

The Duel Over Duality: Effects of Federalism on the United States National Guard's
Emergency Response Mission

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Public Administration

School of Public Affairs

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A Dissertation

Submitted to
Yale Gordon College of Liberal Arts,
University of Baltimore
in partial fulfillment of the requirements for the degree of
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by

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This dissertation is dedicated to the steadfast citizen-soldiers of the National Guard who risk everything to uphold the ideals of America and defend the world from evil. Thank you—you are true patriots.

ABSTRACT

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Aaron Sean Poynton

The United States of America was created around the concept of federalism, which embraces the principles of shared governance and balance of power between the sovereign states and the supreme national government. Due to distinctive constitutional, legal, organizational, and historical reasons, the U.S. National Guard operates as a dual-purpose force within this system of federal government. As a result, the Guard has separate state and federal missions and separate and independent command and control authorities. This study is exploratory in nature and its primary purpose is to understand how federalism affects the National Guard's domestic emergency response mission and to relate the findings to practice. The study follows a mixed methods concurrent nested strategy with a qualitative predominance. Qualitative data was collected through personal interviews, observation, and documented literature. Quantitative data was collected through an online survey administered to the fifty-four offices of the adjutant generals. The data was simultaneously analyzed to answer the primary research question and four related secondary questions. Variables were identified and a framework was created. The findings indicate that increasingly strong federal influences have affected nearly every aspect of the National Guard's existence. The two independent variables of state government influences and federal government influence affect the dependent variable, the National Guard's emergency response mission, through a series of moderator variables: mission and funding, organization and structure, personnel and equipment, and planning and training. Additionally, related secondary research questions on the topics of emergency management assistance compacts, organizational and structural alternatives, command and control structures, and State Defense Forces were examined. This exploratory study lays the foundation for future research.

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.

— Richard B. Cheney

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ABBREVIATIONS

2MTW	Two Major Theater War
AAR	After Action Review
ABC	American Broadcasting Company
ACIR	Advisory Committee on Intergovernmental Relations
AGAUS	Adjutants General Association of the United States
AGR	Active Guard Reserve
AMI	American Media Institute
ANG	Air National Guard
AoE/AOE	Army of Excellence
ARNG	Army National Guard
ASPA	American Society for Public Administration
BG	Brigadier General
BRAC	Base Realignment and Closure
C2	Command and Control
CBIRF	Chemical-Biological Incident Response Force
CBRN	Chemical, Biological, Radiological and Nuclear
CBRNE	Chemical, Biological, Radiological, Nuclear, and Explosives
CBS	Columbia Broadcasting System, now legally known as CBS Broadcasting, Inc
CDC	Centers for Disease Control
CEM	Comprehensive Emergency Management
CFR	Code of Federal Regulations

CG	Commanding General
CJSC	Chairman of the Joint Chiefs of Staff
CS	Combat Support
CSF	Civil Support Force
CSS	Combat Service Support
CST	Civil Support Team
DIA	Defense Intelligence Agency
DoD/DOD	Department of Defense
DOS	Department of State
DHHS	Department of Health and Human Services
DHS	Department of Homeland Security
DNI	Director of National Intelligence
DSCA	Defense Support to Civil Authorities
DTRA	Defense Threat Reduction Agency
EMAC	Emergency Management Assistance Compact
EMAP	Emergency Management Accreditation Program
EPA	Environmental Protection Agency
ER	Emergency Response
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
GAO	Government Accountability Office
HSPD	Homeland Security Presidential Directive
IAEM	International Association of Emergency Managers

IAW	In Accordance With
IC	Intelligence Community
IGR	Intergovernmental Relations
IRR	Individual Ready Reserve
J3	Joint Operations Officer
JCS	Joint Chiefs of Staff
JFHQ	Joint Forces Headquarters
LLC	Limited Liability Company
MACA	Military Assistance to Civil Authorities
MG	Major General
NAPA	National Academy of Public Administration
NASA	National Aeronautics and Space Administration
NASPAA	National Association of Schools of Public Affairs and Administration
NBA	National Basketball Association
NDAA	National Defense Authorization Act
NGA	National Governors Association
NGB	National Guard Bureau
NGO	Non-Governmental Organization
NIH	National Institute of Health
NIMS	National Incident Management System
NGA	National Geospatial Intelligence Agency
NRO	National Reconnaissance Office
NRF	National Response Framework

NRP	National Response Plan
NSA	National Security Agency
OEF	Operation Enduring Freedom
OHS	Office of Homeland Security
OIF	Operation Iraqi Freedom
OPCON	Operational Control
OPTEMPO	Operational Tempo
PBS	Public Broadcasting Service
PDD	Presidential Decision Directive
P.L.	Public Law
POW	Prisoners of War
PSC	Private Security Contractor
QDR	Quadrennial Defense Review
QRF	Quick Reaction Force
RC	Reserve Component
SAIC	Science Applications International Corporation
SDF	State Defense Forces
SNS	Strategic National Stockpile
SREMAC	Southern Regional Emergency Management Assistance Compact
SSI	Sensitive Security Information
TACON	Tactical Control
TAG	The Adjutant General
TCL	Target Capabilities List

TEU	Technical Escort Unit
UCMJ	Uniform Code of Military Justice
UCP	Unified Command Plan
U.S.	United States
USAMRIID	United States Army Medical Research Institute for Infectious Diseases
USSOCOM	United States Special Operations Command
USPACOM	United States Pacific Command
USSTRATCOM	United States Transportation Command
USSOUTHCOM	United States Southern Command
USSOUTHCOM	United States Northern Command
USEUCOM	United States European Command
USARFICOM	United States Africa Command
USCENTCON	United States Central Command
USJFCOM	United States Joint Forces Command
USDA	United States Department of Agriculture
USPS	United States Postal Service
UN	United Nations
VA	Veterans Affairs
WHO	World Health Organization
WMD	Weapon of Mass Destruction
XO	Executive Officer

PREFACE

The morning of September 11, 2001 started like any other day in New York and Washington. The national news stories that topped the early morning headlines included Elisabeth Dole announcing that she would run for a U.S. Senate seat, violence in the West Bank, and Michael Jordan hinting that he may return to the NBA. The morning air was crisp and the sky was clear. The streets were bustling, children were off to school, and passengers of American Airlines flight 11 were hurrying to the airport to catch their flight.

