenty-one states and Puerto Rico have state defense force units, with an aggregate strength of 11,700 personnel. Several states have highly effective programs in which the volunteers receive weapons training and prepare for emergency duties, as well as providing support for their National Guard units. In these states, the commanders of the state defense forces are a major element of the state military departments and report to the adjutants general. State defense force personnel are authorized to wear Army uniforms with state insignia rather than the "US" denoting federal troops or federally recognized National Guard personnel.

The decision to have or not have a state defense force is up to the states. DOD has no part in funding the state defense forces, but it can provide advice and mentoring. The Chief, National Guard Bureau is the logical person to be responsible for suggesting tables of organization, accession and promotion standards, and training schedules for the state defense forces. The impetus and energy for each state defense force comes from the governors, legislators, and adjutants general of the states.

Conclusion

Facing the threat of terrorist attack, it makes good sense to have strong and effective state defense forces. States with these forces should be encouraged to increase the strength and capabilities of their existing units to be about half of their National Guard strengths. States without these forces should be

encouraged to form them. This program takes advantage of the propensity of Americans to volunteer, and the availability of large numbers of retired and former service members who want to contribute to homeland security by putting their military training and experience to good use as members of the state defense forces. State defense forces can be a highly effective, yet low cost, addition to the nation's defenses. The lessons of the past and the exigencies of the present strongly suggest that it makes good sense to have strong and effective state defense forces.

Note: This article was originally published in the December 2004 edition of the *Joint Center for Operational Analysis Journal*. References and endnotes were removed from this article for reprinting and are available upon request from the original publisher of this article.

The Role of Federal Military Forces in Domestic Law Enforcement

COL (Ret) John R. Brinkerhoff

Reprinted with permission from the *Joint Center for Operational Analysis Journal*

Present policies and attitudes on the use of federal military forces to enforce the law in the United States are inappropriate for the Global War on Terrorism. What was done in earlier times is unlikely to be a good way to assure the security of the homeland against terrorist attacks. Under current policies, Department of Defense (DOD) support to civil authority for catastrophic terrorist attacks is certain to be ad hoc, poorly planned, too little, and too late to provide effective help. An independent review of DOD policies on the use of federal military personnel to enforce the law within the United States is needed now.

The Problem

The gist of the problem is demonstrated by the first sentence of the extract below from the 2002 National Strategy for Homeland Security.

Federal Law prohibits military personnel from enforcing the law within the United States except as expressly authorized by the Constitution or an Act of Congress. The threat of catastrophic terrorism requires a thorough review of the laws permitting the military to act within the United States in order to determine whether domestic preparedness and response efforts would benefit from greater involvement of military personnel and, if so, how.

Current policies and attitudes are based on the first clause of the first sentence, which emphasizes prohibition of using military forces to enforce the law. Future policies ought to be based on the second clause of the first sentence, which says that federal military forces can enforce the law if they are authorized to do so by an act of Congress. The problem is not the law per se but policies that flow from an inadequate appreciation of the powers that Congress has granted to the President. Current DOD policies are based on adherence to inappropriate historical precedents, unthinking application of recent court cases, and some reluctance to use military forces to enforce the law. DOD emphasizes restrictions placed on domestic law enforcement by judges instead of on the powerful presidential authorities granted by Congress.

The current situation is a culmination of over two hundred years of the use of federal troops to enforce federal laws in civil disorders. It is also an accurate reflection of recent trends in politics, defense funding, and societal attitudes. Unfortunately, the cumulative effects of these laws and policies are wrong for the present problem.

Historical Role of Federal Forces in Law Enforcement

Federal military troops have been used often to enforce the laws of the Nation. In the past two hundred fifteen years, the Army and, to a lesser extent, the Marine Corps has enforced the laws in over 167 incidents, or about 0.75 times per year on the average. Federal troops have been called on to quell insurrections, enforce unpopular federal laws, govern the seven states of the defeated Confederacy, protect minorities from harm, quell race riots, police the lawless West, guard the borders, break strikes, protect key assets against sabotage, seize and operate war plants, enforce civil rights laws, operate the postal service, and protect the population from lawless elements. (See U.S. Army Center of Military History, *The Role of Federal Military Forces in Domestic Disorders, 1789-1878* (1988).)

Presidents of all persuasions have used federal troops when the need occurred. Presidents who opposed such use of troops while campaigning found that once in office they needed to do that very thing. In the early days the tendency was to rely first on the militia. It soon became apparent, however, that state militias were unreliable and in some cases, partisan, so ultimate reliance would have to be placed on the federal troops to keep the peace. Presidents still prefer to let governors rely on the state militias (now the National Guard) if they can, and indeed most domestic disorders have been handled without federal intervention.

The United States invariably has been unprepared, except for wartime periods, to deal in a timely manner with civil disorders and other domestic operations that require the use of federal troops. Laws and policies for the use of federal troops to enforce the laws were developed and institutionalized to follow the lessons learned from the previous response. As a result of this reactive preparedness, these laws and policies have usually been ill suited to the new situations and different causes. It has been as if each incident were a completely new phenomenon. Many times, commanders of federal troops ordered to intervene in civil disorders were ignorant or unsure of the laws and the rules governing such operations. Current policies follow this pattern. They are based on past experience, which is unlikely to be the best for future incidents.

A major source of confusion is the *Posse Comitatus* Act, which many people believe—incorrectly—prohibits the use of federal troops to enforce the law in the United States.

What was originally no more than a way to prevent US attorneys and local sheriffs to require federal troops to enforce the law has become, in popular myth, a general proscription of any use of federal troops to enforce the law. This general belief is belied by the fact that despite the *Posse Comitatus* Act, Presidents after 1878 have used federal troops to enforce the laws when they saw fit to do so. Presidents have used the *Posse Comitatus* Act as an excuse to reject or avoid actions they did not want to do, but have not hesitated to work around the act to do what they wanted to do. During the labor riots of the late 19th Century, Presidents used federal troops to intervene in labor disputes under the pretext of protecting federal property. During World War I, President Woodrow Wilson breached the actual terms of the *Posse Comitatus* Act by allowing his subordinates to use troops without first obtaining his authorization. During World War II and for three decades thereafter, federal troops were frequently involved in law enforcement actions, such as surveillance, search, detention, and arrest in the course of authorized domestic operations. Federal troops not only enforced the law of the land, including making arrests and detaining lawbreakers, but they were expected to do so by a generally grateful public. The real intent of the original *Posse Comitatus* Act was to restore to the President sole authority to authorize the use of federal military forces to enforce the law in the United States.

The real effect of the *Posse Comitatus* Act has been to slow down the response time for the use of federal troops. In the West, after the Civil War but prior to the passage of the *Posse Comitatus* Act, local U.S. marshals and sheriffs could get the Army troops to help them enforce the law quickly and reliably, which was important in that place and time. After the passage of the *Posse Comitatus* Act, local lawmen had to ask through channels to the territorial governor, who had to ask the President, who, if he approved, would have to send the authority back down through the military chain of command – all resulting in so much delay that the bad guys usually got away. That reactive and laborious procedure remains in effect today.

Current reluctance to use federal troops to enforce the laws of the United States is a relatively new phenomenon. In the 1960s, some elements of the leadership elites began to regard the use of federal troops to enforce the laws as not only unnecessary but wrong. Starting in the 1970s and continuing thereafter, court decisions have had the effect of restricting the role of federal troops in domestic law enforcement by reinterpreting the meaning of the *Posse Comitatus* Act. The modern revised version of the *Posse Comitatus* Act is widely accepted today as the law of the land. It is the basis for the myth that federal troops may not enforce the laws at all. This situation is widely accepted by all parties and

supported by civil libertarians, liberals, and conservatives who for varying reasons do not want federal troops to enforce the law.

In response to the restrictions imposed by these judicial revisions of the Posse Comitatus Act, Congress has passed and Presidents have signed into law several statutes that delegate to the President and the Secretary of Defense authority to use federal troops and civilian employees of DOD to enforce the law. The presidential authority granted by Congress in the so-called Insurrection Act (10 USC 331-334) is sufficient to safeguard the Nation, but once the courts began to impinge on that presidential authority, Congress acted to make additional delegations. After 1976, when laws were passed to authorize military support for law enforcement agencies involved in counter-drug operations, immigration and tariff enforcement, and dealing with weapons of mass destruction, a provision was included precluding military personnel from active participation in law enforcement. This meant that DOD could give advice and loan equipment but could not come into contact with suspects, make arrests, operate equipment, or gather intelligence. Even for incidents in which chemical or biological weapons are suspected, under 10 USC 382 military personnel may not search for them, seize them, or otherwise actively assist unless such action is “considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.” Court decisions have had the effect of substantially limiting what federal troops can do even against terrorists armed with weapons of mass destruction.

The nature of civil disorders has changed a lot since George Washington called forth the militia to quell the Whiskey Rebellion. Conflicts between labor and management and among the races are no longer major problems. The need for federal troops to enforce the law has diminished as state and local law enforcement agencies increased in strength and capability. However, the new threat to the United States posed by terrorism ushers in a new and unprecedented situation. The new threat to civil order is not only the terrorists themselves, but also criminal elements that will take advantage of panic and confusion among the populace to riot and loot. In these cases, federal military troops will be called on yet again to enforce the law and protect the people, property, and institutions of the United States.

Law Enforcement Tasks for Federal Troops. In a catastrophic terrorist attack, federal troops will be needed to accomplish the following tasks:

Protect the People from Violence. The direct violence of the attacks and disasters is likely to be compounded by violence provoked by them. Some elements will seek to take advantage of the situation to loot, and others will engage in violence to pursue their own agendas. Law enforcement agencies have the duty to protect the people from the effects of this violence. The role of the federal troops in situations requiring their use to enforce the laws is to assist police and National Guard forces to quell riots, prevent looting, and provide security. These actions are intended to restore stability and security enough to allow police to go about their normal law enforcement business unhampered and other emergency responders to do their work in a secure environment. To protect the people, federal troops will have to stop, search, apprehend, and detain looters and rioters, sometimes in direct support of police officers but sometimes not.

Protect Key Facilities. Federal troops and civilian and contractor police officers are responsible for protecting DOD facilities and civil facilities deemed essential for the accomplishment of DOD’s expeditionary missions, or to the well-being of the nation. DOD may have a role in protecting non-DOD critical assets that are part of the National Critical Infrastructure Protection Program. Force and infrastructure protection requires troops to enforce the law by detecting, apprehending, detaining, and repelling by force groups or individuals that attack key facilities.

Control Mass Movement of People. Emergencies often involve planned or spontaneous movement of people as they seek to avoid danger. In catastrophic emergencies, these movements will be very large and will be beyond the capability of law enforcement agencies to control. In these events, federal

military forces will assist in the planning, preparation, conduct, and enforcement of evacuations, quarantines, and stay in place policies. In doing this, federal troops will be enforcing the laws.

Provide Essential Supplies and Services to the People. Victims of emergencies need food and water, medical care, and other essential supplies and services to mitigate the consequences of the emergency. When an emergency is of such a large size, scope, or duration as to exceed the capabilities of the normal providers, federal troops can provide emergency supplies, services, transportation, and logistical management capabilities to meet the urgent needs of the people. Delivery of emergency support and services may involve enforcing the law to assure equitable distribution of goods and services.

Augment the Capabilities of Civil Organizations. Because of its readiness to wage war overseas, DOD has greater capabilities in some technical aspects of homeland security than most civil organizations, particularly local and state agencies. These capabilities are in chemical weapons, biological warfare agents, and (along with the Department of Energy (DOE)) nuclear weapons and radiation. DOD also has highly developed abilities with respect to command and control, intelligence, and communications. DOD can enhance management of terrorist attacks by making its technical capabilities available to local agencies.

Legal Authority to Use Federal Troops to Enforce the Law

The Insurrection Act is the most important legal authority for the President to authorize the use of federal troops to enforce the law. The Insurrection Act (there is really no single ‘Insurrection Act’ per se but this name has been applied collectively to the four statutes noted below) consists of four statutes enacted at different times for different reasons that, when considered as a whole, provide the power that Presidents have used many times as the legal basis for using troops to enforce the law. The four sections of the act are as follows:

- Title 10, Section 331 was enacted in 1792 in response to challenges to the taxing power of the federal government. It allows the President, at the request of a governor or state legislature, to put down an insurrection by calling into federal service sufficient militia to “suppress the insurrection.”
- Title 10, Section 332 was enacted in 1861 at the outset of the Civil War. It allows the President to use the armed forces to enforce the laws or suppress a rebellion whenever, in his opinion, unlawful obstructions, combinations, or assemblages or rebellion against the authority of the United States make it impractical to enforce the laws using the course of judicial proceedings.
- Title 10, Section 333 was enacted in 1869 during the Reconstruction Era. It allows the President to use the armed forces or militia to respond to insurrection, domestic violence, unlawful combination, or conspiracies that prevent a state government from enforcing the laws.
- Title 10, Section 334 was enacted in 1861. It prescribes that the President shall issue a proclamation calling on insurgents to disperse before using the militia or armed forces to enforce the law.

The Insurrection Act is the most sweeping authority for the President to authorize and order the use of the federal troops for domestic operations. The President may not act on warning or even at the start of an incident, but must wait until the governor or a state legislature asks for federal assistance. This tends to discourage advance preparations and movements of troops—although Presidents have authorized such actions. This tiered approach in which the federal government acts only after local and state

governments have failed, was workable when the cost of delayed response was acceptable, but it is inappropriate for the current situation.

In addition to the Insurrection Act, Congress has enacted numerous laws that authorize the use of federal troops to enforce the law and/or assist local law enforcement agencies for specific purposes. The laws are presented in the order in which they were originally enacted, show the year originally enacted, and identify the official to whom the authority was delegated. (See DODD 5525.5, Enclosure E) Congress has enacted laws to allow the use of federal troops to do the following: execute quarantine and health laws (42 USC 97), 1799; remove persons unlawfully present on Indian lands (25 USC 180), 1834; protect rights of a discoverer of a guano island (48 USC 1418), 1856; support certain customs laws (50 USC 220), 1861; execute certain warrants relating to enforcement of specified civil rights laws (42 USC 1989), 1866; protect national parks and certain other federal lands, 1883; remove unlawful enclosures from public lands (43 USC 1065), 1885; support neutrality laws (22 USC 508 and 461-462), 1915; crimes against foreign officials, official guests of the US, and other internationally protected persons crimes (18 USC 112 and 1116), 1948; support of territorial governors if a civil disorder occurs (48 USC 1422 and 1591), 1950; protection of the President, Vice President, and other Designated dignitaries (18 USC 1751), 1965, and Presidential Protection Act of 1976; crimes against Members of Congress (18 USC 351), 1971; and enforce Fishery Conservation and Management (16 USC 1861), 1976, which authorizes DOD to support Coast Guard law enforcement efforts upon request.

