

National Guard Homeland Defense White Paper: September 11, 2001, Hurricane Katrina, and Beyond



North Dakota National Guard



Texas National Guard



Ohio National Guard



Oregon National Guard



Tennessee National Guard

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September 11, 2001, Hurricane Katrina, and Beyond**

<i>Introduction</i>	<u>2</u>
<i>Homeland Defense in the Wake of 9-11</i>	<u>3</u>
<i>Civil Support in Response to Hurricane Katrina</i>	<u>4</u>
<i>National Special Security Events (NSSEs)</i>	<u>5</u>
<i>A Strategy for Improved Homeland Defense in the Future</i>	<u>6</u>
<i>Homeland Defense Initiatives</i>	<u>8</u>
<i>Top 10 Essential Homeland Defense Capabilities</i>	<u>11</u>
<i>Understanding Duty Status</i>	<u>12</u>
<i>Equipping Policy</i>	<u>16</u>
<i>Closing</i>	<u>16</u>

Introduction

“Homeland Defense is job number one – we ‘Guard’ the nation.”

--LTG H Steven Blum, Chief, National Guard Bureau

Few words could more succinctly describe the importance of Homeland Defense and the National Guard’s role in defending our Homeland. America’s enemies continually seek new ways to attack America, so we must be ever adaptive in our methods of protection. Natural disasters such as the Tsunami of December 2004 and Hurricane Katrina in August 2005 seem to test and sometimes thwart our plans.

Historically, the United States military worked to secure the United States by maintaining a powerful overseas presence and warfighting capability. The September 11, 2001 terror attacks showed a very real and emerging threat to our country. Natural disasters such as Katrina test the very fiber of mankind. We must extend our capabilities to deter and defeat aggression both at home and abroad. We must improve our prevention, detection, response, and recovery mechanisms in the face of national or natural disasters.

In the balance of this paper we lay out how the National Guard responded to provide Homeland Defense in the wake of 9-11 and the more recent Katrina disaster. We examine how the National Guard is taking the initiative to fill capability gaps and improve its Homeland Defense capability. We also discuss National Guard mobilization methods as they relate to Homeland Defense and some HLD initiatives that predate 9-11, including the establishment of Weapons of Mass Destruction-Civil Support Teams (WMD-CSTs).

Homeland Defense in the Wake of 9-11

Whenever disaster strikes or threatens, the National Guard represents the most significant asset Governors can rapidly mobilize to provide protection, relief, and recovery. On September 11, 2001, disaster did indeed strike and the National Guard responded. In the immediate aftermath, National Guard Soldiers from the 115th, 290th, and 200th secured the Pentagon, protected critical infrastructure, guarded airports across the nation, and mobilized to defend our Homeland by fighting global extremism abroad.

a. Critical Infrastructure and Force Protection. Following the September 11, 2001 terrorist attacks, the National Guard had Soldiers on duty within hours – over 3,000 within three days and over 5,000 within ten days. These Soldiers provided security at nuclear power plants (supporting the Department of Energy), domestic water supplies, bridges, tunnels, border security sites (supporting the Treasury and Customs Service Departments), and military bases across the nation. Additionally, President George W. Bush authorized a partial mobilization of the Reserves on September 15, 2001 for Homeland Defense and Civil Support missions. Collectively, these missions were dubbed Operation Noble Eagle. One specific Operation Noble Eagle mission involved air defense around major metropolitan areas. During the aftermath, the Air National Guard kept two fighters flying over New York City and four over Washington, DC 24 hours a day, while also flying random patrols over other major cities. Other National Guard participants included airlift, intelligence, military police, medical, logistics, engineers, search and rescue, and chaplains.

b. Airport Security. Following the September 11, 2001 terrorist attacks the National Guard, by order of the President, assumed the airport security mission and reported for duty across the nation. The National Guard carried this mission for eight months, with up to 8,200 Soldiers on duty in Title 32 status, before transferring responsibility to the newly established Transportation Security Administration. During that time, the National Guard effectively deterred threats and restored public confidence in air traffic security.

c. Mobilizations. Since September 11, 2001, 206,587 Army National Guard Soldiers answered the call, serving some 246,544 tours of duty, providing for our defense at home by fighting global extremism at home and abroad.¹ The Air National Guard provided countless flight hours transporting troops and supplies, performing medical evacuations, completing operational sorties, and in many cases complementing the troops on the ground with essential communications and computer expertise.

