

# WebMemo



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## Assessing Plans to Deploy U.S. Military on the Homeland Security Front

*James Jay Carafano, Ph.D.*

Recently, there has been much speculation about announced Pentagon plans to deploy U.S. troops in the United States for homeland security missions and how the incoming Obama Administration might implement such a procedure. There are appropriate and important missions for military forces in the homeland and clear rules for using such forces properly. Current Pentagon plans appear reasonable.

There is, however, much more that can be done to make military forces a better fit for the tasks they might be called on to perform. The new Administration's top priority should be strengthening the role and capabilities of the National Guard to conduct homeland security while also enhancing their capacity to respond to missions overseas.

**Providing for the Common Defense.** Over the course of American history, military forces have been used domestically to save lives, safeguard property, and even enforce the law. U.S. law adequately defines where and how troops can be appropriately employed under state or federal control. For example, federal forces helped to quell riots by miners in Idaho in 1899; protected James Meredith, the University of Mississippi's first black student, in 1961; assisted in controlling the 1992 Los Angeles riots; and helped to reestablish order in the aftermath of Hurricane Katrina. In fact, under the authority of laws such as the Insurrection Act, federal forces have been used to enforce laws over 175 times in the past 200 years.

Under the Posse Comitatus Act, the armed services are generally prohibited from engaging in law enforcement activities inside the United States, such as investigating, arresting, or incarcerating individuals, except as authorized by federal law. The National Guard, however, enjoys a unique legal status. Guard troops are frequently referred to as citizen soldiers, part of the military's substantial reserve components. Reserve forces are called to active service only for limited periods, such as for annual training or overseas deployments. When not on active duty, National Guard units remain on call to support the governors of their respective states. The Posse Comitatus Act does not apply to National Guard forces unless they are mobilized as federal troops. As a result, the Guard plays the primary role in augmenting state and local law enforcement under state control, while the Defense Department plays a supporting role, providing resources and logistical support.

**Pentagon Initiative.** Recently, the Pentagon announced that up to 20,000 troops may be assigned to the U.S. Northern Command (NORTH-COM) to conduct homeland security missions if circumstances require military assistance to civilian

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authorities. This plan is consistent with U.S. traditions and law. In the past, troops were assigned to these missions on an *ad hoc* basis. Today, however, because of the need to program forces for missions overseas and the requirement to better train and coordinate with civilian authorities here at home, the Defense Department is designating which troops might be called for homeland defense missions ahead of time. Such pre-designation is logical and perfectly consistent with U.S. law.

**Thinking the Unthinkable.** Pre-designating response is especially important for reacting to natural or man-made (terrorist) catastrophes. In a catastrophic disaster the national response needs to be immediate, massive, and effective, not just because unprecedented numbers of people and property are at risk but because the credibility of government at all levels is in jeopardy as well. If citizens perceive the government response as credible, that perception will measurably defuse the tension, fear, and frustration accompanying a disaster while prompting communities to be more self-confident and resilient in their own responses to the catastrophe.

Having the military play a prominent role in the immediate response to catastrophic disasters makes sense. It would be counterproductive and ruinously expensive for other federal agencies, local governments, or the private sector to maintain the excess capacity and resources needed for immediate catastrophic response.

Additionally, maintaining this capacity would also be beneficial to the military. For example, the Pentagon could use response forces for tasks directly related to its primary war-fighting jobs—such as theater support to civilian governments during a conflict, counterinsurgency missions, and postwar occupation—as well as homeland security. These forces should mostly be National Guard soldiers, which are the troops that have the flexibility to work equally well under state or federal control. These soldiers would, however, have to be supplemented with reserve forces which in many cases have more suitable equipment and personnel to deal with domestic emergencies.

It should be clear that military forces are not “first responders”; meeting the immediate needs of the community—in most cases—is the responsi-

bility of the local community and its police and fire departments and other emergency management assets.

**Looking Forward.** While the Pentagon rightly decided to designate troops to support NORTH-COM, over the long term it should seek to place much more emphasis on building up the capacity of the National Guard to conduct this mission.

The National Guard needs to be large enough to maintain some units on active duty at all times for rapid response and sufficient to support missions at home and abroad. For catastrophic response, four components would need to be particularly robust:

1. **Medical.** The United States does not have the capacity to provide mass military medical assets that are well-suited for dealing with catastrophic casualties. The current defense medical support available for homeland security is too small and ill-suited for such a task. Rather than field hospitals that take days and weeks to move and set up, the military needs a medical response that can deal with thousands of casualties on little notice, deploy in hours, assess and adapt existing structures for medical facilities, and deliver mass care to people immediately rather than moving them to clinical facilities.
2. **Security.** Virtually no American community is prepared to deal with widespread disorder, particularly in an environment where infrastructure is widely disrupted or degraded. Such communities will require a military response using specially trained and equipped personnel who are practiced at working with civilian agencies. These troops should prove equally adept at conducting counterinsurgency operations in urban terrain overseas, where neutralizing the enemy and protecting civilian lives and property are equally important. This force should look much more like a constabulary unit than a traditional infantry force or military police.
3. **Critical Infrastructure.** The U.S. military has the command, control, and assets capable of providing for immediate reconstitution and protection of critical resources; the U.S. Army Corps of Engineers has the capacity and expertise to manage large-scale contracts under difficult, stressful

conditions; and the Federal Emergency Management Agency (FEMA), which frequently partners with the military for disaster response, has the expertise to conduct needs assessments and coordinate community recovery. Response teams reinforced with a large cadre of reserve contracting officers could be paired with the Corps of Engineers and FEMA to provide an effective infrastructure protection and recovery force for disasters at home or overseas.

4. *Oversight.* Any large-scale response will raise concerns about inefficiency, fraud, waste, and abuse. Maintaining the credibility of the response from the outset is essential. The response will undoubtedly involve multiple agencies. Consequently, in order to foster trust and confidence that operations are being performed in an appropriate and transparent manner, a special inspector general should be

established. This inspector general capability should be built into the force from the start, and its mandate should include looking at inter-governmental and inter-agency coordination, program management, acquisition and contract management, and human resources.

The next Administration should undertake a more deliberate and structured effort to enhance the National Guard's and military reserves' capabilities for domestic response. Such transformation must move forward under laws that respect federalism within fully funded policy programs.

—James Jay Carafano, Ph.D., is Assistant Director of the Kathryn and Shelby Cullom Davis Institute for International Studies and Senior Research Fellow for National Security and Homeland Security in the Douglas and Sarah Allison Center for Foreign Policy Studies at The Heritage Foundation.