The three most important and recent laws in this regard are the following:

- Title 18 USC, Section 831 authorizes DOD to provide assistance to the Department of Justice for incidents involving nuclear materials when the Attorney General and Secretary of Defense determine that an emergency exists that poses a serious threat to the Nation, the provision of assistance will not impair the “military preparedness” of the Nation, “enforcement of the law would be seriously impaired if the assistance is not provided,” and “civilian law enforcement personnel are not capable of enforcing the law.” Under this section, federal troops may arrest persons, conduct searches and seizures, protect persons and property from violence, and take other actions incidental to law enforcement.
- Title 10, Section 382, 1996, authorizes the Secretary of Defense to provide assistance in responding to chemical and biological attacks when the Attorney General and the Secretary of Defense jointly determine that an emergency situation occurs that poses a serious threat to the United States. DOD may provide assistance when civilian expertise and capability are not readily available, the special capabilities of DOD are necessary to counter the threat, and the provision of the assistance will not affect adversely the military preparedness of the United States. The law precludes military personnel from making arrests, participating directly in searches and seizures, and collecting intelligence for law enforcement purposes.
- Title 10, Chapter 18, Sections 371-382 authorizes the Secretary of Defense to provide support to civilian law enforcement agencies including information gained in military operations, military equipment and facilities, training, and advice for civilian law enforcement officials. It does not authorize direct participation of military personnel in a search, seizure, arrest, or similar activities unless otherwise authorized by law.

In addition to these laws, DOD asserts the inherent right for military troops and civilian employees to enforce the law under stated conditions for the following purposes (DODD 5525.5, 15 January 1986): to use military forces under the Insurrection Act with respect to insurgency, domestic violence, or conspiracy that hinders the execution of State or Federal law; furthering a military or foreign function of the United States, regardless of incidental benefits to civilian authorities or for the conduct of military or foreign affairs; enforce the Uniform Code of Military Justice (UCMJ), in response to a request by the DOD Inspector General, likely to result in administrative proceedings by DOD, or relating to the commander’s inherent authority to maintain law and order on a military installation or facility; protect

classified military information or equipment, DOD personnel, equipment and official guests, and federal property and functions, including the use of troops when the need for protection exists and duly constituted local authorities are unable or decline to provide adequate protection; when detailed or under the operational control of another government agency that is authorized to enforce the law; protect federal property or functions when state or local authorities are unable or decline to provide adequate protection (DODD 2035.12); and when prompt and vigorous federal action is necessary to prevent loss of life or wanton destruction of property, and to restore governmental functioning and public order when sudden and unexpected civil disturbances, disasters, or calamities seriously endanger life and property and disrupt normal government functions to such an extent that duly constituted local authorities are unable to control the situation (DODD 5525.5, 15 January 1986), and circumstances preclude obtaining prior authorization by the President (DODD 2035.12).

The laws governing the use of federal military forces to enforce the law are a hodge-podge of legislation enacted piecemeal to suit particular needs believed to be of great importance at the time of passage, and recent judicial opinions designed to fit current sensitivities. Recent laws ratify the restrictions imposed by judicial intervention on the Posse Comitatus Act. As noted above, confusion engendered by the various laws is compounded by a widespread belief within DOD and elsewhere that federal troops may not enforce the law at all. This confusing and unsatisfactory situation appears to call for codification and reassertion of the power of Congress to authorize the use of federal troops to enforce the law as provided for in the Constitution. However, given the prevailing climate of conversation on public policy, the opposition of many to any increase in federal powers, and aversion of many others to any use of troops in law enforcement, it is unreasonable to expect concerted Congressional action on this matter. If this issue is to be resolved, it will have to be done by transforming DOD policy.

DOD Policy on the Use of Federal Military Forces to Enforce the Law

DOD policy recognizes that the primary responsibility for protecting life and property, and maintaining law and order in the civilian community, is vested in the State and local governments. Supplementary responsibility is vested by statute in specific Agencies of the Federal Government other than the Department of Defense. DOD policy also recognizes the responsibility of the Federal Government, including DOD, to assist the states to maintain order. It recognizes that military forces can and will be used to support law enforcement agencies. It makes it very clear that the President may authorize the use of military forces to enforce the law, and it even allows local commanders under certain circumstances to use their assigned military forces to do so even before Presidential authority is obtained. This part of the official policy provides a satisfactory basis for DOD to carry out its homeland defense missions, but it is complicated by the conditions attached by DOD to such use. DOD uses six criteria for evaluating all requests for civil support (see OSD, “The DOD Role in Homeland Security”, July 2003, and DODD 3025.15, 18 February 1997, p. 3).

- Legality—Is the requested support in compliance with applicable law?
- Lethality—Is there a potential use of lethal force by or against DOD forces?
- Risk—How will the safety of DOD forces be jeopardized?
- Cost—Who pays and what is the impact on the DOD budget?
- Appropriateness—Is it in the national interest for DOD to conduct the requested mission?
- Readiness—What is the impact on the ability of the DOD to perform its primary mission?

These rules are reasonable if applied to minor incidents in which DOD assistance is requested but may not be urgent or critical. Without such criteria, DOD could be involved in minor incidents that states or other agencies ought to manage themselves. These incidents might include fighting wildfires, a flood,

tornadoes, and similar small natural disasters. However, these criteria are inappropriate to serve as the decision framework for whether DOD should provide support for a catastrophic terrorist attack. They assume that DOD has the luxury of considering and rejecting domestic missions found inconvenient or dangerous, but ignore the reality that a President can and will override this process when DOD assistance is needed urgently to protect the people.

In addition to the criteria discussed above, there are five basic conditions for the use of federal troops.

- *There must be a serious situation in which the national security of the United States is at risk.* It is logical to assume for planning purposes that catastrophic terrorist attacks (and perhaps all terrorist attacks) are serious enough to warrant the use of federal military troops. It would be helpful to make it clear so that other agencies involved in Homeland Security have an idea about when and in what strength federal military troops will be available to help. In fact, one definition of a catastrophic incident (attack or disasters) is one in which federal aid will be needed immediately.
- *Military Personnel must remain under command of their commanders and not serve under other agencies.* This is a sensible condition.
- *The state or federal agency wanting the support must ask for it.* This condition is a legacy of the traditional way that federal forces have been made available to enforce the law. It is inappropriate for the current situation. DOD, in collaboration with the Department of Homeland Security (DHS) and other agencies, must adopt a proactive approach to deal with catastrophic terrorist attacks and disasters.
- *Granting the request must not impair military preparedness or the conduct of on-going operations.* This condition suggests that DOD is somewhat reluctant to perform what is supposed to be its top priority mission. Since DOD programs no resources for civil support, this condition will allow DOD to refuse all requests for assistance—for any use of resources to meet an unprogrammed requirement, by definition, diminishes DOD's capacity to meet programmed requirements.
- *The state and local governments must be overwhelmed before federal troops can move in.* Waiting until local and state authorities are overwhelmed and beg for help is federalism taken to a ridiculous extreme. The traditional practice of waiting to be asked and responding only when the locals and states are exhausted is completely inappropriate for the current homeland security situation.

Despite all the foregoing discussion of restrictive laws and conditions for use, DOD knows very well that it will have to provide federal troops to deal with future civil disturbances as it has done repeatedly in the past. There is a tacit understanding to this effect among those DOD officials involved in homeland defense, but these officials prefer not to publicize preparations for this kind of operation because they don't want to encourage a lot of unnecessary requests from civil authorities for federal troops to help out in every disorder that occurs. For major disorders, DOD is prepared and has plans to employ federal military forces to enforce the law. The way that DOD will respond is presented in some detail in the GARDEN PLOT plan. The DOD Civil

Disturbance Plan (GARDEN PLOT) is the implementing document for Military Support of Civil Disturbances (MACDIS). This is the most recent approved plan, and it contains organizational arrangements and assignments that have changed significantly with the creation in 2003 of the Assistant Secretary of Defense for Homeland Defense, the Northern Command (NORTHCOM), and the transfer of the Directorate of Military Support to the Joint Staff. (See Department of Defense Civil Disturbance Plan, 15 February 1991; a new version is under preparation.)

While recognizing that the primary responsibility for “protection of life and property and the maintenance of law and order” within the United States rests with local and state governments, this plan sets forth the conditions and procedures for the “employment of federal military forces to control civil disturbances...” GARDEN PLOT sets forth four instances in which federal forces may be used:

- The use of federal forces “...normally will be authorized by a presidential directive or executive order directing the Secretary of Defense to help restore law and order in a specific state or locality.”
- In response to domestic terrorist incidents and as specifically authorized by the President. (In this context, domestic terrorism means terrorist attacks that occur in the United States and not that the terrorists are people residing in the United States. The requirement for presidential authorization is a DOD policy, not a legal requirement.)
- Protection of federal property and functions.
- “Sudden and unexpected civil disturbances (including civil disturbances incident to earthquake, fire, flood, or such calamity endangering life) where immediate response is required and where the lack of communications prevent an immediate response.” (DOD Civil Disturbance Plan, Annex A, p.1)

The basic concept of operations is spelled out in the civil disturbance plan in Annex C. The President may direct the employment of federal military forces for domestic civil disturbance operations for a major disturbance or for multiple civil disturbances. The plan envisions a probable order of employment of forces as follows: local and state police, National Guard on state active duty, federal civil law enforcement officers, and finally federal military forces.

- The Attorney General will be the chief civilian official in charge of coordinating all federal activities relating to these civil disturbances. He will designate a senior civilian representative to be located in each area where federal forces are committed and coordinate the activities of federal law enforcement agencies with state and local agencies.
- The DOD executive agent for domestic operations is the Assistant Secretary of Defense for Homeland Defense, acting through the Joint Directorate of Military Operations. This executive agent or a supported combatant commander will be in overall charge of the civil disturbance operations.
- Northern Command has responsibility for the entire United States, except for Hawaii, which is the responsibility of Pacific Command.
- A joint task force (JTF) commander will conduct the operations in a designated area of responsibility using “military resources from the military departments, DOD agencies, and the unified and specified commands” as necessary to deal with the disturbance.

GARDEN PLOT makes it clear that the limitations that courts have ordered on federal military troops are superfluous and irrelevant when the President orders the DOD to use military troops in civil disturbances. It appears that DOD has promulgated two sets of policies: one using the modern revised version of the Posse Comitatus Act as a shield against using troops to enforce the laws actively, and another using presidential authority to use troops to enforce the laws when it really becomes necessary to do so. This bifurcated policy may have been acceptable in earlier times when the United States was a secure base from which to wage expeditionary warfare abroad, but it does not make sense when the United States is itself a theater of war.

Summary of DOD Policy

DOD policy is out of date. The relevant DOD directives are dated from the mid-1990s before the Global War on Terrorism, and its policy content is still based on Cold War thinking and earlier experience. This policy ought to be based on the current and future situation. It also needs to be revised to take into account the existence of the DHS and new organizational arrangements in DOD for homeland defense, including the establishment of NORTHCOM.

DOD policy is deceptive. While focusing on and extending the restrictions in law on the use of federal troops to enforce the law, DOD fails to emphasize presidential authority under the Insurrection Act that carries with it no restrictions on the ability of federal troops to enforce the law. This duality needs to be ended, and a single, integrated policy on the use of federal military forces under current circumstances put into place.

It is unlikely that DOD can itself conduct an objective review of its policies on this issue. The present dual policy approach is ingrained; the posse comitatus myth has many believers; and many officials and military officers consider it inappropriate to use federal military forces to enforce the law. However, this issue is too important to be allowed to languish unheeded. DOD should conduct an independent review of this issue to assure that policies on the use of federal military forces are appropriate for the current situation.

Note: This article was originally published in the December 2004 edition of *Joint Center for Operational Analysis Journal*. References and endnotes were removed from this article for reprinting and are available upon request from the original publisher of this article.

Domestic Operational Law: The Posse Comitatus Act and Homeland Security

COL (Ret) John R. Brinkerhoff

Reprinted with permission from the *Journal of Homeland Security*

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.

—Title 18, U.S. Code, Section 1385

The quotation above is the much-discussed Posse Comitatus Act in its entirety. That is it! That is all there is to it. Seldom has so much been derived from so little. Few articles written about the act and its implications cite the law as it is written, leading one to believe that the authors have never taken the trouble to go to the U.S. Code and see for themselves or to look up the legislative history of the act or to read the exceptions in the law. As a result, much of what has been said and written about the Posse Comitatus Act is just plain nonsense.

The Posse Comitatus Act is often cited as a major constraint on the use of the military services to participate in homeland security, counterterrorism, civil disturbances, and similar domestic duties. It is widely believed that this law prohibits the Army, Navy, Air Force, and Marine Corps from performing any kind of police work or assisting law enforcement agencies to enforce the law. This belief, however, is not exactly correct.

What is correct is that new rules are needed to clearly set forth the boundaries for the use of federal military forces for homeland security. The Posse Comitatus Act is inappropriate for modern times and needs to be replaced by a completely new law.

The law was enacted originally on 18 June 1878. It was amended in 1959 to make it applicable to Alaska. It was amended in 1994 to remove an upper limit of \$10,000 on the fine that was in the original act. As shall be noted later, in recent years Congress has enacted other laws that specify when the Posse Comitatus Act does not apply.

The biggest error is the common assertion that the Posse Comitatus Act was enacted to prevent the military services (Army, Navy, Air Force, and Marine Corps) from acting as a national police force.

Colonel Richard Hart Sinnreich, in an otherwise admirable piece, opined thusly in an article in the 12 December 2001 Washington Post:

The American aversion to a military gendarmerie was formalized after Reconstruction in the Posse Comitatus Act of 1878, which severely restricts the use of active military forces in domestic law enforcement.

Reconstruction was the 12 years from 1865 to 1877 when the U.S. Army occupied the defeated Southern states. Major Craig T. Trebilcock, U.S. Army Reserve, in his *Journal of Homeland Security* article “The Myth of Posse Comitatus,” does a good job at pointing out that the use of military personnel to enforce the law is in fact allowable, but makes a mistake when he says:

The Posse Comitatus Act was passed to remove the Army from civilian law enforcement and to return it to its role of defending the borders of the United States.

Another gross misinterpretation of the Posse Comitatus Act was made on 13 December 2001 in the Washington Times, which reported that Provost Marshal William J. Bolduc of the Walter Reed Army Medical Center reduced the police powers of the civilian police force at that facility because they were bound by the Posse Comitatus Act. The story said:

The Posse Comitatus Act of 1878 prohibits members of the U.S. armed forces or employees of the U.S. military from enforcing laws on civilians [emphasis added].