Additionally, the National Guard provided over 1.7 million days of support to civilian authorities responding to over 23,000 incidents. This response included providing relief from tornadoes, wildfires, hurricanes, and floods.

¹ Numbers as of 1 September 2005.

Civil Support in Response to Hurricane Katrina

As Hurricane Katrina headed toward the Gulf Coast, the Louisiana National Guard's leadership declared a full alert. The Louisiana leadership stood up a Joint Operations Center (JOC) and the Louisiana Governor activated the National Guard. Within 24 hours of Katrina becoming a Category 3 hurricane (winds up to 115 mph), Louisiana activated 2000 Soldiers and Airmen. Within 48 hours, Louisiana mobilized 4000 Soldiers and Airmen and deployed security and medical forces to the Superdome. Based on existing Contingency Plans, Louisiana and the National Guard Bureau began Emergency Management Assistance Compact (EMAC) coordination with individual states, the New Orleans police department, Federal Emergency Management Agency (FEMA), and other agencies. Neighboring states of Mississippi, Florida, and Alabama braced for the impending storm. The Alabama Governor declared a state of emergency and state workers posted evacuation orders along the Mississippi coast. Meanwhile on Sunday, August 28 the hurricane grew to a Category 5 storm with winds up to 160 mph.

As the storm raged through the last weekend in August, hopes were beginning to rise as the winds began to die down and the hurricane was downgraded to Category 4 (winds up to 145 mph). Incredibly, two levees broke in New Orleans on Monday (one at 9:00 a.m. and another at 2:00 p.m.), August 29, flooding the city and wreaking havoc throughout the area. Some of the destruction included destroying approximately 350,000 homes and displacing approximately 200,000 evacuees to shelters (and an estimated 5 times that number to hotels or homes of relatives or friends). Shortly after Katrina cleared New Orleans Army National Guard helicopters were already in the air over the mostly impassable flooded streets performing roof-top rescues and moving critical supplies and personnel as National Guard troops from Pennsylvania, Mississippi, Georgia, Florida, and Oklahoma began flowing into the flood zone. In a rapidly escalating mobilization, the largest stateside deployment in National Guard history, a total of 50,087 Soldiers and Airmen and 146 Guard rotary-wing aircraft deployed to the impact zone, and thousands more provided coordination and logistical support from numerous locations. This mobilization surpassed even the 1906 stateside deployment for the San Francisco fire and earthquake (approximately 30,000 troops). Similar to the Earthquake where fire accounted for more devastation than the actual earthquake, which triggered the fires, Hurricane Katrina caused a surge of wind and waves that breached the levees and the ensuing flood caused most of the damage.

Stories of courage and dedication abound, but a few stand out as representative and exemplary.

- After a year in Iraq, the 256th Brigade Combat Team of the Louisiana National Guard came back to the United States to join another fight -- the fight against Katrina. According to Army BG John P. Basilica, 256th BCT

commander, many of his Soldiers redeployed and joined in recovery efforts.

- Task Force Engineers set up an operations center at Camp Haywood, Mississippi, and the task force is helping to rebuild the local community. This task force from the Florida Air National Guard 202nd has worked nearly around the clock on multiple construction projects to restore power, clean and repair schools, and refurbish electrical supplies.
- When the 131st Quartermaster Battalion, a water purification unit from the North Dakota National Guard, arrived at Camp Shelby, Mississippi they did not have a water purifying mission (combating bacteria and viruses). The soldiers of the 131st Quartermaster Battalion went to the 38th Infantry Division Support Commander and asked if they could go out everyday until they left and help the citizens of Mississippi. This was the beginning of Operation Good Neighbor. The commander proudly said “They volunteered to adopt a county and provide assistance and that’s exactly what they did.”
- Aviation crews from the affected states of Louisiana and Mississippi were joined by aircraft and dedicated crews from 23 other States.² These crews provided valuable assistance in areas where mobility was severely restricted. According to Mississippi Army National Guard Lieutenant Colonel Tim Powell “We’re flying 300 missions a day, flying out food and water...Aircrews here say they fly 4 to 15 missions per day,” depending on the distance of their drops from the Air National Guard Combat Readiness Training Center airfield in Gulfport.