Flight 11 was scheduled to depart Boston Logan International Airport in route to Los Angeles at 7:45 a.m. With two pilots, nine flight attendants, and eighty-one passengers onboard, the flight pushed back from the gate and was airborne by 7:59 a.m. Once near cruising altitude, cabin service started and everything appeared normal. At 8:14 a.m., flight 11 transmitted routine communications to the tower, acknowledging navigational instructions from air traffic control.

Within minutes after that last transmission everything changed—forever. Hijackers violently commandeered the flight, suffocating helpless victims by fumigating the first class cabin with mace, and they terrified fearful patrons by threatening to detonate a bomb. Within a matter of seconds, the hijackers brutally forced their way into the cockpit of the aircraft using box cutters as weapons, barbarically slashing the throats of passengers and viciously stabbing crewmembers.

Unknown to passengers onboard flight 11, not only was their aircraft under attack, but the United States was succumbing to a massive and coordinated terrorist attack of monumental proportion. United Airlines flight 175 had also been hijacked, and several

other hijacking-attacks were already underway. Flight 11 was now disengaged and turned into a speeding missile heading toward New York. Madeline “Amy” Sweeny, a flight attendant for American Airlines onboard flight 11, called American Airlines operations and desperately reported that the plane was hijacked.

Sweeny described how the plane was rapidly descending and flying erratically; in a conversation to Operations she said, “Something is wrong. We are in rapid descent . . . we are all over the place.” At 8:41 a.m., air traffic controllers officially declared the situation a hijacking and surmised that the airplane was headed toward John F. Kennedy International Airport. At 8:44 a.m Sweeny reported, “We are flying low. . . . Oh my God we are way too low.” The phone call abruptly ended. Two minutes later American Airlines flight 11 crashed into the North Tower of the World Trade Center, suddenly killing hundreds of innocent civilians and causing chaos and destruction on the streets of New York.

The passage above poignantly recalls mental images of the World Trade Center buildings crumbling and the Pentagon engulfed in smoke. These images of death and destruction are everlastingly etched in our minds and woven into the fabric of the American psyche. For many who witnessed the events on that horrific Tuesday morning, whether from the streets of New York City or from the precarious comfort of their living room, the feelings of fear, confusion, vulnerability, and sadness still linger. The pain will never subside for those who lost friends or loved ones; the scars will never heal for those who narrowly survived the attacks.

One of the first responses to the attacks came from the United States National Guard. Within minutes of the commencement of the attack, two Air National Guard F-15

fighter jets raced at supersonic speeds to reach ground zero. Over the next few hours, they conducted combat patrols over the skies of Manhattan. After the towers fell, members of the National Guard used their training to assist civil authorities with the rescue efforts in an impromptu fashion. After the smoke cleared, the National Guard went on to perform emergency response and recovery mission, and homeland security activities, protecting the nation's airports and transit systems from the next attack.

Within a month of the attacks, these citizen-soldiers from the fifty-four states and territories played a critical offensive expeditionary combat role when the United States took the fight to the terrorists in Afghanistan—and again later in Iraq. And at the peak of two simultaneous wars, the National Guard supported the largest relief and disaster response mission in the Guard's history after Hurricane Katrina slammed into the Gulf Coast. There is no doubt that America's National Guard has endured the significant challenges of the past decade and has been an invaluable asset to the American people and to governments at all levels.

The attacks of September 11, 2001 were a defining point in contemporary American history, and their implications present a new set of significant and uncharted challenges for public administrators. In an era of persistent conflict and increased vulnerability to the homeland from both man-made catastrophes and natural disasters, it is paramount to have a relevant National Guard focused on the battles of today and preparing for the challenges of the next threat. Hopefully this study aids public officials in their fiduciary duty of creating sound policy and making reasoned decisions in the administration of military affairs and emergency management, while preserving the principles and tradition of American federalism.

CHAPTER ONE

INTRODUCTION

Introduction to the Study

The United States National Guard's motto is "Always Ready, Always There." Since colonial times, the National Guard has played an invaluable role in protecting the United States from foreign invaders, protecting life and property, preparing for and responding to domestic emergencies, securing the homeland, protecting borders, quelling violence and conducting law enforcement operations, promoting democracy, conducting peacekeeping missions, and engaging enemies on foreign soil. The Guard's¹ ranks of citizen-soldier-volunteers train on a part-time basis and muster when called into service by the state² or nation. The National Guard is one of the most disciplined, powerful, flexible, and cost effective assets available to public administrators at both the state and federal level.

The National Guard has changed significantly since colonial times, however. The Guard has transitioned from a state militia into a more sizable part of the United States national military. Today, the National Guard is considered part of the total military force and few national missions can be conducted without the involvement of the Guard. Despite this, the National Guard still maintains its historical roots within the states and still has a significant state mission—including emergency response. Some observers of the transition note that the state missions are now met on the margins of the national missions and control over the Guard has shifted from the state governments and the governors to the national government and the president. Naturally, this transformation

¹ The terms *National Guard* and *the Guard* are used synonymously throughout this study.

² The term *state* used in generic, non-specific context refers to a state or a territory throughout this study.

creates concerns over whether the National Guard can live up to its motto and always be “ready” and “there” at the homeland for its citizens during time of emergency, disaster, or severe civil disturbance.

While the transition of the Guard has gradually occurred over the past few centuries, a major impetus for the National Guard’s transformation in the 21st century is its extensive use in the Global War on Terrorism (GWOT), which is an outcome of the 9/11 attacks. Actually, the *first* military emergency response to the 9/11 attacks, the worst terrorist attack in the history of the world, came from the U.S. National Guard. Within minutes after the initial call from the Federal Aviation Administration to Northeast Air Defense Sector indicating a hijacking, two Air National Guard F-15 fighter aircraft were launched from Otis Air National Guard Base in Cape Cod, Massachusetts.