Sinnreich, Trebilcock, Bolduc, and most commentators who opine on this law are wrong. The Posse Comitatus Act was not, as they assert and as most people believe, enacted to prevent members of military services from acting as a national police force. It was enacted to prevent the Army from being abused by having its soldiers pressed into service as police officers (a posse) by local law enforcement officials in the post-Reconstruction South.

The Story of the Posse Comitatus Act

The law was enacted as a result of the election of 1876, which was the event that ended the period of Reconstruction after the Civil War. The law was enacted to overturn an 1854 opinion of the attorney general. The story is bound up with the conflict within the United States about slavery and the Union.

The posse comitatus doctrine comes from English common law. Posse comitatus means, literally, the “force of the county”; the posse comitatus is that body of men above the age of 15 whom the sheriff may summon or raise to repress a riot or for other purposes.¹

In 1854, Caleb Cushing, attorney general for President Franklin Pierce, blessed the posse comitatus doctrine and opined that marshals could summon a posse comitatus and that both militia and regulars in organized bodies could be members of such a posse.² This was done to improve the enforcement of the Fugitive Slave Act of 1850. Among other things, this meant that the United States was responsible for expenses incurred by U.S. marshals in employing local police, state militia, or others in apprehending and safeguarding fugitive slaves. The Cushing Doctrine meant that even though the armed forces might be organized as military bodies under the command of their officers, they could still be pressed into service by U.S. marshals or local sheriffs as a posse comitatus without the assent of the president. This doctrine was merely the opinion of the attorney general and was not subjected to judicial or legislative review prior to its enunciation. The Cushing Doctrine encouraged the use of the Army and Navy as police forces, and it was used widely in the West, where the Army was the only armed force available to assist local officials to enforce the law along the turbulent frontier. It had little effect in the South during the period before the Civil War and came into prominence there only during Reconstruction.

During Reconstruction, the Army exercised police and judicial functions, oversaw the local governments, and dealt with domestic violence. In effect, the Army governed the 11 defeated Confederate States and was the enforcer of national reconstruction policy during all or part of the period. Before the Civil War, the militia under state control was used to control local disorders throughout the United States, but during Reconstruction, there was no effective militia in the defeated states, so the Army protected the people (especially the newly emancipated slaves) and dealt with disturbances.³ This use of the Army was validated by the Civil Rights Act of 1866, which empowered U.S. marshals to summon and call to their aid the posse comitatus of the counties, or portions of the land or naval forces of the United States, or of the militia. As the former Confederate States were readmitted to the Union, the status of the Army changed, but its role remained much the same.

After 1868, when all but three of the Southern states had reentered the union, the problem became one of how to obtain assistance from the Army to enforce the law.⁴ In response to a desperate plea from a U.S. marshal in Florida, the Attorney General of the United States, William M. Evarts, cited the posse comitatus doctrine that gave U.S. marshals and county sheriffs the right to command all necessary assistance from within their districts, including military personnel and civilians, to serve on the posse

comitatus to execute legal process.⁵ Evarts' decision led to numerous requests by marshals and county sheriffs for troops to use in enforcing the law, all without presidential approval. This met with some resistance from the Army, and the War Department said that the obligation of individual officers and soldiers to obey the summons of a marshal or sheriff must be held subordinate to the paramount duty as members of a permanent military body. The troops were to act only in organized units under their own officers and would obey the orders of those officers.⁶

In 1871, President U. S. Grant sought to provide a basis for the use of troops other than posse comitatus. In accordance with Grant's policy, the War Department issued general orders saying that the forces of the United States may be committed and shall be employed to assist the civil authorities in making arrests of persons accused of crime, preventing the rescue of arrested persons, and dispersing marauders and armed organizations.⁷ By the end of Grant's second term, the South was ready and able to end U.S. Government control over their states.

In the election of 1876, the Democratic candidate, Samuel J. Tilden, won a majority of the popular vote, but the Republican candidate, Rutherford B. Hayes, ended up with a majority of one vote in the Electoral College. The election was disputed and finally determined by a deal in which Tilden would concede the election if Hayes agreed to end Reconstruction. Accordingly, Reconstruction ended in 1877 with the inauguration of Hayes as the 19th president. Federal troops in the South were no longer used to enforce the law, and the Southerners became masters in their own states for the first time since the end of the Civil War.

Congress passed the Posse Comitatus Act in 1878 in a dispute over the use of federal troops by U.S. marshals in the South. Based on precedent, Attorney General Charles Devens took the position that the U.S. Judiciary Act of 1789 authorized U.S. marshals to raise a posse comitatus comprising every person in a district above 15 years of age, "including the military of all denominations, militia, soldiers, marines, all of whom are alike bound to obey the commands of a Sheriff or Marshal." However, Congress had become disenchanted with the habit of U.S. marshals and sheriffs to press Army troops into their service without the approval of the commander in chief. The Southerners in particular questioned this policy. Ironically, the posse comitatus doctrine had been postulated in 1854 by Attorney General Cushing to help Southerners enforce the Fugitive Slave Act. Now it was being used to contest the Ku Klux Klan. On 27 May 1878, Representative J. Proctor Knott of Kentucky introduced an amendment to the Army appropriations bill; the amendment eventually became the Posse Comitatus Act. In passing the act, the Congress voted to restrict the ability of U.S. marshals and local sheriffs to conscript military personnel into their posses. They did not vote to preclude the use of troops if authorized by the president or Congress.

Somehow, in the past 125 years, the meaning of the Posse Comitatus Act has been stood on its head. Clearly the exposition above demonstrates that the intent of the act was not to preclude the Army from enforcing the law but instead was designed to allow the Army to do this only when directed to do so by the President or Congress. The official history of the use of the military services to enforce the laws says:

Some of those who opposed it [the Posse Comitatus Act] in the Congress charged that [it] was taking away from the president entirely the power to use troops to repress internal disorders except on request of a state governor or legislature, that President Washington could not even had dealt with the Whiskey Rebellion under its terms. This interpretation of the Posse Comitatus Act has often been raised by those protesting against federal troops intervention in the many instances it has occurred since 1878. And indeed the question of what the real meaning of the Posse Comitatus Act was has been the subject of some dispute ever since its passage ... however ... all that it really did was to repeal a doctrine whose only substantial foundation was an opinion by an attorney general, and one that had never been tested in the courts. The president's power to use both regular and military remained undisturbed by the Posse Comitatus Act, and by the

law of 1861 and the Ku Klux Klan Act that had in fact been substantially strengthened during the Civil War and Reconstruction Era. But the posse Comitatus Act did mean that troops could not be used on any authority than that of the President and that he must issue a cease and desist proclamation before he did so. Commanders in the field would no longer have any discretion but must wait for orders from Washington.

The immediate impact of the Posse Comitatus Act was not felt very much in the Southern states because President Hayes had withdrawn the troops that had been occupying them. However, there was great impact in the West, where the Cushing Doctrine had been used a great deal by marshals and local sheriffs to call on local military commanders for assistance. Having to wait for presidential approval before troops could be used was disadvantageous given the turbulence common on the frontier.⁸

The Effect of the Posse Comitatus Act

Before speculating on why this act is so misunderstood, it is useful to spell out exactly what the act as it is written does and does not do. The Posse Comitatus Act

- Applies only to the Army, and by extension the Air Force, which was formed out of the Army in 1947.
- Does not apply to the Navy and Marine Corps. However, the Department of Defense has consistently held that the Navy and Marine Corps should behave as if the act applied to them.
- Does not apply to the Coast Guard, which is part of the Department of Transportation and is both an armed force and a law enforcement agency with police powers.
- Does not apply to the National Guard in its role as state troops on state active duty under the command of the respective governors.
- May not apply to the National Guard (qua militia) even when it is called to federal active duty. The Posse Comitatus Act contains no restrictions on the use of the federalized militia as it did on the regular Army.⁹ It is commonly believed, however, that National Guard units and personnel come under the Posse Comitatus Act when they are on federal active duty, and this interpretation is followed today.
- Does not apply to state guards or State Defense Forces under the command of the respective governors.
- Does not apply to military personnel assigned to military police, shore police, or security police duties. The military police have jurisdiction over military members subject to the Uniform Code of Military Justice. They also exercise police powers over military dependents and others on military installations. The history of the law makes it clear that it was not intended to prevent federal police (for example, marshals) from enforcing the law.
- Does not apply to civilian employees, including those who are sworn law enforcement officers. The origin and legislative history of the act make it clear that it applies only to military personnel. In those days, there were no civilian employees of the Army in the sense that there are today. In particular, no one envisioned that the Army would hire civilian police officers to enforce the laws at its facilities.
- Does not prevent the President from using federal troops in riots or civil disorders. Federal troops were used for domestic operations more than 200 times in the two centuries from 1795 to 1995. Most of these operations were to enforce the law, and many of them were to enforce state law rather than federal law.¹⁰ Nor does it prevent the military services from supporting

local or federal law enforcement officials as long as the troops are not used to arrest citizens or investigate crimes.

In recent years, several laws have been enacted that grant specific exceptions to the application of the Posse Comitatus Act.

Title 18 U.S. Code, Section 831, provides that if nuclear material is involved in an emergency, the Secretary of Defense may provide assistance to the Department of Justice, notwithstanding the Posse Comitatus Act.

Title 10 U.S. Code, Chapter 18, authorizes military support for civilian law enforcement agencies for counterdrug operations and in emergencies involving chemical or biological weapons of mass destruction. The Secretary of Defense may provide information, allow the use of military equipment and facilities, train law enforcement officials in the operation and maintenance of military equipment, and maintain such equipment. Support for law enforcement agencies may not impair military readiness, and military personnel shall not participate in searches, seizures, arrests, or similar activities unless such participation is otherwise authorized by law. (Military police personnel, for example, may enforce the law within their jurisdictions.)

If there were violations of the act, the culprits would not be members of the Army and Air Force who assisted local law enforcement agencies but rather the local law enforcement officials who required the troops to assist in the enforcement of laws or local military commanders who did so without obtaining Presidential authority. It is no wonder that there have never been any prosecutions under the law.

Why Is This Erroneous Interpretation Widely Believed?

It is worthwhile asking why the original meaning of the Posse Comitatus Act has been transformed into its almost exact opposite. It is not the purpose of this article to solve this mystery, but it is useful to speculate on some of the motives of the people who have been involved.

Some cynics believe that the Department of Defense and the military services support the erroneous application of posse comitatus because they do not want to get involved in domestic emergencies. This appears to be the position of many active-component officers. In an address to the Fletcher Conference on 15 November 2001, General William F. Kernan, Commander in Chief, Joint Forces Command, presumably referring to the Posse Comitatus Act, said that there were limitations on the active components that restricted them from “doing those kinds of things, and rightfully so.”¹¹ General Kernan went on to propose an order of response to domestic emergencies that starts with the first responders, then the National Guard, and finally the Reserves and active components. This may be a logical order, but it is based on a flawed understanding of history. The military services, and the Army in particular, have been used on numerous occasions to enforce the law, notably in federal efforts to desegregate public schools and quell riots. One recent example of this was the use of active-duty Army troops, Marines, and federalized California National Guard troops to deal with the 1992 riots in Los Angeles prompted by the acquittal of police officers charged with assaulting Rodney King. Now that the Quadrennial Defense Review for 2001 has declared homeland security to be the primary mission of the Department of Defense, this aversion to the use of active components for domestic security may be weakened. In the meantime, however, some elements of the Department of Defense continue to hew to the line that it is improper for any element of the department, military or civilian, to enforce the laws in any fashion.

Americans have a general antipathy to the use of troops as police. This stems from British practice during Colonial times. There is a general feeling in the nation that policing is a local matter best done by police forces whose members are trained in law enforcement. Until recently there was also general opposition to a national police force as exists in most Western European nations. The Federal Bureau of Investigation (FBI) was until recently quite small and worked on cases that clearly were federal crimes.

In recent years, the number of federal crimes has increased, particularly in the field of civil rights violations, and now the FBI seems to be involved in many cases that formerly would have been handled under state law by local law enforcement agencies. The threat of imminent terrorist attack can only reinforce the trend to more and more federal laws and more and more federal police officers and prosecutors to deal with them. Americans appear to accept the increase in FBI jurisdiction but are unsympathetic to the habitual use of military personnel as police officers. In support of this feeling, persons writing on the Posse Comitatus Act may have addressed it as a legal bar to an unpopular possibility.

The lawyers have had a hand in transforming the Posse Comitatus Act from its original intent to what it may or may not be today. A substantial body of case law and judicial decisions pertaining to the use of military personnel to enforce the laws has been created. A casual review of these cases reveals confusion, inconsistency, and downright perversion of the original intent of the law. Much of this litigation has been prompted by persons averse to any role for military forces in law enforcement. Moreover, a significant body of policy and regulation has been created extralegally in the form of Department of Defense directives and military service regulations. These attempts to clarify the situation only add to the confusion. Most of them are based on a presumption significantly at variance with the law itself.

Finally, another reason for the misunderstanding and misapplication of this law is simply sloppy scholarship. It is apparent that many of the numerous authors who have written about this matter did not read the U.S. Code, studied the legislative history of the act, or consulted the two official histories prepared by the Center of Military History before airing their erroneous opinions. This appears to be one of those academic chain letters in which one set of unfounded conclusions is used as a source for derivative sets, which are accepted and passed along containing the original errors. In effect, the misinterpretation of the Posse Comitatus Act has become an urban myth that is widely believed without substantiation. This need not be. The topic has been covered well in many of the standard U.S. history books, and people who want to pursue the historical record in enough detail to get to the real story can consult three sources published by the U.S. Army Center of Military History:

Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders, 1789-1878*, 1988.

Clayton D. Laurie and Ronald H. Cole, *The Role of Federal Military Forces in Domestic Disorders, 1877-1945*, 1997.

Paul J. Scheips, *The Role of Federal Military Forces in Domestic Disorders, 1945-1992*, 2005.

Summary and Recommendation

The Posse Comitatus Act is not a general and universal proscription of the use of federal military forces to enforce or execute the law. The military services may do so and have done so when ordered by the president and pursuant to the authorization of Congress. Although the current interpretation of the act is the opposite of its original intention, it does discourage the military services from being used as a national police force—something we have wisely avoided up to now. The Posse Comitatus Act does not prevent the military services from supporting the police, nor does it preclude them from enforcing the law when so ordered by the president. It does preclude them from being the police in normal times.