The stories vary, but the constant theme is “call to duty” and the result is a courageous response to the call.

National Special Security Events (NSSEs)

In the last four years, the National Guard provided support to many National Special Security Events (NSSEs) and other less traditional requirements. Examples are listed below:

a. 2002 Winter Olympics in Salt Lake City, Utah. In January and February 2002, less than three months after the September 11 attacks, over 4,000 National Guard Soldiers led increased security efforts at the 2002 Winter Olympics. National Guard and other security forces ensured that no venues were shut down and no major security incidents occurred.

² Assisting States were GA, WI, DC, TX, FL, OK, TN, NE, WY, CO, AL, AR, KY, NV, CT, SD, NM, KS, NC, WA, NY, IN, and OH.

b. G-8 Summit Conference in Savannah Georgia. National Guard forces supported the G-8 Summit Conference from 1 to 12 June 2004. At the apex 4,870 Title 32 National Guard and 2,406 Active Component Title 10 forces supported the event. The defense and security missions included support to the Federal Bureau of Investigation (FBI), United States Secret Service (USSS), the Department of State (DoS), the State of Georgia, several counties along the Georgia coast, and the cities of Savannah and Brunswick.

c. 2004 Democratic National Convention (DNC) in Boston, Massachusetts. National Guard forces supported the Democratic National Convention with Title 10 and Title 32 forces from 23 to 30 July 2004. 1,614 Title 32 National Guard and 256 Active Component Title 10 personnel supported the event.

d. 2004 Republican National Convention (RNC) in New York City, New York. National Guard forces supported the Republican National Convention with Title 10, Title 32, and State Active Duty (SAD) forces from 23 August to 3 September 2004. 1,297 Title 32 National Guard, 360 State Active Duty (SAD) National Guard, and 307 Active Component Title 10 personnel supported the event.

e. Operation Winter Freeze. From November 2004 through January 2005, the National Guard and Active Component Title 10 forces, in support of the US Customs and Border Protection's Border Patrol, prevented illegal alien access along a 295-mile stretch of the US-Canadian border. The Border Patrol, as lead agency, and the National Guard kept suspected terrorists out of the country. The National Guard's primary mission was to detect, deter, and monitor suspicious actions using air assets. During the mission, the National Guard exposed three terrorist smuggling organizations.

The command and control construct for the G8 Summit, DNC, RNC, and Operation Winter Freeze represent landmark achievements. For the first time in our nation's history, the National Guard attained unity of command for all military forces operating in support of a major event. In each case, from one Joint Force Headquarters, a single National Guard officer commanded Guard units from multiple States operating under Title 32 authority, as well as Active Component Army/Navy/Air Force/Marine Corps Title 10 forces in a joint, intergovernmental/interagency environment.

A Strategy for Improved Homeland Defense in the Future

The National Guard's response to Homeland Defense since 9-11 and more recently from Hurricane Katrina has been tremendous. However, capability and synchronization gaps between local first responders and follow-on state and Federal forces exist and expose the need for a new Homeland Defense National Strategy. In June 2005, the Department of Defense published the *Strategy for Homeland Defense and Civil Support* followed shortly in August by Joint Publication 3-26 *Homeland Security*. These documents emphasize the construct of "Lead, Support, and Enable" by: executing missions to prevent and repel

attacks; working with civil authorities as part of a national response to attack or disaster; and sharing expertise with domestic and international partners. This broad Homeland Security direction on Homeland Defense and Civil Support (HLD/CS) focuses reliance upon National Guard capabilities within an active, layered defense strategy for the United States.