Just like the Guard has done for centuries, it once again sprung into action at the call of its nation to protect the homeland and respond to a national emergency. This was just the beginning—the National Guard later went on to perform homeland defense missions and continue to make up a significant part of the U.S. forces in Iraq and Afghanistan. From the initial response to the 9/11 attacks until the last soldier returns home from the Middle East—and beyond, the National Guard is and will continue to be a key element of the U.S.’s national security and emergency management efforts.

The protracted nature of the Global War on Terrorism has brought to light issues that have been latently brewing for decades. Since the end of the Cold-War, the National Guard, and the reserve component in general, has shifted from a strategic reserve to an operational reserve. The *Commission on the National Guard and Reserves* report suggest that without the National Guard the United States would not be able to “meet today’s

operational requirements” and “the nation would have needed to reinstitute the draft to fight in Iraq and Afghanistan” (2008, 10). This is chiefly the result of a smaller, more dependent and integrated force, and the increase in combat missions resulting from the Global War on Terrorism. Since the inception of the Global War on Terrorism, the National Guard has been tasked with conducting more expeditionary missions than was ever intended, and this has put extraordinary strain on the National Guard. To exacerbate the problem, the need for the U.S. National Guard to perform its traditional domestic roles, such as emergency management and homeland defense, is increasing (U.S. Government Accountability Office 2004).

Unlike the rest of the military, the National Guard has a dual-mission and a unique dual-command-and-control structure, where power is shared between the states and the federal government, and there are two entirely separate and distinct Commander-in-Chiefs. It is this duality that is the fundamental quandary of the National Guard. Its existence is rooted in America’s complex federal system of government and is backed by the Constitution in article 1 section 8 and elaborated in other federal law. The architecture of the National Guard traces its origins back to the colonial militia and the perpetual struggle for power between the state governments and the federal government.

Today, the National Guard primarily resides under the command-and-control of the respective state governor and state chain of command. Despite this, the Guard is mostly funded by the federal government and the federal government relies heavily on the National Guard as part of the federal military’s total force. The federal government has the power to federalize the National Guard for a variety of federal employments. The Guard is mostly federalized to provide service to the union, such as augmenting active

military forces in combat and overseas peacekeeping and humanitarian missions. However, in very rare circumstances the Guard can also be federalized to perform its domestic mission within the United States; for example, the National Guard was federalized during the Los Angeles Riots in 1992 to provide a unified military effort in supporting the civil authorities (Delk 1995). Over the decades, the federal government's purview over National Guard federalization has expanded.

The National Guard is one of the governors' most powerful resources. Possible effects of the Guard's dual status, such as over utilizing the National Guard on federal missions, may deny state commander-in-chiefs' the resources and options necessary to exercise their full authority in the event of local emergencies and disasters. Effectively, the impact of the dual status may leave state leaders handicapped when it comes to delivering certain public services that are often a state government responsibility, such as preparation, response, and recovery to small to medium scale emergencies and disasters. To remain prepared, state and local leaders have devised more creative solutions, for instance, mutual aid agreements, like the Emergency Management Assistance Compact (EMAC); State Defense Forces (SDFs); and self-contained responses. Additionally, this deficiency may force governors to rely more on the federal government for resources to respond to emergencies and disasters within their state.

On the domestic front, the federal government holds some authority to use its supremacy and usurp governors to assume control over the National Guard within a state in a number of different scenarios where the governors historically had full authority and jurisdiction, as well as discretion on abdicating command to the federal government.³ Otherwise, in some cases federal military forces can work in parallel to National Guard

³ Legislation supporting this statement is presented in Chapter Four of this dissertation.

forces, under two separate authorities and command structures—such as the case in Hurricane Katrina. These delicate intricacies create a complex and dynamic intergovernmental relationship—especially during emergencies—that warrants further study.

The government has a fundamental responsibility to protect its citizens—this is considered the most important responsibility of government. With the American style of federalism, this responsibility is divided and shared among the federal, state, local, and tribal governments. Unfortunately, many citizens do not understand or appreciate this concept—and during time of crisis they do not care about it. The expectation for protection has gradually expanded beyond the colonial interpretation of simply protecting citizens from foreign invaders to a broader, more all-hazards protection from all natural and man-made hazards. Concurrently, palpable contextual changes in the balance of power in the American system of federalism have caused a paradigm shift in emergency management practices: power and responsibility has become more centralized and with greater federal control and influence. The U.S. National Guard, a primary emergency response resource for state government, is at the center of this struggle for power and is part of an adversarial relationship-dominating process.

The purpose of this mixed methods study is to explore and describe how the United States National Guard's dual federal-state nature impacts its domestic emergency response role. It is applied research with a practical aim to provide insight, implications, and recommendations for public administrators of national security, defense, and emergency management matters. Its theoretical aim is to uncover and understand variables that may be used to explain a causal relationship. Although many studies exist

on the National Guard and emergency management, relatively few studies research how the dual status of the Guard affects its domestic emergency response mission. This scarcity of information leaves the citizens of the United States vulnerable and public administrators handicapped. At a time when the United States is the sole superpower in the world, is engaged in two simultaneous wars, and remains increasingly vulnerable to terrorism and other natural disasters, the timing and appropriateness of this study could not be more suitable.

Statement of the Problem

In order to frame the research questions, a clear definition and understanding of the research problem is paramount. The field of public administration is increasingly recognizing the importance and difficulty of defining problems (Stone 1988; Baumgartner and Jones 1993; Rochefort and Cobb 1994; Kingdon 1995). Moreover, how a problem is defined sets the stage for the entire research project and can have enormous consequences on outcome as well as any attempt to ameliorate the problem. Therefore, great consideration has been put into defining the research problem. Additionally, sometimes information is uncovered through research that forces the researcher to subsequently redefine the problem, the research questions, or the researcher may uncover new problems—especially with exploratory research. This happens when researchers “become aware of other aspects of the studied phenomenon that they had not previously considered” (Teddlie and Tashakkori 2009, 117). If a shift in the research problem occurs, or new problems are discovered throughout the course of this research, it will be addressed in the conclusion section of this dissertation for suggested follow-on studies as a line of research or a future research direction.