It is time to rescind the existing Posse Comitatus Act and replace it with a new law. The old law is widely misunderstood and unclear. It leaves plenty of room for people to do unwise and perhaps unlawful things while trying to comply with their particular version. It certainly does not provide a basis for defining a useful relationship of military forces and civil authority in a global war with terrorism. The Posse Comitatus Act is an artifact of a different conflict—between freedom and slavery or between North and South, if you prefer. Today's conflict is also in a sense between freedom and slavery, but this

time it is between civilization and terrorism. New problems often need new solutions, and a new set of rules is needed for this issue.

President Bush and Congress should initiate action to enact a new law that would set forth in clear terms a statement of the rules for using military forces for homeland security and for enforcing the laws of the United States. Things have changed a lot since 1878, and the Posse Comitatus Act is not only irrelevant but also downright dangerous to the proper and effective use of military forces for domestic duties.

Endnotes

1. Compact Edition of the Oxford English Dictionary, Oxford University Press, 1971.
2. I am deeply indebted to my friend and colleague Eugene P. Visco for allowing me to rely greatly for this section on his excellent paper “More Than You Ever Wanted to Know About Posse Comitatus” (2001). Gene Visco is a master operations research analyst and a scholar who does good work.
3. The white militia units were disbanded in 1867, and black militia units formed under Reconstruction state governments were not used to confront ex-Confederates. Visco, *op. cit.*, p. 18.
4. By 1870, all of the former Confederate States had completed the Reconstruction process and were readmitted to the United States.
5. Visco, *op. cit.*, p. 18.
6. Visco, *op. cit.*, p. 20.
7. Visco, *op. cit.*, p. 21. The primary purpose was to protect the freedmen from the Ku Klux Klan.
8. Coakley, cited in Visco, *op. cit.*, p. 24.
9. Coakley, cited in Visco, *op. cit.*, p. 23.
10. Courtesy of Gene Visco, who has done extensive research on this topic and teaches a course on military operations other than war at George Mason University.
11. General William F. Kernan, address to the Fletcher Conference, “The Military’s Role in Homeland Security,” 15 November 2001, DefenseLink, Joint Forces Command website. When I was a kid, the term “federal offense” was a big deal and awed us by its implication of something really wicked. Today, it seems as if everything is a federal offense.

Note: This article was originally published in the February 2002 edition of *Journal of Homeland Security*.

Chemical, Biological, Radiological, and High-Yield Explosive Preparation and Chemical, Biological, Radiological, and High-Yield Explosive Consequence Management Response Force: Preparedness for a CBRNE Event

Zygmunt F. Dembek

Reprinted with permission from *Joint Force Quarterly*

Former Secretary of the Navy Richard Danzig postulates the potential catastrophic effects of bioterrorism on our nation from “reload.”¹ Simply put, reload is the ability of an enemy to repeatedly conduct bioterrorism attacks. This aspect of bioterrorism could have devastating effects. Are our military health care providers and first responders prepared for such a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) attack? The precise answer to this question is as likely to appear through gazing at a Magic 8-Ball as from any particular source and will not be fully known until such an event occurs. However, some indicators are available to help predict the outcome of a CBRNE attack on our homeland and how the military can participate in a national response. To conduct a realistic assessment of national CBRNE preparedness, it is useful to examine:

- historical accounts of national readiness
- changes that have occurred since 9/11 among the various components of civilian and military health care providers as well as capacity
- educational measures needed to prepare for CBRNE events
- critical role of leadership in emergency response.

Historical Readiness

The level of preparedness that existed during World War II is representative of full national preparedness. This was achieved with total military mobilization and full civilian preparedness. The Office of Civilian Defense (OCD), established in May 1941, was charged with protecting the civilian population, maintaining morale, and promoting volunteer involvement in defense. It was also responsible for ensuring that Federal agencies responded to community needs resulting from the war. OCD established air-raid procedures, created the Civil Air Patrol, supervised blackouts, filled sandbags, provided for war service functions such as childcare, health, housing, and transportation, and planned for protection against fire in case of attack. Although OCD was disbanded at the conclusion of the war, the Federal Civil Defense Administration (FCDA) was established in 1950, partially in response to the Soviet Union’s development of the atomic bomb. The FCDA was wholly a civilian organization, as civilian protection was understood as ideally a civilian rather than a military undertaking.

During the Cold War, a heightened degree of national readiness was maintained by the FCDA. The civil defense system was developed in response to the threat of nuclear war, perceived to be the primary CBRNE threat. There was a boom in construction of fallout shelters in certain parts of the Nation. A mid-1960s study of three Midwestern states showed that their civil defense directors estimated war as more likely than did their community leader counterparts and had a more positive view of civil defense in general. The most successful civil defense directors came from larger cities. Importantly, these directors felt that individuals could do more to control national problems. Civilian and military officials devised plans that would give the greatest number of civilians a chance to survive a nuclear war and reconstitute society. This historical perspective has been lost to modern American culture.

A similar state of national readiness for a CBRNE threat today is maintained by modern-day Israel, which can be thought of as a “hardened” democratic society. As a nation, Israel has adapted to the threat

of biological or chemical attack, especially since its experiences during the 1991 Persian Gulf War. Its government funding supports civil defense against unconventional weapons. Israel's civil defense policy is based on two components: to deter or prevent an enemy attack and to minimize the damage of such an attack should deterrence and prevention fail. Israeli civil defense is an inseparable part of national defense, and the military is fully integrated in this process through the Israel Defense Forces Home Front Command, created in 1992. Many North Atlantic Treaty Organization allies similarly include civilian and military components in their civil defense planning.

In general, the United States follows a CBRNE defense doctrine similar to Israel's. Total protection is impossible, and attempts to achieve it would require social and economic changes that a populace would find unacceptable. Deterrence of an unconventional weapon attack is important to maintain. Those who would use such weapons must understand that they would suffer retaliation—a conviction that is also held by our allies.² When combined with active measures, the Israeli CBRNE defense experience dictates that deterrence helps to reduce the expense of passive protective measures. Fully functional early warning systems should significantly improve civil defense and are an important component of national CBRNE readiness.

Where Are We Today?

The independent health advocacy group Trust for America's Health (TFAH) conducts an annual national survey of state public health systems regarding preparedness for a CBRNE disaster. The news from 5 consecutive years of analysis is heartening. The TFAH assessment is thorough and based on 10 pragmatic preparedness indicators, including the ability to receive and distribute pharmaceutical supplies, laboratory diagnostic capacity, various workforce surge capacity indicators, immunization delivery, resiliency, and measures of leadership commitment to achieving these goals. When the assessment was first conducted in 2003, approximately 75 percent of the states earned 5 or fewer of the 10 indicators; in the 2007 survey, the same percentage of the states scored 8 or higher. Success in these measures requires coordination among Federal, state, and local authorities, the ability to "grow" a professional and reliable public health workforce, secure and reliable data transmission, access to qualified volunteer personnel, and the willingness of state and local authorities to spend funds to match and exceed Federal grants for these measures.

This increase in national civilian preparedness is due to Department of Health and Human Services dispersal of billions of dollars to the states through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the American Schools of Public Health. This massive funding effort, coupled with the establishment of national Public Health Preparedness Centers, has had a significant impact on our civilian level of preparedness for a CBRNE event, as reflected in the most recent TFAH analysis.

A hypothetical scale of CBRNE preparedness might equate a low level of societal post–World War II national preparedness to that existing prior to September 11, 2001, and a high preparedness level to that of modern-day Israel. Where is the United States today between these two levels of preparedness? As previously described, multiple efforts have been established since 9/11, although we have not achieved parity with Israel. As a nation, we have not moved toward our World War II mobilization level. There has not been a military draft in support of ongoing operations. The average citizen is little inconvenienced in his or her daily life by the wars in Iraq and Afghanistan. No national societal commitment has occurred for the maximum possible CBRNE preparedness.

If we are concerned about the national level of preparedness, we must prepare our health care providers fully and harden our health care infrastructure. Most preparedness benchmarks for the military health care sector would of necessity be similar to those used to assess the civilian sector by the TFAH, including pharmaceutical and immunization distribution capacity, laboratory diagnostic capacity, workforce surge capacity, resiliency, and leadership commitment to achieving these goals. There are also important exceptions that would need to be considered to assess the readiness status of military

health care providers. These include the fact that those on the frontlines of a battlefield may be more at risk of receiving patients exposed to CBRNE or of becoming exposed themselves. Also, those at the forward echelons of military health care may have less hospital capacity immediately available than their civilian counterparts. There are also many benefits associated with the existing military health care system. They can be thought of as communication enhancers, superior preparedness education, organic material, and personnel assets.

Since 9/11, redundant communication capability has been developed, stretching across the echelons of health care. This is particularly important in the event that any single or multiple communication modes are affected during a CBRNE event. The Electronic Surveillance System for the Early Notification of Community-based Epidemics (ESSENCE) is now available across the various echelons of military health care. This system records disease presentation by syndrome at the time of patient visit, greatly decreasing the time to determine the occurrence of a disease outbreak. Similar disease surveillance systems have been developed in the civilian sector nationally³ and by individual cities and states.⁴ There are also efforts linking military and civilian disease reporting systems to maximize national outbreak detection and tracking.⁵ In addition, the nationally established BioWatch Program uses a series of detectors to provide early warning of a mass biological pathogen release. This system alerts authorities before victims begin to show symptoms and enables early medical treatment, thereby decreasing illness and death.⁶

Military Organizations

Many military units have state-of-the-art CBRNE agent detection capabilities, both in the field and through reachback to the military reference laboratories at the U.S. Army Medical Research Institute for Infectious Diseases (USAMRIID), U.S. Army Medical Research Institute of Chemical Defense (USAMRICD), and the Armed Forces Radiobiology Research Institute (AFRRI). Military health care providers have access to experimental diagnostics, detection systems, and therapies within the proper chain of command. There are unique resources available to diagnose and treat high-risk patients, including the USAMRIID Aeromedical Isolation Team and Special Medical Augmentation Response Team (SMART), which are organic to the U.S. Army Medical Command. Field investigation capabilities are available through various teams. Full integration of other important partners in any CBRNE defense, including diagnostic laboratories, veterinarian assessment, mortuary support, and other capabilities, exists through the chain of command.

The Navy and Marine Corps Chemical Biological Incident Response Force (CBIRF) can deploy up to 330 personnel to coordinate initial relief efforts and assist with security, agent detection and identification, medical expertise, and limited decontamination of personnel and equipment. CBIRF is a national asset that can be deployed in support of homeland defense and has been used numerous times since its inception in April 1996.

National Guard and Active Component forces have become more integrated in military operations since 9/11. Many state emergency operations centers are collocated with their National Guard components. The National Guard responds to statewide disasters and has special capabilities in the formation of Weapons of Mass Destruction Civil Support Teams in CBRNE events. Another asset available to a state's National Guard is the CBRNE Enhanced Response Force Package. These newly developed teams are designed to provide capabilities to locate and extract victims from a contaminated environment, conduct casualty/patient decontamination, and provide lifesaving medical triage. Statewide emergency preparedness efforts from notional to full-scale preparedness drills are often coordinated with that state's National Guard assets.

Although not considered a branch of the Armed Forces, the U.S. Public Health Service (USPHS) is part of the national health care emergency response network. Since 9/11, the USPHS has increased its emergency response capacity. The Office of the Surgeon General can dispatch multidisciplinary teams of physicians, dentists, veterinarians, nurses, pharmacists, and scientists to respond to domestic and

international humanitarian missions. USPHS officers also may be assigned to work with or in state health agencies, enabling integration into a local response to a CBRNE event.

U.S. Northern Command

Following 9/11, the Unified Command Plan 2002 established a new geographic combatant command, U.S. Northern Command (USNORTHCOM), with inherent responsibilities for handling national disasters inside the United States because it is tasked to carry out the military's homeland security activities. Among the many USNORTHCOM assets is the Joint Task Force–Civil Support (JTF–CS), which plans and integrates Department of Defense (DOD) support to the designated lead agency for domestic CBRNE consequence management operations. JTF–CS can deploy to a CBRNE incident site and execute command and control of designated DOD forces, providing support to civil authorities to save lives, prevent injury, and give temporary critical life support. JTF–CS focuses on responding to the effects of a CBRNE incident after civilian resources have been utilized, and typical JTF–CS tasks include incident site support, casualty medical assistance and treatment, displaced populace support, mortuary affairs support, logistics support, and air operations.

U.S. Army North (Fifth Army)

This organization conducts homeland defense and civil support operations and theater security cooperation activities as the Army Service component command to USNORTHCOM. Previously, the United States was divided between Fifth Army in the West and First Army in the East. Recent transformation has retained responsibility of training, readiness, and mobilization missions with First Army, while Fifth Army is assigned to USNORTHCOM as U.S. Army North (USARNORTH), which commands and controls deployed forces as a JTF or joint force land component command. The CBRNE Consequence Management Reaction Force is a reaction JTF composed of joint military and governmental organizations from across the country tasked to respond to a terrorist attack or natural disaster resulting from or causing a release of chemical, biological, radiological, or nuclear agents, or a high-yield explosive. USARNORTH also can provide operational command posts to serve as the command and control element for a potential JTF. Each post includes approximately 66 personnel equipped with command and control capabilities optimized for the support of civil authorities.

Educational Measures

Various graduate medical educational opportunities are available to military providers and scientists through USAMRIID, USAMRICD, and AFRRI, including such courses as the Medical Management of Chemical and Biological Casualties, Field Management of Chemical and Biological Casualties, Hospital Management of CBRNE Casualties, Medical Effects of Ionizing Radiation, and other Service-specific courses. These postgraduate courses train to a high standard to develop an “informed physician/clinician/ public health workforce” that will recognize, triage, and treat CBRNE patients and facilitate crisis response and recovery. These courses use subject matter experts in a resident research setting, affording participants access to world-class research expertise combined with realistic experiential case studies. Training at these centers is regularly updated to reflect changes in patient treatment policies, understanding of disease, and the most recent prophylaxis and therapies. There are also courses required for the military first responder community, such as those taught at the U.S. Army CBRN School.

Role of Leadership

Leadership contributes significantly to any disaster response and recovery. Emergency response personnel nationwide are intimately familiar with the incident command system (ICS), which permits an effective integrated response to a disaster such as a fire or weather-related emergency. ICS training and structure enables disparate emergency response organizations (for example, fire, police, emergency medical services) to respond to an event using a common management system with coordinated

communication, response, and synchronization along shared apparent lines of authority. This system should work well in the event of a CBRNE event as long as organizations possessing the requisite specialty skills are included in the ICS disaster response. However, such responses will always include visible authority figures to coordinate efforts among various organizations, as well as between the civilian and military sectors.

Military leadership in a catastrophic emergency is not assumed to be preferable to civilian rule. However, that view may be changing. An example was the substitution of military leadership for failed civilian efforts in New Orleans during the Hurricane Katrina recovery. Lieutenant General Russel Honoré, USA, helped to restore calm and order to New Orleans in the hurricane's aftermath as the enormity of the disaster and its required response became fully understood.