In accordance with Department of Defense Strategy, the National Guard Homeland Defense and Civil Support missions are focused in four areas:

a. Integrating force protection and responsive critical infrastructure protection by conducting collaborative interagency vulnerability assessments and providing reaction forces to protect against and mitigate the effects of attacks against key assets and elements of the defense industrial base.

b. Preparing for and mitigating the effects of multiple simultaneous chemical, biological, radiological/nuclear, and high-yield explosive (CBRNE) events by providing CBRNE detection, assessment, casualty extraction, decontamination and medical triage capabilities from geographically distributed locations.

c. Providing through the Joint CONUS Communications Support Enterprise (JCCSE) vital National Guard information technology capabilities required to support inter-agency information sharing and other critical HLD/HLS mission requirements to the state/local level, and to the incident site.

d. Supporting prompt and coordinated Federal HLD and Civil Support missions and Emergency Preparedness planning activities by providing situational awareness of National Guard activities to Federal authorities as well as Joint Force command and control within each state and conducting comprehensive HLD training and exercises.

Homeland Defense Initiatives

Responding to studies performed by the Defense Science Board and other analysts, the National Guard examined the emerging threats and searched for capability gaps to overcome. Geographical distribution, community integration, and other traditional National Guard strengths make it an effective and cost-efficient force for many Homeland Defense (HLD) requirements. The HLD requirements do not demand dedicated Homeland Defense force structure – rather, they require enhanced capabilities to existing warfight force structure.

The National Guard is a full spectrum force which balances expeditionary warfight support with Homeland Defense. Training and preparation for the overseas warfighting mission provides National Guard forces with the vast majority of the preparation required for HLD. The HLD requirements do not focus solely on material solutions; they also identify needed cultural changes – specifically regarding coordination and unity of effort across multiple agencies and intergovernmental seams. Future success in defending our Homeland and responding to natural disasters depends on our success in implementing these HLD requirements. The emphasis will be on prevention, pre-event deterrence, and responding within the first 96 hours after a major incident.

Focusing on prevention, an operational window up to 96 hours, and mission areas of Critical Infrastructure Protection (CIP) and Consequence Management (CM), the National Guard identified four HLD roles it can support, in addition to its warfighting responsibilities: (1) Critical Infrastructure Protection, (2) Chemical, Biological, Radiological/Nuclear, and high-yield Explosive (CBRNE) Response, (3) Prompt Coordinated Federal Response, and (4) HLD Training. Seeking to fill capability gaps within these mission areas, the National Guard developed the following HLD initiatives:

a. Joint Force Headquarters – State (JFHQ-State). JFHQ-State is a joint operations capable command and control entity in each State. It is integrated into national consequence management and contingency planning structures. The JFHQs provide command and control as a subordinate headquarters for national level response efforts during a natural disaster or emergency. JFHQs provide situational awareness (common operating picture) information to national level headquarters before and during any contingency operation and Joint Reception, Staging, and Onward Movement, and Integration (JRSOI) for all inbound military forces. Recent Federal legislative changes provide Governors the ability to field a Joint Task Force – State (JTF-State) that can assume tactical control of all military units (State NG, other NG forces, AC, and Reserves) ordered to respond to a contingency operation or disaster. The JTF-State commander can be a dual-hatted commander of both Title 32 and Title 10 forces (as in the 2004 G8 Summit and Democratic and Republican National Conventions). In addition, the JTF-State can act as a subordinate Command and Control headquarters for US Northern Command if required.

b. Joint Force Headquarters Joint Operations Centers (JFHQ JOC). This is a network composed of the NGB Joint Operations Center (NGB JOC), stood up in December 2003, and a Joint Operations Center in each of the States, Territories, and the District of Columbia. The JFHQ JOC serves as the primary entity for coordinating, facilitating, and synchronizing efforts in support of their states, and information requirements of NGB and customers at the Federal level for natural disasters, National Special Security Events (NSSEs), exercises, and domestic activities. Each JFHQ JOC has redundant connectivity: DoD architecture of NIPR and SIPR; a High Frequency (HF) network with classified and unclassified voice and data information; and commercial systems. The network provides DoD and interagency connectivity and situational awareness for deliberate planning and for emerging and on-going contingency operations in any state or territory. The network is the primary mechanism to convey State/local Common Operating Picture (COP) to the Federal military level and helps Federal agencies anticipate support requirements prior to a Federal response.