The main problem in this study revolves around the National Guard's dual federal-state status and its impact on the Guard's emergency response mission. The problem is increasing federal power and responsibilities,⁴ especially in light of the global war on terrorism, may impact the National Guard's domestic emergency response mission—the most important domestic mission as proclaimed by the National Guard itself. Due to distinctive constitutional, legal, organizational, and historical reasons, the U.S. National Guard is one of the few forces in the world that operates as a dual-purpose force with separate state and federal missions and separate and independent command and control authorities.

While the National Guard is a shared asset, the design of United States government under a federal system provides that the state governments are quasi-independent and quasi-autonomous from the national government. Generally, during peacetime the National Guard has a state mission with state reporting lines and during conflict or other times when needed for national service, the National Guard has a federal mission with a federal reporting line. The perpetual power struggle between federal and state governments includes many aspects of the National Guard. This duality is the fundamental quandary of the National Guard and it poses unique issues that require a detailed examination.

Several factors affect the National Guard's ability and efficacy to perform both federal and state missions—some factors may be real and some may be perceived. This study seeks to distinguish fact from perception. Implementation of the Total Force Policy, reduction in defense spending, and post-Cold-War downsizing of the military,

⁴ The issue of increasing federal power and responsibilities is a presumption that has been made as a result of preliminary research and will be proved in the "Findings" section of this dissertation after the problem has been examined more thoroughly.

among other factors, has driven the United States National Guard from a strategic reserve into an operational reserve. Concurrently, the operational tempo for federal Title 10 missions of the National Guard has increased dramatically to unprecedented levels—especially in support of the Global War on Terrorism (Commission on the National Guard and Reserves 2007). Furthermore, the National Guard continues to be an under resourced asset (U.S. Government Accountability Office 2007b). All of these conditions strain the National Guard, particularly personnel and equipment, and may affect overall readiness for both state and federal missions.

Meanwhile at the U.S. homeland, the 9/11 attacks and other events, such as Hurricane Katrina and an increase in enforcement of illegal immigration, have also put an emphasis on domestic emergency management and homeland defense matters. While the National Guard has been forced to play a bigger role in expeditionary Title 10 missions, they must still fulfill their state roles and domestic federal roles. However, many critics of the transition suggest that the state and domestic missions cannot be met at the margin of the federal missions—especially given the grave threat to the U.S. homeland posed by terrorism in the early 21st century, and the increasing vulnerability of the U.S. population to natural disasters.⁵ This will be explored more in the “Findings” chapter of this dissertation.

Statement of the Problem—History

As noted earlier, a number of factors in the 20th century have driven the United States National Guard from a strategic reserve into an operational reserve. This change began at end of the Cold-War. During the Cold-War, the United States had a large

⁵ According to the National Oceanic and Atmospheric Administration, the population is continuing to migrate to regions that are at greater risk of disaster (Crossett et al. 2004).

standing army that was ready to engage the Soviet Union or other large standing enemies. At the peak of the Cold-War, the U.S. military had over 3.5 million active duty forces (U.S. Library of Congress 2004a). Moreover, the United States had a policy to be able to conduct two major combat operations against conventional forces in two different theaters simultaneously. This was referred to as the *two Major Theater Wars policy* (2MTW) and it had been the cornerstone of defense planning since 1993 (Binnendijk and Kugler 2001).

For the army, the organizational structure that supported this military posture was called the Army of Excellence (AoE) organizational concept, which consisted of a divisional-led organizational concept with eighteen active army divisions; the other branches had similar setups of proportionate size. The military also had a large reserve component that stood as a strategic reserve ready to augment and reinforce the regular forces in the event they were overwhelmed. For nearly four decades, the reserve component was only involuntarily activated three times⁶ and the number of services members activated was relatively small (Commission on the National Guard and Reserves 2007).

With the decline of communism and the break up of the Soviet Union, the United States no longer needed such a large military and began to reduce its size. The army, for example, downsized from eighteen to ten active duty divisions and reduced the number of soldiers by hundreds of thousands (U.S. Library of Congress 2005c). This downsizing became even more significant following the first Gulf War when George H. W. Bush promoted a “peace dividend,” and later when the military began moving away from its

⁶ 148,034 reservists, for the Berlin Crisis from 1961 to 1962; 14,200 for the Cuban Missile Crisis in 1962; and 37,643 for the Vietnam War and USS *Pueblo* crisis from 1968 to 1969 (Commission on the National Guard and Reserves 2007).

2MTW policy.⁷ The army reorganized around this downsizing with the Force XXI structure. While there were some differences between the AoE and Force XXI structures, the basic divisional-led organizational concept remained. This is, in part, because the military struggled defining the next threat and organizing the military services around it. Therefore, the army simply created a smaller version of the Cold-War force.

Concurrently, the military reserve component began to shift from a strategic reserve to an operational reserve. As a strategic reserve, infrequent deployments were standard and the reserve component's framework supported this concept—they were equipped, trained, and funded like a strategic reserve. In the event of a large war or in the rare incident that the United States found itself fighting in two theaters, there would have been a relatively rapid expansion of the armed forces to sustain combat operations. In such a case, the reserve component would have been activated to augment and reinforce the regular forces after a training and mobilization period. In some cases, such as during the Vietnam War, the draft was even expanded before there was a large mobilization of reserve forces. This may have been to maintain a posture to be able to respond to other conflicts if needed, among other reasons.

However, reserve usage began to change shortly after the Vietnam War and throughout the late 20th century for several reasons: controversy over reserve usage policy during the Vietnam War, renouncement of the two theater policy, implementation of the Total Force Policy, end of the Cold War, downsizing of the military, reduction in

⁷ The U.S. military began questioning the future of this policy and moving away from it in the mid 1990s (O'Hanlon 2000). In 2009 Marine General James Cartwright, vice chairman of the Joint Chief of Staff, confirmed that the military will be departing from its 2MTW policy officially in the next QDR, suggesting that it will no longer be a consideration for defense policy and force structure (U.S. Senate 2009). Echoing the thoughts of a congressional aide, Colin Clark writes that "that the move was overdue since the Pentagon could not field the forces needed for a two war strategy in the first place" (2009, n.p.).

defense spending, successful Reserve usage during the first Iraq War, and increased humanitarian and peacekeeping missions. The reserves began to become a more integrated part of the military and key combat and support units needed for conflict of nearly any size were moved to the reserves.