Civil service management differs in several ways from military leadership. The concept of civil service began in China during the Qin (221–207 BCE) and Han dynasties (206 BCE–220 AD) and initially relied on recommendations by superiors for appointment to office. In administrative areas, especially the military, appointments were to be based solely on merit. After the fall of the Han dynasty, the bureaucracy regressed into a semi-merit-based nine-rank system in which noble birthright became the most significant prerequisite to more authoritative posts.

There is a rich history of attempts to promote competency and prevent improper political influence in the U.S. civil service. During the 19th century, the U.S. Federal civil service was largely a spoils system. After President James Garfield was assassinated by a dissatisfied civil service job seeker in 1881, the Pendleton Act of 1883, sponsored and written by opponents of the patronage system, reestablished the Civil Service Commission. This eventually led to rules governing competitive examinations for classified civil service positions. The Pendleton Act placed most Federal employees on the merit system and marked the end of the spoils system. Among the many changes to civil service since then have been the creations of the General Services Administration and the Civil Service Reform Act of 1978, which abolished the U.S. Civil Service Commission and created the U.S. Office of Personnel Management, Federal Labor Relations Authority, and U.S. Merit Systems Protection Board in an effort to replace incompetent officials.

The U.S. military is a meritocracy (that is, those in positions of high authority have the credentials, experience, and demonstrated leadership, all developed over decades). The highest command positions are (like promotions) selected by boards of superiors and peers. Successful leadership and innovation are rewarded. Continuing professional education is valued, encouraged, and often required.

Unfortunately, it is possible for some top civil service managers to arrive at their positions lacking vital skills and experiences. Such qualifying life experiences are not easily avoided in our Active duty military system. This system requires regular movement to assignments of increasing complexity, and one's management skills increase as a consequence of progressively more responsible positions over a 20- to 30-year career. Retired Major General John Singlaub, USA, in his autobiography *Hazardous Duty*, observed that military officers (conducting special operations) must maintain a high level of personal honesty. Singlaub described how an "officer had to have two fundamentally important traits... integrity and courage, both physical and moral. If an officer lacked those qualities, no amount of careful planning or help from influential connections would bring him a successful career." Regrettably, the same cannot be said for all civilian appointees.

In the event of a national emergency, specifically a chemical, biological, radiological, nuclear, or high-yield explosive event, our military can provide multiple assets and specialized expertise to support the national health care response. The existing military structure and health care providers have been considerably transformed since 9/11 for national preparedness. Given the current operations tempo, our nation is perhaps better prepared for such an event than at any time in its recent past. Contemporary focused resources, and training to prepare for a catastrophic CBRNE event, will continue to produce a national reserve of highly trained, capable personnel.

Endnotes

1. See Richard Danzig, *Catastrophic Bioterrorism— What Is to Be Done?* (Washington, DC: Center for Technology and National Security Policy, National Defense University, August 2003), available at <[http://biotech.law.lsu.edu/blaw/ general/danzig01.pdf](http://biotech.law.lsu.edu/blaw/general/danzig01.pdf)>.
2. “France ‘would use nuclear arms,’” BBC News, January 19, 2006, available at <<http://news.bbc.co.uk/2/hi/europe/4627862.stm>>.
3. General information on BioSense is available at <www.cdc.gov/BioSense/>.
4. For example, see the International Society for Disease Surveillance Web site, available at <www.syndromic.org/>.
5. Peter Buxbaum, “Military Health System, CDC, join to track disease outbreaks,” *Government Health IT*, March 6, 2008, available at <www.govhealthit.com/online/news/350251-1.html>.
6. Dana A. Shea and Sarah A. Lister, *The BioWatch Program: Detection of Bioterrorism*, Congressional Research Service Report RL32152, November 19, 2003, available at <<http://fas.org/sgp/crs/terror/RL32152.html>>.

Note: This article was originally published in the October 2008 edition of *Joint Force Quarterly*.

CCMRF and Use of Federal Armed Forces In Civil Support Operations

MG Jeffrey A. Jacobs

From *ARMY Magazine*, July 2009. Copyright 2009 by the Association of the U.S. Army.
Limited reprint permission granted by AUSA.

Last year, the Secretary of Defense assigned the 1st Brigade Combat Team, 3rd Infantry Division, to U.S. Northern Command (NORTHCOM) as part of the first dedicated chemical, biological, radiological and high-yield explosive (CBRNE) consequence management response force (CCMRF). The Internet sprang to life with dire warnings of armed soldiers in full combat gear routinely patrolling our nation's streets. Alarmist predictions ran wild: Steely-eyed infantrymen, just off the plane from Iraq and Afghanistan, not only would be enforcing domestic law but would slide rapidly down the slippery slope to the oppression of American citizens at the behest of an unchecked executive branch of government.

The cyber hue and cry illustrates the depth of the public's misunderstanding and the abundance of misinformation surrounding the federal military role in domestic civil support operations. Misunderstanding and misinformation about defense support of civil authorities (DSCA) in general, of CCMRF in particular, and of the legal authorities governing the domestic use of federal forces exist even within our Army, as illustrated in COL Craig Trebilcock's article "Resurrecting Posse Comitatus in the Post-9/11 World" in the May issue. Clearly, however, Posse Comitatus is quite alive and well, and reports of its impending demise are greatly exaggerated.

Support of Civil Authorities

In a revolutionary doctrinal change, Field Manual 3-0 Full Spectrum Operations incorporates civil support as an integral part of the Army's operational concept. Just as soldiers and leaders must understand offensive and defensive operations, an understanding of civil support operations is now imperative. We must eliminate the wrong perceptions of civil support operations, both in the public eye and within our own institution.

Our armed forces have a long history of supporting civil authorities. In the recent past, the Army conducted postal operations during the 1970 postal strike. In 1981, Army air traffic controllers staffed civilian control towers during the air traffic controllers' walkout. Federal forces supported state and local authorities during Hurricanes Andrew in 1992 and Katrina in 2005, and in many other natural disasters in the last decade. Navy divers assisted local, state and federal authorities during the Minnesota bridge collapse of 2007. Just last year, U.S. Army North (ARNORTH), NORTHCOM's joint force land component command, deployed a two-star task force to command and control federal military forces in support of the Federal Emergency Management Agency (FEMA) and the state of Texas during Hurricane Ike.

NORTHCOM is the combatant command whose area of responsibility includes U.S. soil. Civil support is one of NORTHCOM's two major missions; homeland defense is the other. Although interrelated, the two missions are separate, and, unfortunately, the uninformed tend to confuse them.

Two seminal events, 9/11 and Hurricane Katrina, have heightened the importance of defense support of civil authorities and have underscored the requirement for the Department of Defense (DoD) to be ready and able to support civil authorities. The establishment of NORTHCOM has greatly improved our ability to respond to domestic emergencies of all kinds, not only as a joint military force but as a nation. Civil support is no longer just an additional duty for the armed forces; it is now a critical continuous endeavor. For example, 10 full-time defense coordinating officers—active Army colonels assigned to ARNORTH—work daily with each of the 10 FEMA regions and coordinate regularly with other federal agencies, state emergency management officials and National Guard leaders.

The Legal/Policy Framework

The role of the federal military in DSCA is carefully defined and deliberately circumscribed by the Constitution, statutes and policy. As many have noted, one of the laws that limits the role of the federal military is the Posse Comitatus Act.

Posse Comitatus prohibits Title 10 forces (that is, the federal military, as distinguished from the National Guard in a state status—Title 10 of the U.S. Code is the title that governs the armed forces) from enforcing state or federal laws, except as otherwise authorized by law. Title 10 forces may not make arrests, stop and frisk suspects, conduct searches and seizures, or perform domestic surveillance. The statutory prohibition on the use of the armed forces to enforce the law, however, does not mean that the military cannot engage with and support civilian law-enforcement agencies.

The Department of Defense has long provided such support. The primary mission of Joint Task Force North (JTF North), a subordinate joint task force of NORTHCOM based at Biggs Army Airfield, Fort Bliss, Texas, is to support civilian law-enforcement authorities. For years, JTF North has provided that support, with the authorization of Congress, without violating the Posse Comitatus Act or any other law.

As many also have noted, the Insurrection Act is an exception to Posse Comitatus. The Insurrection Act allows the President to use federal armed forces to enforce the law in three instances: at the request of a state legislature or, if the legislature is not in session, a governor; either to enforce federal law or when a rebellion or unlawful “assemblage” precludes enforcement of the law through judicial proceedings; and to suppress “any insurrection, domestic violence, unlawful combination, or conspiracy” if a state fails to protect the constitutional rights of its citizens. Actions taken under the Insurrection Act do not constitute martial law. Martial law is far more sweeping, and the President may impose martial law only in circumstances more extreme than those required to invoke the Insurrection Act.

The Insurrection Act has been invoked rarely in the last 60 years. Presidents Eisenhower and Kennedy invoked the act four times between 1957 and 1963 to enforce desegregation laws in Arkansas, Mississippi and Alabama. President George H.W. Bush invoked the act in 1989, federalizing National Guard units and deploying the 16th Military Police Brigade to restore order in the Virgin Islands in the aftermath of Hurricane Hugo. Finally, the first President Bush, at the request of the governor of California, invoked the Insurrection Act in 1992 to empower a federal joint task force to enforce the law during riots in Los Angeles. In the last instance, the joint task force commander prohibited his soldiers, including federalized National Guard soldiers, from performing law-enforcement missions, even though the President had authorized them to enforce the law.

Discussing DSCA operations, which include CBRNE consequence management, in the same breath as the Insurrection Act only perpetuates misunderstanding. The Insurrection Act does not provide the legal authority for DSCA operations. Federal military (Title 10) forces, including CBRNE consequence management response forces, conduct DSCA operations under the umbrella of the National Response Framework, promulgated by the Department of Homeland Security. The specific statutory authority for DSCA operations is the Robert T. Stafford Disaster Relief and Emergency Assistance Act, commonly known as the Stafford Act.

The National Response Framework outlines the comprehensive, unified system for responding to natural and manmade disasters in U.S. territory. Under this tiered response system, local governments are the first responders to any domestic emergency, and all incidents are handled at the lowest level possible. States become involved in disaster response only if an incident exceeds the capability of local governments to manage the response.

The National Guard, in its capacity as a state force, always has been, and remains, the primary military response to any natural or man-made incident within the United States. Indeed, before federal military forces will be used in response to a disaster in a state, that state, through interstate agreements, will

employ the National Guard forces of its sister states. In contrast to the caricature of overeager executive branch officials seeking any excuse to send the federal military into sovereign states, the Secretary of Defense denied California Governor Arnold Schwarzenegger's request for federal forces during recent wildfires because the state's National Guard capabilities had not been exhausted.

The federal government becomes involved only if a disaster overwhelms local and state capabilities, including those of the affected state's own National Guard and of other states' Guard units employed by the affected state, and then only at the state's request. When the federal government responds, it designates a lead federal agency. The lead federal agency is most often, but not always, FEMA. DoD's role in all DSCA operations—and CBRNE consequence management is a DSCA operation—is to support the lead federal agency and other federal, state and local organizations.

Under the rubric of the Stafford Act, Title 10 forces perform only discrete and defined tasks, known as "mission assignments." These mission assignments result from requests for assistance that are usually passed to DoD from the local and state levels through FEMA. The requests are vetted by the Joint Staff and approved by the Secretary of Defense. Every request is reviewed for legality by many DoD lawyers at various levels as it progresses to the Secretary. Aside from the necessity to ensure that the use of Title 10 forces in a DSCA operation is legal, appropriate and cost-effective, the process ensures that DoD is reimbursed for its expenditures under the Stafford Act and that readiness is not degraded by spending operational funds for DSCA missions. CCMRF, like any other DSCA force, will execute approved mission assignments, and only approved mission assignments.

CCMRF: Facts and Fiction

Citing the Insurrection Act and the 2006 amendment to that statute, COL Trebilcock and others have implied that the assignment of the 1st Brigade Combat Team, 3rd Infantry Division, to NORTHCOM as part of CCMRF is an unwarranted expansion of the President's authority to use the federal armed forces on U.S. soil and will lead to the demise of the Posse Comitatus Act. Equating CCMRF with unchecked executive authority demonstrates the widespread misunderstanding of CCMRF.

In the first instance, DoD has long kept a combat unit on a short string to conduct homeland defense missions in the United States when necessary, and this unit has fallen under the control of NORTHCOM since the establishment of that combatant command. Other than to point out that the Insurrection Act has empowered the President to act unilaterally to employ federal forces in the United States for more than 200 years, however, any discussion of the 2006 amendment to the act is pointless for, as COL Trebilcock notes, Congress repealed that amendment in 2008. Our tripartite system of checks and balances works. If Congress believes that the President has too much authority, it will act to take that authority away, just as it did in repealing the amendment to the Insurrection Act.

In any event, CCMRF and the Insurrection Act are "apples and oranges." CCMRF is a DSCA force. Congress understands that, and any intimation that an imperious executive branch is using CCMRF and, perhaps, the Insurrection Act as an attempt to evade the law, sidestep Posse Comitatus, and undercut Congress and state and local authority does not pass muster. Congress fully supports DoD's efforts in creating CCMRF and assigning the first CCMRF to NORTHCOM. As the Senate report to the 2009 Defense Authorization Bill states, "Efforts to establish forces to manage the consequences of CBRNE incidents should receive the highest level of attention within the [Defense] Department, and the additional forces needed for CBRNE consequence management should be identified, trained, equipped, and assigned to U.S. Northern Command as soon as possible."

More important, though, the slippery slope argument evinces the lack of understanding of the CCMRF mission and of why that mission is so vitally important to our national security. The CCMRF mission is to provide rapid response capability to assist local, state and other federal authorities following a catastrophic event. CBRNE incidents pose a great and very real security challenge in the United States. A terrorist attack or accidental CBRNE incident could be catastrophic and likely would overwhelm local

and state authorities very quickly. Federal military forces have capabilities that, in a catastrophic CBRNE event, may be otherwise unavailable to states and localities.

A CCMRF is a joint force usually organized under a two-star headquarters. It is composed of three subordinate colonel-level task forces: operations, medical, and aviation. Task Force Operations is formed around the nucleus of a brigade combat team or maneuver enhancement brigade, augmented by logistics and specialized CBRNE units. Task Force Operations is capable of CBRNE detection and decontamination and can provide, among other things, transportation, logistics, communications and public affairs support to local, state and federal entities.

Task Force Medical provides public health support, augments civilian medical facilities, conducts casualty collection operations, assists with patient movement and provides medical logistics support. Task Force Aviation provides heavy- and medium-lift helicopters, including medevac aircraft.