c. National Guard Chemical, Biological, Radiological/Nuclear, and high-yield Explosive (CBRNE) Enhanced Response Force Package (NG CERFP). The National Guard developed and fielded 12 NG CERFP teams to provide a regional response capability to meet HLD requirements throughout the Nation. Each NG CERFP is designed to rapidly (<96 hours) provide the capability to locate and extract victims from a CBRNE incident site and perform mass patient/casualty decontamination and medical triage and stabilization. The NG CERFP augments the capabilities of the CSTs. NG CERFP teams are task organized from existing units. The incremental training and equipment for this capability is specialized, compatible with the first responders, and interoperable with the incident command system. This is accomplished with negligible impact on the National Guard's ability to provide trained and ready forces for other missions.

d. Full Spectrum Integrated Vulnerability Assessment (FSIVA) Team. National Guard FSIVA teams execute the pre-planning needed to educate civilian agencies on basic force protection and emergency response; to develop relationships among first responders, owners of critical infrastructure, and National Guard planners in the States and Territories; and the District of Columbia, and to deploy traditional National Guard forces in a timely fashion to assist in the protection of the Nation's critical infrastructure, including vital elements of the Defense Industrial Base. Currently, six "pilot" teams staffed by 14 specially trained NG personnel do vulnerability assessments. The National Guard worked with the Office of the Assistant Secretary of Defense for Homeland Defense (OASD/HD), the Defense Threat Reduction Agency (DTRA), and the Defense Program Office – Mission Assurance (DPO-MA) to establish FSIVA program policies and standards.

e. National Guard Reaction Forces (NGRF). Each State, Territory, and the District of Columbia has or is currently training a battalion size reaction force that can respond with an initial 75- to 125-person element within 4 to 8 hours and up

to an additional 375-person force within 24 to 36 hours. An NGRF is task organized from existing units and can provide Critical Infrastructure Protection (CIP), site security, and security and support during CBRNE contingency operations. The NGRF uses the Quick Reaction Force / Ready Reaction Force (QRF/RRF) pamphlet for guidance on doctrine and procedures.

f. Joint CONUS Communications Support Environment (JCCSE). The National Guard successfully established a JCCSE nationwide. Each JFHQ established Homeland Security Information Network (HSIN) linkages. The HSIN is an unsecured collection of Department of Homeland Security systems designed to facilitate information sharing and collaboration. This network helps identify and assess current and future threats to the Homeland, issue timely warnings, and take preventive and protective actions. Each JFHQ also established a Joint Force Joint Operations Center (JF JOC) with secure and non-secure, real-time operational network linkages in addition to secure Video Teleconference capabilities. These critical communications capabilities provide real time operational connectivity and are essential to providing a common operating picture to local, state, and Federal agencies.

g. Weapons of Mass Destruction-Civil Support Teams (WMD-CSTs) include 22 Army and Air National Guard Active Guard Reserve (AGR) personnel organized, trained, and equipped to enter contaminated areas and identify contaminants within a short period of time. The first 10 WMD-CSTs were established in 1998, prior to the 9-11 terrorist attacks; however, 9-11 highlighted the critical need for these specialized assets. They have extensive reach-back communications capability to facilitate off-site evaluation and support from various laboratories. At the request of civil authorities, CSTs rapidly deploy to a suspected or actual incident site. Once on site, the CSTs assess the effects of a WMD incident and advise the local authorities on managing the effects of the attack in order to minimize the impact. Civil Support Teams are equipped with a mobile laboratory capable of providing identification of chemical or biological materials. A sophisticated communications suite offers linking and redundant communications capabilities from the incident site with local, state, Federal agencies, and with military headquarters. To date, the National Guard has fielded 32 CSTs and will have a total of 55 teams by FY07. With their certification, every State, Puerto Rico, Guam, the Virgin Islands, and the District of Columbia will have a CST. California, due to its geographic size and population, will maintain 2 CSTs. Congressional restrictions currently prohibit overseas deployment of WMD-CSTs; however, the National Guard is working to change legislation to allow CSTs to support military operations overseas.³

³ Although Katrina did not involve the intentional use of WMD, the effects were similar and the WMD teams responded in a variety of ways including providing mobile communications and establishing essential services.