The 1991 Gulf War resulted in the first major deployment of the National Guard and Reserve forces in nearly a generation. The Department of Defense involuntarily activated 238,729 National Guard and Reserve service members for Operations Desert Shield and Desert Storm (Commission on the National Guard and Reserves 2008). Later, this trend continued with involuntary reserve component activations for a number of expeditionary missions, including Bosnia, Kosovo, Sinai, and Operations Northern and Southern Watch. In the short period between 1992 and 1998, the U.S. Army conducted twenty-six major contingency operations outside of its normal training and alliance commitments, where it only conducted ten such operations between 1960 and 1991 (Spencer and Wortzel 1992).

Essentially, the military of the late 20th century was smaller, but the number and frequency of missions had increased.⁸ The National Guard and Reserves found themselves playing a bigger part in nearly every military operation. Furthermore, military and political leaders—as well as the nation—became more reliant on the capabilities of the reserve component. As the reserve component shifted from a strategic reserve to more of an operational reserve in the 1990s, it seemed to work relatively well from a federal perspective as there were a significant cost savings and the reserve

⁸ Although an increase in mission frequency, these missions were typically smaller in size compared to previous missions (Barry 2009).

component was able to maintain the relatively low operational tempo (U.S. Government Accountability Office 2004).

Statement of the Problem—Contemporary Issues

However, that quickly changed with the attacks of September 11. Within days of the attacks, tens of thousands of National Guardsmen⁹ were activated or alerted for service for everything from protecting critical infrastructure in their own states to conducting expeditionary combat missions a half of world away. The attacks propelled the United States into a new era of war—the Global War on Terrorism. Like the Cold-War, political and military leaders generally believed that the GWOT would be a protracted war, but a key difference being the lower level of available troops, having recently completed a reduction in forces at the end of the Cold-War and through the Clinton Administration. From 1989 to 1999, the size of the active duty military steadily declined from 2.1 million to 1.4 million, where it remained in mid-2000s¹⁰ (U.S. Library of Congress 2004a). Reserve forces, including the National Guard, also mirrored this reduction in strength. For example, between the Cold-War and the GWOT, Army National Guard end strength dropped nearly 30 percent, from 591,000 to 457,000. Figure 1 provides an illustration of the reduction in Reserve strength by category between the Cold-War and Global War on Terrorism.

⁹ The term *Guardsmen* is used as a unisex term to represent both male and female members of the U.S. National Guard.

¹⁰ This number is currently 1.475 million and slowly growing, in part because of the persistent pace of wartime operations (Bumiller 2009).

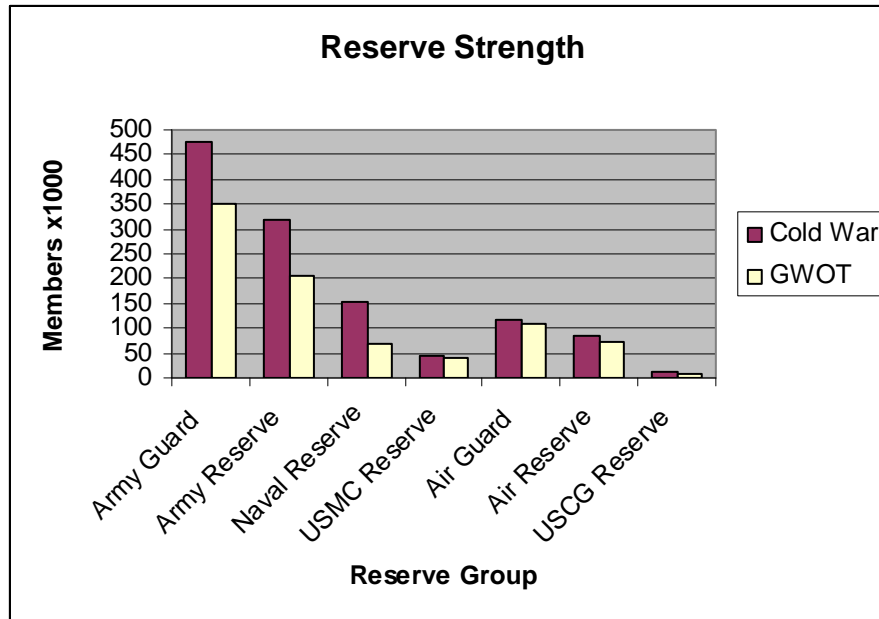
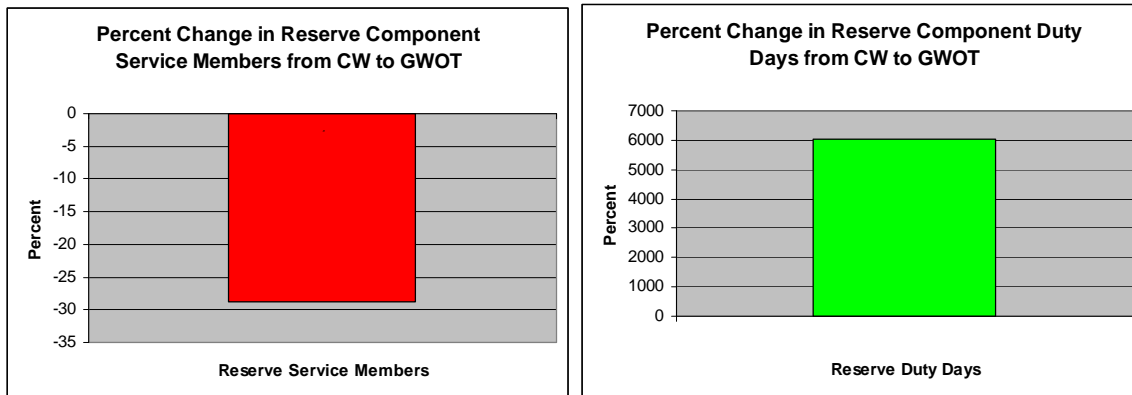


Figure 1. Graphical Depiction of Reserve Strength for the Cold-War and GWOT.¹¹

As the number of military missions increased and the number of forces declined, the military became increasingly strained—especially the reserve component. Figures 2 and 3 illustrate that while the personnel strength of the reserve component has decreased by nearly 30 percent between the Cold-War and the Global War on Terrorism, the number of duty days worked by that smaller pool of reservist has increased by over 6,000 percent during the same time period. Figure 4 depicts the actual number of reserve duty days worked between the Cold-War and the GWOT, illustrating a significant increase. There are several reasons for this increase including a reduction of active duty forces, a reduction of reserve component forces, and an increase in military missions. Regardless of the causes, these three figures below clearly demonstrate that when it comes to its citizen-soldiers, the United States is demanding more with fewer personnel.