Currently, only one CCMRF is operational. The second CCMRF will become operational in October and the third in October 2010. Army National Guard brigade combat teams, to be employed in a Title 10 status, will form the nucleus of Task Force Operations of the second and third CCMRFs.

CCMRF and Posse Comitatus

Ours is a nation of laws. The Department of Defense is bound by the law, and the armed forces scrupulously obey and uphold the law. That law includes the Posse Comitatus Act.

As in any DSCA operation, the objective of CCMRF is to save lives, relieve suffering and mitigate damage. CCMRF is not a police force. It is not organized, manned, trained or equipped to perform law-enforcement missions. In fact, CCMRF soldiers, sailors, airmen and marines, like all Title 10 forces performing DSCA operations, are prohibited by DoD policy even from carrying weapons without the express approval of the Secretary of Defense. The specter of armed federal soldiers patrolling American cities in full battle gear is farfetched. Indeed, under the National Response Framework, the primary federal agency for coordinating matters of public safety and security is the Federal Bureau of Investigation, not DoD.

COL Trebilcock's suggestion that active Army soldiers, if domestic unrest and violence are so serious that weapons must be carried during DSCA operations, cannot adapt from combat to civil-support operations in the United States without violating rules for the use of force is unconvincing. Aside from the fact that our Army is the most disciplined, best-trained, best-led military force in the world, the near-instantaneous transition from combat operations to DSCA operations has occurred without incident: The 256th Infantry Brigade, Louisiana Army National Guard, redeployed early from Iraq in 2005 to assist in Louisiana's response to Hurricane Katrina—including providing support to law-enforcement authorities.

CCMRF is essential to our nation's integrated domestic response capability. CCMRF does not supplant state, local or other federal authority; it supplements it by providing response, rescue, relief and recovery capabilities that states, localities and other federal agencies may lack in a CBRNE event.

Those who believe that CCMRF somehow subverts the law and portends the demise of Posse Comitatus have misunderstood the role the federal armed forces have long played in DSCA operations. In the post-9/11 world, that role is ever more important. Given the fundamental obligation of assuring our nation's capability to respond to the unthinkable—and the potential consequences of failing to do so—it behooves all of us to work to correct that misunderstanding.

First Brigade Third Infantry Division as the Inaugural Task Force Operations for the 2009 Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives Consequence Management Response Force

COL Roger Cloutier, TF-OPS Commander; MAJ (P) Jason Garkey, TF-OPS Operations Officer; MAJ Marc Bouth, TF-OPS Chief of Operations; MAJ Steve Ranieri, TF-OPS Legal Advisor; and CPT Erik Gemza, TF-OPS Provost Marshal

Introduction

While Soldiers of the First Heavy Brigade Combat Team, Third Infantry Division (1-3 HBCT or "Raider" Brigade) were patrolling the Ramadi streets in support of Operation Iraqi Freedom V, the news broke that, upon redeployment, their unit would become assigned as Task Force Operations for the Chemical Biological Radiological Nuclear and High-yield Explosive (CBRNE) Consequence Management Response Force (CCMRF). The CCMRF has been staffed with an active duty force since 2002. 1-3 HBCT was the first "assigned" TF Operations (as opposed to "allocated"). The brigade was placed on the "patch chart" as an assigned brigade and was regenerated to deployment strength in personnel and critical equipment within six months from a CENTCOM redeployment. It appeared that the unit would be assigned to U.S. Northern Command for twelve months. The dwell time at Fort Stewart would be longer than usual, for the unit had to be ready to deploy inside the United States to help mitigate the catastrophic results of possible man made or natural disasters.



Members of 3rd Battalion 69th Armored Regiment practice search and rescue operations in a gas chamber during a mission readiness exercise at Ft. Stewart, GA on 16 September 2008.

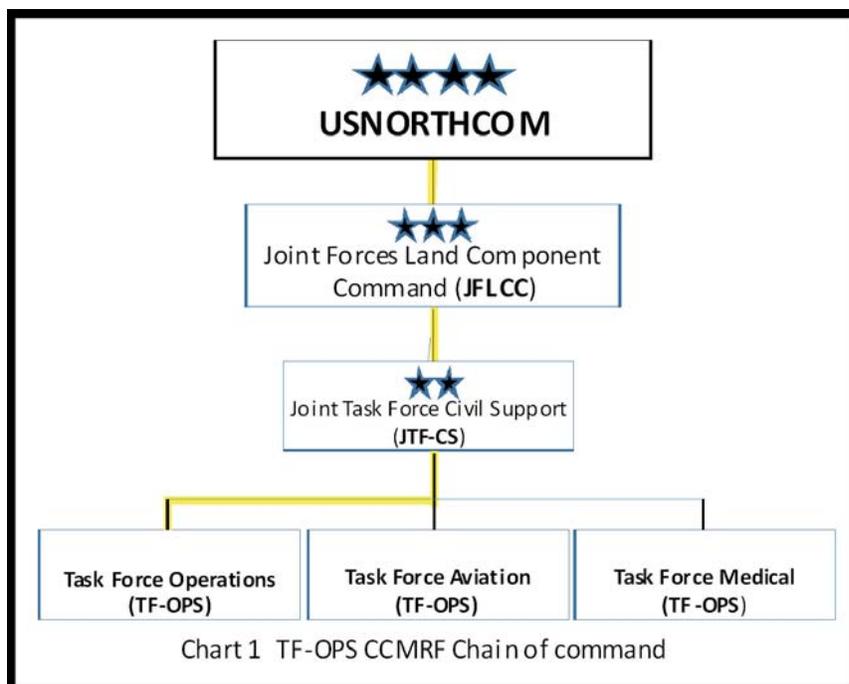
This article will shed some light on how 1-3 HBCT assumed and executed the mission and what lessons we learned. Before entering into details, it is clear that this exercise in readiness above all gave a tremendous sense of pride and belonging to our Soldiers. After being deployed multiple times, this homeland mission refocused our Soldiers from an Iraq mission to aiding their fellow Americans in the event of an attack on the homeland. The instant mind shift, necessary to prepare for mission assumption six months after getting home, also aided in decreasing discipline issues across the formation. Train-up and lane training allowed 1-3 HBCT to develop and practice systems sooner than any other Army brigade coming back from theater. The CCMRF mission gave us many advantages. This is the story of how we did it.

The CCMRF Mission

Defining the acronyms: JTF-CS, CCMRF and TF OPS

In 1999 the Department of Defense (DOD) changed the way it was going to provide support to local and state agencies in cases of domestic terrorist attacks or natural disasters. Lessons learned from military support to such events as Hurricane Andrew and the Atlanta Olympics showed that any large event would quickly overwhelm the civilian infrastructure and local first responders. The Nunn-Lugar-Dominici legislation provided the appropriate Congressional mandate. As a result, Joint Task Force-Civil Support (JTF-CS) was established.

Located at Fort Monroe (VA), JTF-CS is a standing two-star command that plans and coordinates chemical, biological, radiological, nuclear and high yield Explosive (CBRNE) military consequence management support to the primary agency, most likely the Department of Homeland Security (Federal Emergency Management Agency). Its mission is to provide command and control for all DOD units deployed in support of the National Response Plan. JTF-CS accomplishes its consequence management mission in strict adherence with the principles of the Constitution and public law. Deployment of JTF-CS, at the direction of the Commander of U.S. Northern Command, and on the authority of the Secretary of Defense, would occur only after a Governor requests federal assistance from the President, and after the President issues a Presidential Disaster Declaration. In any domestic setting, JTF-CS remains in support of the Primary Federal Agency (PFA) throughout the CBRNE consequence management operation. The JTF-CS staff consists of active and reserve component military from all five services, government service personnel, and civilian contractors. Commanded by an Army National Guard major general, it is the first civil support standing headquarters to operate with dedicated subordinate active duty task forces in the event of a CBRNE event.

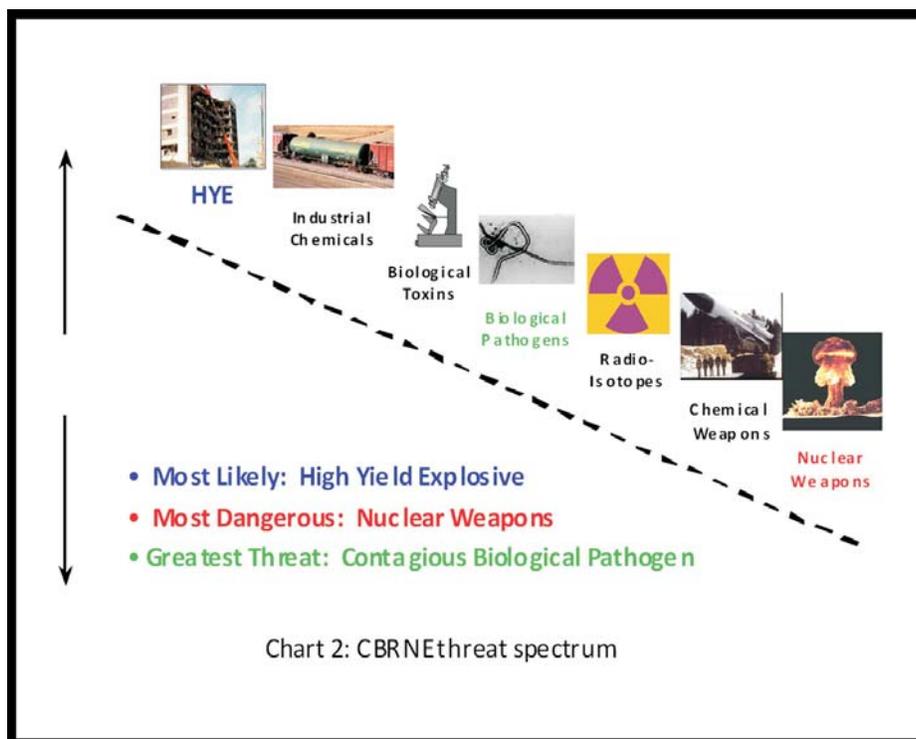


Down trace units for JTF-CS are organized in three O-6 level commands: Task Forces Operations (TF-OPS), Medical (TF-MED) and Aviation (TF AVN). On 1 October 2008, the First Heavy Brigade Combat Team, Third Infantry Division (1-3 HBCT), augmented with multiple joint enablers, was designated TF-OPS (TF-OPS 09-01).

TF-OPS 09-01 was prepared to rapidly flow force packages in support of JTF-CS, assisting federal, state, and local authorities responding to the effects of CBRNE incidents. It would focus on mitigating the hazard area and hazard effects; providing consequence management support in the areas surrounding and outside the incident zone, as well as logistics support for the incident site; to the PFA; to the affected population; and for DOD Title 10 Forces conducting CBRNE CM missions.

The threat

The United States faces a continued threat of the use or threatened use of a weapon of mass destruction and terrorist or threatened terrorist CBRNE attacks to the homeland. Unintentional CBRNE releases, whether the result of accidents or natural events, could create similar catastrophic results for civil authorities. As a result, three CCMRF forces with corresponding C2 headquarters will be sourced in the near future.



The above chart shows an analysis of the CBRNE threat spectrum in terms of the greatest threat, the most dangerous threat, and the most likely threat. Contagious biological pathogens, such as smallpox, pose the greatest threat because of the difficulty in containing them. Unlike the other threats, whose occurrence is almost immediately known and the damage readily assessed, the incubation period of biological pathogens enables them to initially go undetected and spread well beyond a limited geographical area. Consequently, the resulting number of casualties can continue to grow at an exponential rate. A nuclear incident is considered to be the most dangerous, in view of the physical destruction and large number of casualties that such an event would produce. An attack involving a high-yield explosive is the most probable. The relative ease with which these weapons can be obtained, as well as the frequency of their use worldwide in the last year, supports this assessment.

Key Scenario Sets	National Planning Scenarios
1. Explosives Attack – Bombing Using Improvised Explosive Device	• Scenario 12: Explosives Attack – Bombing Using Improvised Explosive Device
2. Nuclear Attack	• Scenario 1: Nuclear Detonation – Improvised Nuclear Device
3. Radiological Attack – Radiological Dispersal Device	• Scenario 11: Radiological Attack – Radiological Dispersal Device
4. Biological Attack – With annexes for different pathogens	• Scenario 2: Biological Attack – Aerosol Anthrax • Scenario 4: Biological Attack – Plague • Scenario 13: Biological Attack – Food Contamination • Scenario 14: Biological Attack – Foreign Animal Disease
5. Chemical Attack – With annexes for different agents	• Scenario 5: Chemical Attack – Blister Agent • Scenario 6: Chemical Attack – Toxic Industrial Chemicals • Scenario 7: Chemical Attack – Nerve Agent • Scenario 8: Chemical Attack – Chlorine Tank Explosion
6. Natural Disaster – With annexes for different disasters	• Scenario 9: Natural Disaster – Major Earthquake • Scenario 10: Natural Disaster – Major Hurricane
7. Cyber Attack	• Scenario 15: Cyber Attack
8. Pandemic Influenza	• Scenario 3: Biological Disease Outbreak – Pandemic Influenza

Chart 3: relationship of scenario sets to planning scenarios

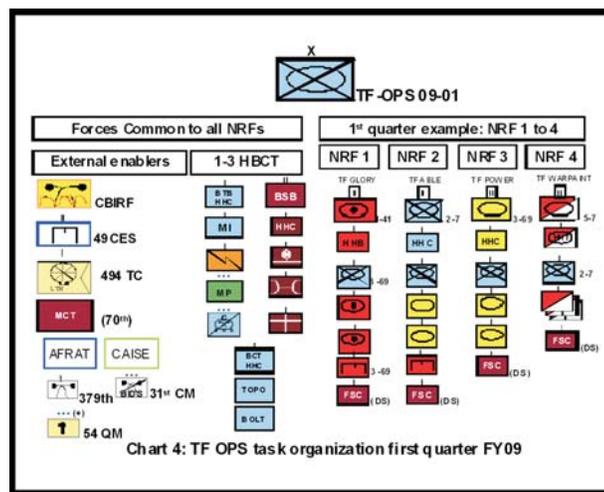
Threat assessments were aligned with 5 of the 8 national planning scenario sets, and 11 of the 15 specific national planning scenarios.

Transforming 1-3 HBCT(+) to TF-OPS

Lines of effort and the NORTHCOM Response Force (NRF) concept

Following a 15 month surge-deployment, 1-3 HBCT returned from the Iraq theater in April 2008. Six months later, the brigade assumed the CCMRF mission, while it was going through reset and regeneration of equipment. On 1 OCT 09, TF-OPS 09-01 will have relinquished the mission to TF-OPS 10-1, and will conclude its “Go to War” training and deploy within three months.