The joint and interagency response to Hurricane Katrina proved and solidified the concepts of the JFHQs, the JFHQ JOC, and several other Homeland Defense initiatives.

h. Aviation Security & Support (S&S) Battalions. As part of the Army's overall aviation transformation, the Army National Guard has been able to convert and grow some valuable dual-purpose aviation structure that will be readily available and responsive to Homeland Security/Defense needs, in addition to their normal Army operational missions. The ARNG officially activated six of these 24-aircraft S&S Battalions on 1 October 2005 and placed them in readily responsive locations across 44 States. Although currently equipped with older Vietnam era OH-58 scout helicopters, the Army will soon reequip these units with the new Light Utility Helicopter (LUH) currently in the selection and procurement process. The Homeland Defense and Civil Support capabilities of the six S&S Battalions will be further complemented by the ARNG's four 15-aircraft Generating Force Air Ambulance companies, which will also be reequipped with the new LUH. The core nucleus for the S&S Battalions is achieved by the amalgamation and retention of the ARNG's Counter-Drug expertise from the highly successful and experienced Reconnaissance and Interdiction Detachments (RAID).

Top 10 Essential Homeland Defense Capabilities

Homeland Defense is mission one for the National Guard. Governors count on the National Guard to be the first military responder and call on Guard assets at their disposal within the first hour(s) of an event. The National Guard must be able to support the Governors' requirements on an immediate basis, and respond with the right capabilities, to the right location, at the right time. To meet the Governors' requirements, the National Guard established the following list of 10 essential capabilities each State, Territory, and the District of Columbia must maintain at all times.

1. Aviation
2. Engineering
3. Civil Support Teams
4. Security
5. Medical
6. Transportation
7. Maintenance
8. Logistics
9. Joint Force Headquarters (C4ISR, RSOI)
10. Communications

Many states do not possess all of these essential capabilities in their force structure. States are encouraged to use Emergency Management Assistance Compacts (EMACs) as an essential force multiplier. EMACs enhance a Governor's response capabilities by providing access to regional forces. Even

with EMACs, however, some states may not have all essential capabilities. The National Guard needs to rebalance forces to ensure each State, Territory, and the District of Columbia can field necessary capabilities.

Maintaining essential capabilities across the National Guard, amid on-going overseas operations, AC/RC rebalance, modularity conversions, and National Strategy adjustments, is an evolving task. Nevertheless, the National Guard attempts to synchronize all of these activities to ensure at least 50% of a given state's National Guard is always available for state missions, and HLD operations.

Understanding Duty Status

The current terror threat and the impending menace of a natural disaster operate across an integrated, seamless global sphere. Many events trigger responses across multiple jurisdictions and different levels of government. The National Guard is exceptionally suited for its Homeland Defense role. Its geographically dispersed forces with links to local communities and its ties to state and local governments allow for rapid and integrated responses. Because of its unique dual constitutional authority, the National Guard serves to bridge that “zone of ambiguity” across State and Federal government boundaries. The National Guard is the only United States military force that operates across both State and Federal responses, leveraging State Active Duty (SAD), Full Time National Guard Duty (Title 32), and Active Duty (Title 10). While State Active Duty, Title 32, and Title 10 are different statuses and roles, they provide mutually supporting capability. Recent legislation partially eliminated mutual exclusivity with regards to Chain of Command allowing specially designated National Guard officers to command forces in both Title 10 and 32 statuses.

a. State Active Duty (SAD). The Governor can activate National Guard personnel to “State Active Duty” in response to natural or man-made disasters or Homeland Defense missions. State Active Duty is based on State statute and policy as well as State funds, and the Soldiers and Airmen remain under the command and control of the Governor. A key aspect of this duty status is that the Posse Comitatus Act (PCA) does not apply.

b. Title 32 Full-Time National Guard Duty. “Full-time National Guard duty” means training or other duty, other than inactive duty, performed by a member of the National Guard. Title 32 allows the Governor, with the approval of the President or the Secretary of Defense, to order a member to duty for operational HLD activities IAW the following sections of United States Code (USC):

1) 32 USC 502(f). This statute allows members of the National Guard to be ordered to full-time National Guard duty to perform operational activities. It was used for the Airport Security mission after 9/11 as described in page 3 of this white paper and also for Hurricane Katrina and Rita response efforts.