¹¹ Numerical figures are derived from Contingency Tracking System Daily Processing Files (U.S. Department of Defense 2010).



Figures 2 and 3. Percent changes in RC service members and RC duty days.

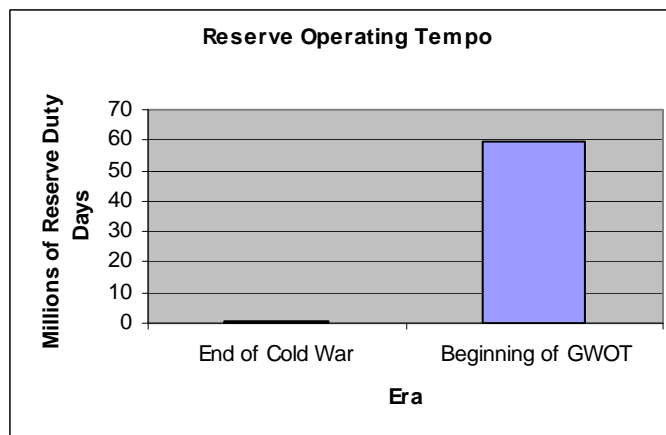


Figure 4. Number of reserve duty days worked between the Cold-War and the GWOT.

This strain creates an enormous problem for military and public leaders, and it puts America's safety and security at risk. The United States military may be in a precarious situation by not having adequate resources to properly meet demand. Some observers point to evidence of "stop loss," orders prohibiting service members from returning to civilian life after their military obligation is concluded; call-up of service members in the Individual Ready Reserve (IRR), a pool of prior-service civilians who have already committed their primary service obligation but may still be recalled back

into service during times of war or national emergency due to statutory obligations; multiple combat deployments; and an increase in Reserve duty days.

This imbalance has profound effects. In 2004, no army division was available as a strategic reserve and air and naval assets were repositioned to cover key contingencies (Burns 2004). Additionally, in 2004, The Old Guard, an army ceremonial company in Arlington, VA, was deployed for the first time since the Vietnam War to Djibouti (Burns 2004). These types of vulnerabilities, such as a lack of a reserve division, may afford opportunistic enemy states the chance to challenge the United State's position as a superpower or it may facilitate terrorist acts against Americans.

While focus up to this point has been on personnel, equipment shortages associated with National Guard is also significant. Historically, the reserve component has always been a low priority with regards to equipment and supplies.¹² Often, the National Guard is issued old or obsolete equipment that was passed down from the active component. To exacerbate the preexisting equipment shortages, National Guard expeditionary combat operations add to the shortfall. A 2007 Government Accountability Office (GAO) report found that "the National Guard's equipment inventories in the United States have significantly decreased because of overseas operations" (U.S. Government Accountability Office 2007b). Department of Defense reports show that the reserve component had a \$60 billion unfunded equipment shortfall in fiscal year 2008, with the Army National Guard having a \$47.5 billion, or 45.6 percent, equipment shortfall (U.S. Department of Defense 2008c); see figure 5.

¹² For accuracy it is important to note that some National Guard units are issued the latest equipment in initial fielding, though rarely first, alongside the active forces under the Total Force Policy. For example, the 48th BDE (Georgia Guard) was to deploy with 3ID because it had M1 Abrams, the most modern tank at the time. Additionally, some National Guard units have UH-60s, AH-64s, and Stryker vehicles (Barry 2009).

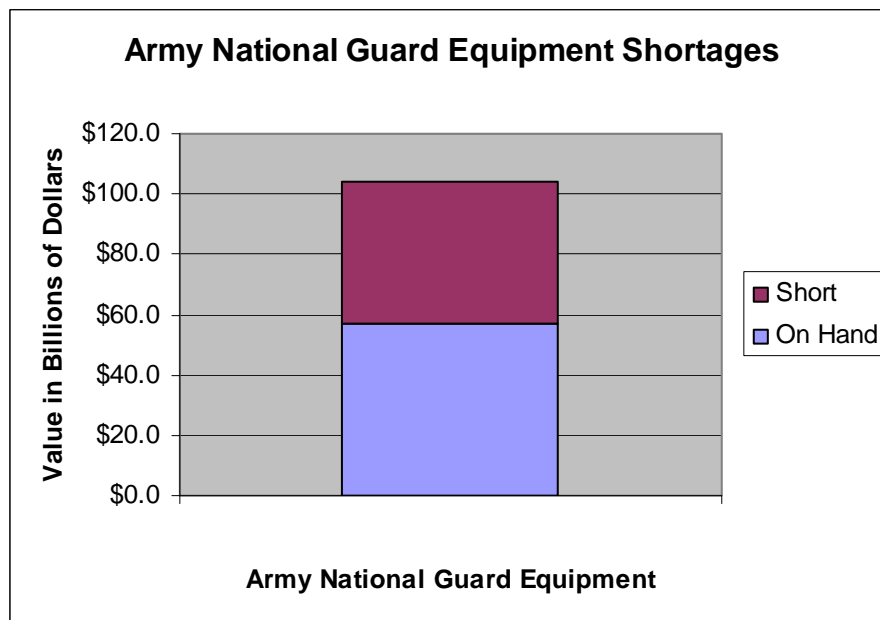


Figure 5. Army National Guard equipment shortages (U.S. Department of Defense 2008c).