In order to determine the best type of force available for the CCMRF mission, three lines of effort (CCMRF, equipment reset and regeneration or RESET-REGEN, and Corps Mission Essential Task List or CMETL) were established using the following criteria: command and control, flexibility, preparing for CMETL training designed to meet DEC 09 Latest Arrival Date (LAD).



Allowing the simultaneous execution of both the CCMRF mission as well as the preparation for 1-3 HBCT’s next deployment, the brigade upheld a training rhythm that committed a quarter of its units as a dedicated CBRNE response force, a quarter as a dedicated all-hazard response force and the remaining

two quarters focused on regeneration and training battle tasks. Units rotated quarterly, allowing them to focus on CCMRF during half the year, while preparing for the next deployment for the remaining part of the year. The battalion that was ready to deploy in response of a CBRNE-event was called the NORTHCOM Response Force (NRF 1), while the NRF 4 BN was the dedicated all-hazard (non CBRNE) Response Force. The CCMRF was required to self-deploy from Fort Stewart and utilized a battalion-sized element from the NRF 1 or NRF 4 (depending upon the incident) to man critical deployment nodes and ensure all deployment tasks were completed. The NRF 1 or NRF 4 BN were the forces with the highest readiness posture, NRF 2 and NRF 3 BN were follow-on forces. This schedule also allowed Soldiers to be subject to a less restrictive leave policy during the NRF2&3 windows.

Schooling

Prior to mission assumption, Soldier training was executed in individual training lanes. The three focus areas were CBRNE defense, first aid, and communications. A total of 45 major tasks were tested, 32 of which were Army warrior tasks. These tasks were chosen based on FORSCOM training guidance and the probability of executing these tasks during a CCMRF event.

Leaders received additional training, both in the field of CBRNE and Consequence Management. All officers and non-commissioned officers were instructed on the national planning CBRNE scenarios; the Federal Emergency Management Agency (FEMA) incident command system training, the employment of CBRNE markers and reporting. Senior leadership attended a five day “Defense in Support of Civil Authorities” (DSCA) course taught by United States Army North, covering the strategic and legal context for Defense Support. Additionally, JTF-CS sponsored a three-day academic session at Ft Stewart, covering a wide variety of civil-support topics prior to the mission readiness exercise.

Capabilities

Early on in our mission analysis, it was clear that the use of a heavy brigade combat team as a support element in a consequence management role would require us to think in “capabilities” rather than in assets available. The challenge for the 1-3 HBCT, the core of task force operations, seemed to be turning combat hardened infantrymen into truck drivers and first responders. The Soldiers and NCOs proved very adaptable and resourceful, learning how to use chain saws and “jaws of life” equipment instead of weapons and explosives.



An Alpha Co. 1/41 FA Soldier uses the jaws of life to extract mock-casualties from a damaged vehicle at the Raymond M. Downey, Senior Responder Training Facility on 10 December 2008.

Developing the capability to deploy rapidly became a priority. Plans were developed to preposition containers and equipment to deploy ourselves on very short notice. The brigade also began working with

CENTER FOR ARMY LESSONS LEARNED

the division and the garrison at Fort Stewart to ensure there were mechanisms in place to support a short-notice deployment. Ft Stewart had been a rapid force projection platform prior to 9-11, but the CCMRF mission forced the garrison headquarters to review older procedures and update to accommodate a domestic response mission. Our first alert exercises clearly demonstrated that young Soldiers and junior leaders, although veterans of multiple deployments, did not have experience with alert procedures and needed training in rapid deployment operations. The institutional knowledge and ability to execute an 18-hour deployment sequence did not exist, initially, because of the impacts of multiple CENTCOM deployments for the Raider Brigade.

External enablers, coming from different components, augmented TF OPS abilities with specific technical expertise. The Chemical Biological Incident Response Force (CBIRF), a rapid deployment Marine unit stationed in Maryland, provided an Incident Response Force (IRF) with the ability to conduct agent identification, casualty search and extraction operations and personnel decontamination.

The Air Force was represented with two units: the Air Force Radiological Assessment Team (AFRAT) and the 49th Civil Engineer Squadron (49th CES). AFRAT performs radiological mission planning, health risk assessments; and radiation surveillance operations. They are experts in on-site sample analysis and responder health surveillance through radiation dosimetry. The 49th CES out of New Mexico composed the primary core of TF OPS engineer capabilities with the ability to perform damage assessments, conduct route clearance and construct emergency lodging. Other Army units joined the ranks as well. The 494th Light/Medium truck Company from the 101st Airborne Division augmented our transportation capabilities considerably. Chemical survey and decontamination was provided by 379th Chemical Company, while 31st Biological Integrated Detection System (BIDS) Platoon provided biological detection teams. The 54th Quartermaster Battalion sent us mortuary affairs experts. A 4th PSYOP Group Civilian Assistance Information and Support Element (CAISE) allowed us to conduct public information dissemination activities by producing close to 100,000 colored leaflets per day in support of the lead federal agencies information announcements. These announcements primarily identified relief centers and support locations for affected individuals.



AFRAT in action



379 Chemical Company in action

The joint nature of both our higher headquarters and our down trace units forced 1-3 HBCT staff personnel to think and speak outside the typical Army lexicon. Interaction with civilian first responders and lead agencies made us even more aware of the necessity to find a common language. Expressions like “Battle Space” and “Combat Power” became obsolete or were replaced by “Geographical Focus Area” and “Emergency Support Function”. Supporting local, state or federal agencies required us to adopt a different operating procedure. Combat leaders, trained to lead from the front, learned the implications of supporting a lead federal agency.

Training the Force

TF OPS participated in six higher-level exercises or workshops; and conducted an additional number of in house training events to validate its ability to rapidly deploy to a disaster site and conduct CBRNE CM operations. Alert message and recall drills were initiated frequently. The selected scenarios covered most of the key scenario sets. The below highlights some of these training events and expands on key lessons learned.

Mission readiness exercise (MRX)

Two weeks before mission assumption TF OPS completed Vibrant Response 09, a weeklong command post exercise designed to train and certify the commanders and staff. U.S. Army North (ARNORTH – 5TH Army) conducted the exercise while it’s subordinate, Joint Task Force-Civil Support, provided command and control for the CCMRF units. Headquarters elements of all TF OPS down-trace units were integrated.

The MRX scenario was based on a sobering 10KT nuclear detonation explosion in a major metropolitan city. Massive destruction and uncountable numbers of casualties quickly overwhelmed civilian first responders, which triggered the governor to call for federal assistance. Upon the Presidential emergency declaration, the Secretary of Defense directed NORTHCOM to deploy its assigned forces. During a rock drill attended by Army Chief of Staff, General George W. Casey, Jr., multiple possible FEMA “Requests for Assistance” (RFA) passed review. The exercise provided ample occasions to think about how to move equipment, extract the injured and take care of people following this type of attack. TF OPS had to choose whether to task organize functionally, creating such subordinate task forces like engineering, decontamination, heavy movement, and search and rescue, or to develop multifaceted task forces and assign them geographically. These configurations would likely change based on the type of incident.

TF OPS learned valuable lessons about how to effectively communicate in the joint civil support environment and within the Continental United States (CONUS) limitations for federal forces (Title 10).

The limitations placed on who is allowed to handle human remains decreased Task Force Operations ability to provide assistance following a disaster. The mortuary affairs personnel were capable of handling and processing remains, but were not organized to deal with the quantities of remains that could be expected in a CCMRF scenario. Policy revision leading to more precise guidance was developed during follow-on exercises and conferences.

Emergency deployment readiness exercise (EDRE).

A brigade EDRE was executed quarterly during the first six months of FY 2009. In addition, subordinate units directed battalion level EDREs. Those EDRE were furthermore complemented with weekly alert drills, not necessarily leading to deployments. In an era of persistent conflict, units most often know their deployment dates far in advance of actual deployment. The knowledge from the days of the cold war has rapidly diminished to only senior officers and NCOs. The execution of no-notice exercises ensured that the capability of TF OPS to rapidly deploy via strategic mobility assets remained intact.



A combat engineer Soldier looks through a smoke-filled room for “survivors” at the Raymond M. Downey Senior Responder Training Facility on 10 December 2008 during a 1-3 HBCT first CCMRF EDRE.

With RESET being completed in November 08, 1-3 HBCT was able to exercise a complete Command and Control (C2) system multiple times in different Command Post Exercises (CPX). The BDE executed a first EDRE early December. The scope of this EDRE was to check deployability of a cross section of personnel, equipment and vehicles. Approximately 250 personnel, 12 vehicles and C2 equipment flew to Indian Head, MD and conducted cross-training with CBIRF. Initial alert procedures, recall response, marshalling of troops and equipment, strategic deployment to the incident site, execution of missions within the incident site, and re-deployment back to home station were evaluated and improved where necessary.

In the second quarter, TF OPS executed a more substantial EDRE. Over 1,200 TF OPS Soldiers, Sailors, Airmen and Marines, and 400 pieces of equipment deployed to Camp Blanding, FL. Deploying units came from several subordinate elements resulting in units deploying from New Mexico, Texas, Virginia, Maryland and Georgia. An additional 1,000 personnel participated in the exercise from Ft. Stewart serving in the capacity as the out-load support battalion and as a rear detachment C2 function.

All subordinates of TF OPS expressed interest and provided units to participate. In the field, TF-OPS exercised command and control over those augmentee units. In addition, TF-OPS continuously coordinated with lateral commands (TF AVN and TF MED) and with the higher headquarters. Similar to an actual incident, most of the TF OPS down-trace units linked up at the incident site. All TF OPS units executed a deliberate planning and preparation timeline in order to accomplish specific training objectives. The Field Training Exercise (FTX) part involved joint training, specifically with Army and Air Force engineers, Army and USMC CBRNE response forces and the USAF Radiological Assessment Team. In addition, training was provided by the Florida National Guard's CBRNE Enhanced Response Force Package, known as a CERFP.



Soldiers of the 2nd Battalion, 7th Infantry Regiment practicing urban search and rescue and debris cleaning at the Camp Blanding FLNG CERFP site.

The FTX provided invaluable feedback from the squad level through the Brigade's integration with JTF-CS. Communications systems were evaluated in a field environment and Joint Reception, Staging, Onward movement, and Integration (JRSOI) successfully controlled the influx of forces into the disaster area. Consequence management missions were executed throughout the FTX in a decentralized manner much like what is anticipated in a CCMRF emergency. Of notable interest, the deployment procedure and deployment sequence called for a strict Soldier management plan, avoiding early depletion of forces and providing a sustainable tempo for continuous operations. While 1HBCT was certainly able to deploy within the required timelines, the effectiveness of units once on the ground were directly related to the command emphasis on a mandated rest cycle during the deployment sequence. The ground deployment of a 400-vehicle task force broken down into multiple convoys and serials required the drivers and TCs to have a rest plan to support movement through the Georgia and Florida highway systems.

Video teleconferences (VTC)

Joint Task Force – Civil Support maintained contact with the task force commanders by implementing a weekly VTC between JTF-CS and the subordinate task forces. Beside a threat information exchange and discussions about upcoming events that might influence the readiness level, the conferences allowed the commanders to discuss and streamline training events. The weekly VTC proved to be an invaluable tool for lateral and vertical coordination and shaped the tight relationship between the units and JTF-CS.

Through dialogue with the commander of JTF-CS and his staff, we were able to maintain a regular command relationship with our higher headquarters and ensure the CCMRF commanding general maintained an accurate assessment of readiness and training postures.

Challenges

Arming status

A commander has the right and obligation to protect his force. However, the nature of the DSCA mission imposes unique restrictions on the ability of Title 10 forces to upgrade their security posture. Specifically, only the President and the Secretary of Defense have the authority to authorize Title 10 personnel to carry individual service weapons within US territory during any DSCA operation.

As a result, Title 10 forces must first turn to local, state, and federal law enforcement agencies and Title 32 National Guardsmen to provide force protection. Notably, if Title 10 Soldiers have force protection issues other responders will have the same. Thus, prior coordination is essential to ensure that non-Title 10 forces can provide adequate force protection to Title 10 service members.

In the event that the President or the Secretary of Defense authorizes Title 10 forces to carry weapons, keeping in mind that weapons would only be used for self-defense, very strict arming orders will be used to ensure unity of the Task Force's outward force posture and to prevent unintended escalations in the show and use of force.

Remains handling

The CCMRF will perform a variety of missions in response to a disaster. One such mission is to conduct search and rescue efforts to save the lives of citizens residing in the disaster area. Undoubtedly, when searching for survivors and those in need of assistance, personnel may locate human remains. Moreover, large scale casualties are likely in many disasters and local authorities may be overwhelmed and unable to recover, and handle, the remains of disaster victims. Thus, the proper handling of human remains is absolutely necessary for public health and safety reasons. The recovery of human remains is normally the responsibility of civil authorities, and military assistance in this area is typically limited. Because local authorities may be overwhelmed as a result of the disaster, federal assistance in this area is appropriate and will often be essential. Providing that assistance, however, is a challenge.

During Hurricane Katrina, the Secretary of Defense limited the handling of bodies and remains to trained mortuary affairs personnel only. Other Title 10 personnel were used only to transport the remains. TF-OPS acknowledged this possible restriction and planned for the use of non-mortuary affairs personnel to support state and local authorities. Under these circumstances, mortuary affairs personnel would provide basic mortuary affairs training to quickly educate Soldiers in mortuary affairs activities. Upon successful completion of such training, these Soldiers would support mortuary affairs personnel in accomplishing their mission assignment. Mortuary affairs personnel would supervise and provide oversight to these newly trained Soldiers to ensure proper techniques, health procedures, and guidance on the appropriate respect for each deceased person were followed. Non-mortuary affairs personnel may also assist State National Guard and civilian law enforcement authorities in locating human remains and transporting them after they have been processed.

While providing support, personnel must also remain cognizant of the state and local laws and procedures that control human remains recovery. For example, death certificates are issued by local authorities and the disposition of human remains is subject to state authority. Accordingly, all efforts related to the handling of human remains should be conducted pursuant to coordinated efforts with local authorities to ensure that state law concerning proper disposition are followed. Lastly, Title 10 personnel must also be aware of the social aspects of disposition. Cultural perspectives or religious tenets may be critically linked to the manner in which remains are handled.

Use of unmanned aerial vehicles (UAVs)

At the brigade level, UAVs are an extremely valuable asset that are employed for real-time situational awareness. The UAV is a responsive observation platform that facilitates observation of a contaminated area without endangering response personnel. However, utilizing UAV presents unique challenges while operating on American soil, such as coordination with the Federal Aviation Agency (FAA). The authorization process and points of contact involved are scarcely known at the brigade level. Clearing airspace with the FAA is a time consuming process.