(2) 32 USC § 901. (1) The term 'Homeland Defense activity' means an activity undertaken for the military protection of the territory or domestic population of the United States, or of infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States.

(3) 32 USC § 902. Homeland Defense activities: funds. (a) The Secretary of Defense may provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities that the Secretary determines to be necessary and appropriate for participation by the National Guard units or members.

The key in this instance is that Federal Law provides the Governor with the ability to place a soldier in a full-time duty status under the command and control of the State but directly funded with Federal dollars. Even though this duty status is authorized by Federal statute, this section is a statutory exception to the Posse Comitatus Act; the Governor may use the Guard in a law enforcement capacity; and the chain of command rests within the State.

c. Title 10 Active Duty. "Active duty" means full-time duty in the active military service of the United States. Title 10 allows the President to "federalize" National Guard forces by ordering them to active duty in their reserve component status or by calling them into Federal service in their militia status IAW the following USC sections:

(1) **10 USC § 12301(d)** – Voluntary Order to Active Duty. At any time, a member of the National Guard may be ordered to active duty voluntarily with his or her consent and the consent of the Governor.

(2) **10 USC § 12302 – Partial Mobilization.** In time of national emergency declared by the President, the Secretary concerned may order any unit and any member to active duty for not more than 24 consecutive months.

(3) **10 USC § 12304 – Presidential Reserve Call Up.** When the President determines that it is necessary to augment the active forces for any operational mission, he may authorize the Secretary of Defense to order any unit and any member to active duty for not more than 270 days.

(4) **10 USC § 331 – Federal Aid for State Governments.** Whenever an insurrection occurs in any State against its government, the President may, upon the request of its legislature or of its governor, if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection. This section is a statutory exception to the Posse Comitatus Act.

(5) **10 USC § 332 — Use of Militia and Armed Forces to Enforce Federal Authority.** Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion. This section is a statutory exception to the Posse Comitatus Act.

(6) **10 USC § 333 – Interference with State and Federal law.** The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it –

(a) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(b) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws. In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

This section is a statutory exception to the Posse Comitatus Act.

(7) **10 USC §12406 – Air and Army National Guard.** Air and Army National Guard call into Federal service in case of invasion, rebellion or inability to execute Federal law with active forces.

Table 1 summarizes the differing characteristics of SAD, Full Time National Guard Duty (FTNGD, Title 32), and Active Duty (Title 10). Table 2 summarizes the major mobilizations throughout the history of the National Guard.

Table 1. National Guard Duty Status Matrix

	State Active Duty	FTNGD (Title 32)	Active Duty (Title 10)
Command & control	State Governor	State Governor ¹	Federal President ²
Who performs duty	The militia	the Federally-recognized militia (i.e., the National Guard) ³	AC ⁴ , RC and National Guard of US ³
Where duty performed	CONUS IAW state law	CONUS	Worldwide
Pay	IAW state law	Federal pay & allowances	Federal pay & allowances

Federal reimbursement	IAW Stafford Act ⁵ or Coop Agreement ⁶	N/A personnel costs paid by Federal funds	N/A personnel costs paid by Federal funds
Tort immunity	IAW state law	FTCA ⁷	FTCA ⁷
PCA⁸ application	No	No	Yes
USERRA⁹	No, IAW state law	Yes	Yes
SSCRA¹⁰	No, IAW state law	No	Yes

¹ 32 USC §502(f)(1)

² Under Presidential Reserve Call-up (10 USC § 12304), partial mobilization (10 USC § 12302), or full mobilization (10 USC § 12301(a))

³ 10 USC §§ 3062(c) and 8062(c)