A culmination of the conditions described above exposed the problem of duality to the public in 2005. After several years of combat, a stretched and historically neglected National Guard was tested in its ability to conduct expeditionary federal missions *and* to respond to a major domestic emergency. In August, Hurricane Katrina, a cataclysmic one-hundred-year storm, slammed into the Gulf Coast causing extraordinary mayhem, destruction, and death. In addition to the rarity of a one-hundred-year storm striking, it happened at a time when over 75,000 U.S. National Guardsmen were unavailable and mobilized on other missions, mostly on federal expeditionary missions in support of the Global War on Terrorism. And, it happened while deployed National Guard soldiers were near its peak—one-third of deployed Army soldiers in August 2005 were from the Army National Guard (U.S. National Guard Bureau 2009).

Recent events such as Hurricane Katrina and the asymmetric nature of terrorism have also blurred the division of power and responsibility between the federal government and lower governments, and it is believed to have shifted power toward the federal government. Consequently, a new power struggle has ensued. This struggle most recently played out during Hurricane Katrina when President George W. Bush pressed Louisiana Governor Katherine Blanco to relinquish control of her National Guard forces to the federal government. She did not capitulate. Not long after this spar, the president and Congress made changes in the *Insurrection Act*, allowing the federal government to use its supremacy and usurp the governor's control of the state's National Guard operating within the state for "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition."¹³

The National Guard's heavy involvement in domestic and expeditionary missions has been the topic of contemporary controversy, often between state and federal government leaders. For example, it has been claimed by some governors that the extensive use of the National Guard for federal expeditionary missions has an impact on domestic emergency management—especially response. Likewise, several government reports indicate that the military's response to Hurricane Katrina was impeded by a command and control structure that consisted of separate commands for federal forces and National Guard forces. Additionally, it has created a power struggle over control of the National Guard and proved to be a test ground for principles of federalism. This study seeks to explore and describe how this unique arrangement affects the Guard's

¹³ These changes were subsequently repealed in its entirety by HR 4986: National Defense Authorization Act for Fiscal Year 2008.

domestic mission of emergency response and hopes to suggest ways to ameliorate any problems that may be caused by this duality.

Purpose of the Study

This section “sets the objectives, the intent and the major idea” of the research (Creswell 2003, 88). Essentially, this section indicates “*why* you want to do the study and *what* you intend to accomplish [emphasis added]” (Locke, Spirduso, and Silverman 2000, 9). The first two paragraphs covers the “why,” the following three paragraphs covers the “what,” and the final paragraph concludes with a personal note.

Long before the 9/11 attacks or Hurricane Katrina, Deborah R. Lee, former assistant secretary of reserve affairs, prophetically stated, “And just as we must be prepared to fight and win two nearly simultaneous regional wars if—God forbid—we have to, we must also be prepared to fight, win, and protect Americans against natural and manmade calamities when they happen at home” (1998, n.p.). In the decade following Assistant Secretary Lee’s statement, the United States found itself in a precarious position where its military was waging war on two foreign soils and responding the worst natural disaster in American history. This should have been no surprise: both conflict and disaster are ubiquitous and have existed since the beginning of time. It was only a matter of circumstance before their paths eventually crossed. Future conflict and disaster are inevitable, and one of the most imperative and fundamental obligations of any government is the protection of its citizens from the dangers associated with emergencies and disasters.

Amazingly, years after the problem became overtly transparent it is still not yet transpicuous—not sufficiently researched, understood, or addressed. In fact, the most recent Congressional Report examining the National Guard states, “Nowhere is specified the role that the National Guard . . . should play in . . . responding to a major catastrophe (Commission on the National Guard and Reserves 2008, 12). Additionally, the Department of Defense *Strategy for Homeland Defense and Civil Support* (2005) outlines a number of areas where the National Guard could contribute to its domestic mission, but does not provide “details nor a definitive state of how” (Wormuth et al. 2006, 63). Likewise, in an era of persistent conflict, the effects of the National Guard’s dual status—especially its increasing federal responsibilities—are not well understood. The citizens of the United States remain at risk until these issues are understood and the problems mitigated.

The purpose of this concurrent mixed methods study is to explore and describe how the United States National Guard’s dual federal-state status impacts its domestic emergency response role. Since this is an exploratory study, its purpose is not to prove a theory or falsify a hypothesis, rather to collect and document data and to present the findings in an inductive manner in an effort to answer specific research questions and outline a path for future research. Lincoln and Guba (1985) suggest that exploratory research be conducted with little *a priori* expectations in an effort to develop explanations of social phenomena. The true value of the research will be in describing *how* the dual status of the National Guard affects domestic emergency response.

Essentially, the importance of this study’s outcome will be in the identification of qualitative variables and the development of a causal explanation “that can be explained

as a *cause* of the consequence of interest” (McNabb 2004, 344). With exploratory research, the identification of variables is significant as a main philosophical assumption of qualitative oriented research is that many variables are unknown and “variables are too interwoven to measure, especially without a contextual framework” (Studentvoice 2009, n.p.). Identifying variables and suggesting causal relationships are not only necessary to understanding the phenomena, but it is “also likely promote policies to remedy the situation” (McEntire 2004, 4).

The dissertation is an applied research study with direct relevance to a practical and contemporary problem affecting policy makers and administrators at all levels of government. Applied research is intended to “solve *practical problems* of the modern world, rather than to acquire knowledge for knowledge’s sake” (U.S. Department of Energy 2009, n.p.). This type of research is inline with expectations as “the bulk of public administration research is applied research” (McNabb 2004, 151). Applied research is appropriate for social science research as “practitioners in the field deal with the everyday concerns of people’s lives” (Merriam 2009, 1). Moreover, the results of this study may be more interesting to public administrators, as applied research generally receives more attention than basic research because it produces “more immediate and practical results” (Johnson and Onwuegbuzie 2004, 19).

The research uses a mixed methods concurrent nested strategy with a qualitative predominance in order to gain a more holistic understanding of the research problem by converging data and harnesses the advantages of both quantitative and qualitative methods. In this study, a census survey will be used to gather trends, attitudes, opinions,

and other information of the fifty-four state and territory¹⁴ offices of the U.S. National Guard adjutant generals. Once gathered, this quantitative data will be simultaneously analyzed with empirical qualitative data gathered from interviews, observation, documented literature, and previous studies. The research and subsequent analysis adds to the scholarly and practicable research in the field of public administration by examining its subfield of emergency management through the conceptual lens of federalism and intergovernmental relations.