The FAA's authority over and responsibility for the National Airspace (NAS) is in effect before, during, and after a major incident, regardless of Stafford Act declarations, requests by states for federal support, or FEMA intervention. Lessons learned during Hurricane Katrina and Dean, and the California wild fires identified potential risks created by the lack of uniform, coordination procedures. The National Response Plan (NRP) Emergency Support Function 1 (ESF-1) underscores the fact that the Department of Transportation (DOT), through the FAA, is responsible for managing the aviation system during emergencies.

It is therefore essential to recognize the dynamics of domestic airspace coordination, to understand the Contingency Response Air Space System (CRASS), and to know how FEMA develops its Air Concept of Operations (CONOPS). The concern about air de-confliction is shared by our colleagues of Task Force Aviation and has been a topic on Unified Incident Aviation Operations and Airspace Management colloquia.

Obtaining legal authority to employ UAVs is equally as challenging as coordinating clearance of airspace with the FAA. The CJCS Standing DSCA EXORD authorizes the use of traditional intelligence asset capabilities to conduct five types of "incident awareness and assessment" (IAA) activities during a DSCA event: situational awareness, damage assessment, evacuation monitoring, search and rescue, and CBRNE assessment. However, the CCMRF would likely deploy for a CBRNE event pursuant to the authority of the CJCS Standing CBRNE EXORD, which as currently written does not include the five preapproved mission sets contained in the DSCA EXORD. Thus, separate SECDEF approval is required to use IAA assets when a task force is deployed under the CBRNE EXORD. Naturally, intelligence oversight rules under DOD 5240.1-R apply regardless of the source of authority.

Law enforcement sensitive information management

Part of the challenge for a Brigade Combat Team (BCT) to shift from a unit in the lead of counterinsurgency operations, to a CCMRF unit supporting other federal agencies in CONUS is reflected in the way it processes sensitive information. In accordance with AR 381-10 (U.S. Army Intelligence Activities), a BCT supporting lead federal agencies will not conduct any kind of intelligence operations but will assess law enforcement sensitive information to support anti-terrorism and force protection.

Anti-terrorism is defined as defensive measures used to reduce the vulnerability of individuals and property to terrorist acts. Determining what types of defensive measures to emplace in order to protect DOD and civilian forces results from analyzing information from multiple sources. The sources of information are not as important as the credibility and timeliness of it. The key to creating a picture of the threat towards military and civilian first responders is to establish civil/military partnership for terrorist incident crisis as identified as Antiterrorism Task 6 in AR 525-13 (Antiterrorism). Establishing these partnerships with civil authorities as far in advance as possible, is essential for responding to no-notice CBRNE events.

The Army North (ARNORTH) Provost Marshal Office (PMO) produces products that present an overview of emerging threats in order to allow units to change their defensive posture through implementing force protection measures. At the brigade level, the PMO cell strives to replicate much of

the capabilities of the ARNORTH PMO, but is limited by personnel. The importance of creating the civil/military partnerships is emphasized to fill the gaps of limited resources.

TF OPS 09-01 Legacy and Recommendations

Standard operating procedures (SOP)

Part of being the inaugural TF OPS meant that there were not many doctrinal resources or a large number of personnel experienced in domestic consequence management operations. The MRX showed us the crucial importance of developing a dedicated CCMRF SOP that would help build a Common Overview Picture (COP), adequate for domestic support operations. Staff functions such as Intelligence and Provost Marshal had to be redefined. Specific vocabulary was added. Paragraphs on legal and environmental considerations, the standard rules for use of force and arming status, recall procedures, deployment sequence and emergency support functions were entered. An important part of our SOP was dedicated to fully understand the capabilities within the force.



TF OPS Current Operations is building the COP in the Tactical Operations Center.

A successful transition of the TF OPS CCMRF SOP to the 2010 and 2011 units certainly demonstrated our legacy and prevented a cold start for the follow on units. Ideally, SOPs are developed before and validated during the mission readiness exercise. A full force MRX, with sufficient observer controllers in a National training Center environment is the ideal scenario and TF OPS 09-01's recommendation.

Transitioning to TF OPS 10-01

Lessons learned briefings, focused on experiences gained during EDREs and other exercises, were presented during planning conferences for CCMRF 2010 units. A similar effort has been developed for units who will cover part of the 2011 CCMRF mission. Additionally, both TF OPS 10.1 and 10.2 sent liaison teams to observe all aspects of Command Post and Field exercises.

The CCMRF mission requires leaders and staff to think about domestic response implications and how to operate in support of another headquarters. Pre-2001 institutional knowledge such as CBRNE drills and rapid deployment sequences needs to be re-instituted. Units need sufficient time to get familiarized with this consequence management mission and the concept of defense in support of civil authorities. Integration of elements of future CCMRF units in all exercises and conferences has allowed a smooth transition between the CCMRF 09 and 10 units.

Standing CCMRF equipment

Critical to the assumption of this mission was the Army's acknowledgement of equipping and manning priorities. The CCMRF carried the same priority as a unit deploying to the CENTCOM AOR. The mission called for equipment that was not normally part of a Heavy Brigade Combat Team, such as additional flat racks, water trailers and pumps. All operational need statements (ONS) were approved and the brigade received the appropriate logistics equipment.

Additionally, more consequence management mission specific equipment was either placed on contingency only, Purchase Request & Commitment Forms and pre-staged with Contracting in event of a CCMRF incident or purchased by Third Infantry Division with training funds due to the equipments' dual use (both CCMRF and CENTCOM applications).

We recommend the development of a Theater Provided Equipment (TPE) set, such as communication equipment compatible with civilian first responder networks, decontamination equipment, and power tools. When properly managed, such an equipment set could be transferred to the incoming units as part of the transition plan. In addition to the financial benefits, specific training for specialized equipment needed for the CCMRF mission could be included in part of the mission assumption training.



Part of the CCMRF dedicated equipment loaded on 3rd Brigade Support Battalion, 1-3 HBCT flat racks at Fort Stewart, GA.

Importance of engaging the media and getting the proper message out

Another critical lesson TF OPS 09-01 learned is the importance of engaging the media and getting an accurate message into the news cycle. You have to engage the media early and often so you can tell your story. There was some confusion when TF OPS first assumed the mission and there were a lot of informal outlets (such as blogs and liberal websites) that did not understand the importance of assigning a heavy brigade combat team as part of a domestic consequence management response force. It took a coordinated media campaign executed by US NORTHCOM and JTF-CS to finally explain how a federal force would receive authorization to respond to a domestic event and the significance of committing federal forces to support the lead federal agency or state and local actors.



Embedded press during the September 2009 MRX rehearsal at Ft. Stewart, GA.

Very early on, we embraced the media, and we embedded them in every exercise. We emphasized the importance of using a non-military vocabulary, which facilitated the same mindset as the civilian response infrastructure we were supporting. Systematic communication over time told the correct story about what the Soldiers, Sailors, Airman and Marines were doing to support the civilian infrastructure in the event of a CBRNE incident.

Closing Comments

Assuming the CCMRF mission less than 180 days after redeployment from Iraq seemed like a near impossible mission. In reality, this mission had an extremely positive impact on the brigade. The brigade reoriented from an overseas deployment mentality and focused on supporting the homeland. A sense of urgency rapidly engulfed the chain of command and Soldiers quickly focused on preparing for the next mission. The brigade understood the importance of being prepared to deploy in support of the lead federal agency. Completing the critical components of the regeneration process and replacing over 80% of the key leaders in the brigade within six months required support from the 3rd Infantry Division and the Army. The end result was an impressive team effort demonstrating the flexibility and adaptability of the American fighting force.

Assigning an entire BDE to the CCMRF mission allowed the commander to rotate the battalions through different stages of readiness, allowing them to focus on both consequence management and counterinsurgency training. A Brigade Combat Team in the role of TF OPS brings tremendous capabilities: an organic brigade support battalion, four support companies in each one of the maneuver battalions. This gives the commander superb logistics and haul capabilities. There is a UAS platoon to do assessments and provide the commander with situational awareness of the disaster area. More importantly, all this comes with approximately 4500 Soldiers prepared to execute in support of the lead local, state or federal agency.

The brigade successfully integrated with joint service partners and rapidly developed operating procedures understood by all members of Task Force Operations. This mission required a number of command post exercises, and equally important, sufficient field training to validate systems and evaluate task proficiency. Every service committed themselves to mission accomplishment as a joint task force and as a group, TF OPS was very successful.

In closing, it was very reassuring to know the United States would commit such a sizeable force to provide support to the American people in the wake of the surge in Iraq. The CCMRF was never deployed, but every Soldier, Marine, Sailor or Airman of TF OPS 09-01 firmly believed that, if committed, the entire task force would have rapidly deployed and minimized the negative consequences of an attack on the homeland.

PROVIDE US YOUR INPUT

To help you access information quickly and efficiently, Center for Army Lessons Learned (CALL) posts all publications, along with numerous other useful products, on the CALL Web site. The CALL Web site is restricted to U.S. government and allied personnel.

PROVIDE FEEDBACK OR REQUEST INFORMATION

<<http://call.army.mil>>

If you have any comments, suggestions, or requests for information (RFIs), use the following links on the CALL home page: “Request for Information or a CALL Product” or “Give Us Your Feedback.”

PROVIDE TACTICS, TECHNIQUES, AND PROCEDURES (TTP) OR SUBMIT AN AFTER-ACTION REVIEW (AAR)

If your unit has identified lessons learned or TTP or would like to submit an AAR, please contact CALL using the following information:

Telephone: DSN 552-9569/9533; Commercial 913-684-9569/9533

Fax: DSN 552-4387; Commercial 913-684-4387

NIPR Email address: call.rfimanager@conus.army.mil

Mailing Address: Center for Army Lessons Learned, ATTN: OCC, 10 Meade Ave., Bldg 50, Fort Leavenworth, KS 66027-1350.

TO REQUEST COPIES OF THIS PUBLICATION

If you would like copies of this publication, please submit your request at: <http://call.army.mil>. Use the “Request for Information or a CALL Product” link. Please fill in all the information, including your unit name and official military address. Please include building number and street for military posts.

PRODUCTS AVAILABLE "ONLINE"

CENTER FOR ARMY LESSONS LEARNED (CALL)

Access and download information from CALL's Web site. CALL also offers Web-based access to the CALL Archives. The CALL home page address is:

<<http://call.army.mil>>

CALL produces the following publications on a variety of subjects:

- **Combat Training Center Bulletins, Newsletters, and Trends**
- **Special Editions**
- *News From the Front*
- **Training Techniques**
- **Handbooks**
- **Initial Impressions Reports**

You may request these publications by using the "Request for Information or a CALL Product" link on the CALL home page.

COMBINED ARMS CENTER (CAC) Additional Publications and Resources

The CAC home page address is:

<<http://www.leavenworth.army.mil>>

Battle Command Knowledge System (BCKS)

BCKS supports the online generation, application, management, and exploitation of Army knowledge to foster collaboration among Soldiers and units in order to share expertise and experience, facilitate leader development and intuitive decision making, and support the development of organizations and teams. Find BCKS at <<http://usacac.army.mil/CAC/bcks/index.asp>>.

Center for Army Leadership (CAL)

CAL plans and programs leadership instruction, doctrine, and research. CAL integrates and synchronizes the Professional Military Education Systems and Civilian Education System. Find CAL products at <<http://usacac.army.mil/CAC/CAL/index.asp>>.

Combat Studies Institute (CSI)

CSI is a military history "think tank" that produces timely and relevant military history and contemporary operational history. Find CSI products at <<http://usacac.army.mil/CAC/csi/RandP/CSIPubs.asp>>.

Combined Arms Center-Training: The Road to Deployment

This site provides brigade combat teams, divisions, and support brigades the latest road to deployment information. This site also includes U.S. Forces Command's latest training guidance and most current Battle Command Training Program Counterinsurgency Seminars.

Combined Arms Doctrine Directorate (CADD)

CADD develops, writes, and updates Army doctrine at the corps and division level. Find the doctrinal publications at either the Army Publishing Directorate (APD) <<http://www.usapa.army.mil>> or the Reimer Digital Library <<http://www.adtdl.army.mil>>.

Foreign Military Studies Office (FMSO)

FMSO is a research and analysis center on Fort Leavenworth under the TRADOC G-2. FMSO manages and conducts analytical programs focused on emerging and asymmetric threats, regional military and security developments, and other issues that define evolving operational environments around the world. Find FMSO products at <<http://fmso.leavenworth.army.mil/recent.htm>> or <<http://fmso.leavenworth.army.mil/products.htm>>.

Military Review (MR)

MR is a refereed journal that provides a forum for original thought and debate on the art and science of land warfare and other issues of current interest to the U.S. Army and the Department of Defense. Find MR at <<http://usacac.leavenworth.army.mil/CAC/milreview>>.

TRADOC Intelligence Support Activity (TRISA)

TRISA is a field agency of the TRADOC G2 and a tenant organization on Fort Leavenworth. TRISA is responsible for the development of intelligence products to support the policy-making, training, combat development, models, and simulations arenas. Find TRISA Threats at <<https://dcsint-threats.leavenworth.army.mil/default.aspx>> (requires AKO password and ID).

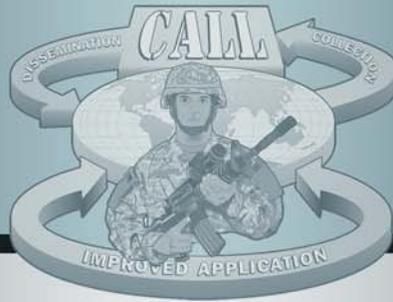
United States Army Information Operations Proponent (USAIOP)

USAIOP is responsible for developing and documenting all IO requirements for doctrine, organization, training, materiel, leadership and education, personnel, and facilities; managing the eight personnel lifecycles for officers in the IO functional area; and coordinating and teaching the qualification course for information operations officers. Find USAIOP at <<http://usacac.army.mil/CAC/usaioop.asp>>.

U.S. Army and Marine Corps Counterinsurgency (COIN) Center

The U.S. Army and Marine Corps COIN Center acts as an advocate and integrator for COIN programs throughout the combined, joint, and interagency arena. Find the U.S. Army/U.S. Marine Corps COIN Center at: <<http://usacac.army.mil/cac2/coin/index.asp>>.

Support CAC in the exchange of information by telling us about your successes so they may be shared and become Army successes.



Center for Army Lessons Learned (CALL)

10 Meade Avenue, Building 50
Fort Leavenworth, KS 66027-1350

<http://call.army.mil>



US Army
Combined
Arms Center

"Intellectual Center of the Army"

Approved for Public Release,
Distribution Unlimited