⁴ Active Component

⁵ Stafford Act (42 USC § 5121) for disaster-related activities

⁶ Cooperative agreement if to perform an authorized National Guard function

⁷ Federal Tort Claims Act (28 USC §§ 2671-2680) [*US represents and pays judgments if any*]

⁸ Posse Comitatus Act (18 USC § 1385) [*SAD & T32 Guard not considered part of active military*]

⁹ Uniformed Services Employment and Reemployment Rights Act (38 USC §§ 4301-4333)

¹⁰ Soldiers and Sailors Civil Relief Act (50 USC App. §§ 500-548, 560-591)

Table 2. National Guard Calls to Duty⁴

	Date(s)	Participation	Status
Revolutionary War	1775 -1781	164,000	Volunteers
War of 1812	1812	489,173	Volunteers
Mexican War	1846-1848	73,000	Volunteers
Civil War (Union Army)	1861-1865	1,933,779	Volunteers and Federal Forces
Spanish-American War	1898	165,000	National Guard (term formalized in 1903 with Militia Act)
San Francisco Earthquake and Fire	1906	30,000	National Guard
World War I	1917-1919	379,000	National Guard on Federal Service
World War II	1941-1945	300,000	Army National Guard and Army Air Forces on Federal Service
Korean War	1951-1953	183,000	Army and Air National Guard on Federal Service
Vietnam War	1965-1973	7,040 ARNG; 10,676 ANG	Army and Air National Guard on Federal Service
Gulf War I (Desert Storm and Desert Shield)	1991	398 ARNG units; 12,404 ANG	Army and Air National Guard on Federal Service
Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom	2003 - present	210,000 ARNG and ANG	Army and Air National Guard on Federal Service
Katrina Hurricane and Flood	2005	50,087 ARNG and ANG	Army and Air National Guard on Title 32 Status

⁴ Numbers from 2004 National Guard Almanac and National Guard Bureau records.

Equipping Policy

The National Guard is a full spectrum force. Trucks, trailers, water purification units, small arms, radios, generators, cargo helicopters, bulldozers, scoop loaders, and medical tools are examples of National Guard equipment for both domestic and overseas missions. Many National Guard combat vehicles are equipped with NBC survival capabilities, and can be useful in potential “dirty” attacks. However, the Army National Guard (ARNG) lacks the essential equipment needed to operate effectively following a CBRNE incident. More specifically, the ARNG needs personal protective equipment (PPE), non-lethal systems, and communications equipment that interfaces with first responders.

The National Guard’s challenge is to provide the best equipment for its Soldiers in overseas theaters without jeopardizing its mandate to protect the citizens at home. According to LTG Blum, “Communications equipment, tactical vehicles and trucks and engineer equipment are the Army Guard’s highest equipment priorities.”

Closing

“The world changed on September 11, 2001. We learned that a threat that gathers on the other side of the earth can strike our own cities and kill our own citizens. It’s an important lesson; one we can never forget. Oceans no longer protect America from the dangers of this world. We’re protected by daily vigilance at home. And we will be protected by resolute and decisive action against threats abroad.”

President George W. Bush
September 17, 2002

“Many of the men and women of the Coast Guard, the Federal Emergency Management Agency, the United States military, the National Guard, Homeland Security, and state and local governments performed skillfully under the worst conditions. Yet the system, at every level of government, was not well-coordinated and was overwhelmed in the first few days.

“It is now clear that a challenge on this scale requires greater Federal authority and a broader role for the armed forces – the institution of our government most capable of massive logistical operations on a moment’s notice.

President George W. Bush
September 16, 2005

Defense of our homeland is our nation’s number one priority. The Global War on Terrorism (GWOT) necessitates a range of policy, organizational, and force

changes to address challenges to our homeland, specifically irregular and asymmetric challenges. The National Guard has primary and supporting roles in addressing Homeland Defense challenges from the heartland of the U.S. to foreign shores. Mutually supporting, capabilities in one environment must extend to support the other – this is the requirement for a full spectrum force and the essence of Homeland Defense and security. For 369 years, defense of our homeland, both here and abroad, has been the National Guard's focus – and as the nation's militia force, that focus will never change.

"Always Ready - Always There"

--LTG H Steven Blum, Chief, National Guard Bureau

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