Finally, Joseph Maxwell (1996) suggests that it may be wise in this section to discuss personal purposes for conducting the study as well. My personal motivation for conducting this study lies with my unyielding patriotism toward American ideals and those who serve in harms way to protect and defend these ideals. I have traveled to over thirty countries during my lifetime, and while each country is a unique treasure in its own way, nothing I have found yet compares to the American dream. For centuries, people from all around the world have come to America in pursuit of this dream, yearning to be free. But, as Ronald Regan once suggested, this freedom is always at the brink of extinction. My generation has seen death and destruction: we have seen the bodies fall from the twin towers; we have seen the poor people die on the roofs of their flooded houses; we have seen the young veterans returning with prosthetic limbs. Each of these visions threatens the American dream in its own unique way. Preservation of this American dream and dedication to those who serve are my deep, unspoken purpose. Maybe my personal purpose is a bit idealistic, but public administration scholar and

¹⁴ For purposes of this study, the term *territory* refers to the political and geographical divisions consisting of three unincorporated territories and one federal district: Guam, Commonwealth of Puerto Rico, U.S. Virgin Islands, and Washington, DC. These four territories are part of the U.S. National Guard.

practitioner Woodrow Wilson once said, “Sometimes people call me an idealist. Well, that is the way I know I am an American” (1919, n.p.).

Research Questions

Having a clear understanding of the research problem and the purpose of the study, this dissertation addresses one primary research question and several secondary research questions in an effort to add to the scholarly and practicable research to the field of public administration. Since so little is written on research questions and hypotheses of mixed methods research designs, such as the design of this study, researchers have some level of flexibility but should endeavor to integrate aspects of both (Creswell 1999). In this study, research questions are chosen over hypotheses as the main form of inquiry because of the qualitative predominance of the design and the exploratory nature of the topic. John W. Creswell believes this approach is best when the researcher “does not know the important variables to examine . . . because the topic is new . . . or existing theories do not apply” (2003, 22). Additionally, this is more appropriate for applied research as “knowing more about one’s practice, and indeed *improving* one’s practice, leads to asking researchable questions” (Merriam 2009, 1).

In this study, “The Duel Over Duality: Effects of Federalism on the United States National Guard’s Emergency Response Mission,” there is one primary research question (P1), four secondary research questions (S1-S4), and a final tertiary question that will be addressed in the concluding chapter (T1).¹⁵ Following the guidance of Creswell, the research questions “are open-ended, evolving, and nondirectional; restate the purpose of

¹⁵ Question T1 was originally a secondary research question; however, none of the data collected in this research specifically focus on answering this question. Rather, this question will be discussed in the final chapter of this dissertation.

the study in more specific terms; start with a word such as ‘what’ or ‘how’ rather than ‘why’; and are few in number (five to seven)” (2007, 107). Creswell also advises to state the primary research question as broad as possible and have a series of related subquestions that “divide the central phenomenon into subsections of study” (2007, 114). This design is within the limits recommended by Miles and Huberman (1994) that offer similar guidance and recommend no more than twelve research questions in total. Finally, it is important to note that Creswell observes, “sometimes the research questions change in the middle of a study to reflect better the types of questions needed to understand the research problem” (2007, 14). While the researcher does not anticipate a change in the research questions, should this occur, it will be addressed in the conclusions section of this dissertation for suggested follow-on study as a line of research or a future research direction.

The primary research question is, (P1) What impact does the dual federal-state nature of the United States National Guard have on the Guard’s domestic emergency response mission? Secondary questions are, (S1) How has the prevalence of Emergency Management Assistance Compacts (EMAC) affected the National Guard’s domestic emergency response mission? (S2) What military command and control structure promotes the most effective and efficient military response to emergencies? (S3) How can the National Guard be better organized to support its state emergency response mission? (S4) And, are State Defense Forces a viable alternative or a value-added to the National Guard for domestic military emergency response missions? A final tertiary question that is addressed and discussed in the final chapter is, (T1) What are the findings’ implications on federalism and intergovernmental relations? The following few

paragraphs examine in more detail some of the substance behind why these research questions were chosen and how the secondary questions relate to the more general problem of duality.

What impact does the dual federal-state nature of the United States National Guard have on the Guard's domestic emergency response mission? This is the primary research question (P1). The background information in this study clearly demonstrates that the National Guard is a dual federal-state force with both domestic and expeditionary missions. It is also proclaimed that one of the National Guard's most important domestic missions in emergency response—it is perhaps the most important domestic missions. A plethora of variables exist that affect the National Guard's ability to effectively and efficiently respond to domestic emergencies. This primary research question will identify and explore the variables of the National Guard's dual status that affect its emergency response mission. Essentially, the true value of the research will be in describing *how* the dual status of the National Guard affects domestic emergency response.

While the dual status of the National Guard has worked relatively well during the 20th century, the 21st century is clearly challenging the current model. One of the primary drivers of this change is the Global War on Terrorism, which was a result of the 9/11 attacks.¹⁶ At this point in the research it is clear that the federal expeditionary use of the National Guard is a variable that impacts the Guard's domestic emergency response missions. This dissertation will examine *how* the mission is impacted.

This question is even more relevant because there appears to be conflicting information as to if and how the expeditionary use of the National Guard affects it

¹⁶ It is worth noting at the time of dissertation completion, the term *GWOT* has disappeared at an accepted concept and reference, but the military missions it has created appear to endure (Barry 2010).

domestic emergency response missions. For example, while a series of recent state emergencies, such as tornadoes in Kansas, prompted governors to proclaim that the National Guard's response to these emergencies was hampered because of state resources that were being consumed in the Iraq War, other reports, such as the Congressional House report on Hurricane Katrina suggested that federal deployments did not affect the response. This question is particularly important because the current model of forces relies so heavily on the National Guard for federal missions. And, in an era of persistent conflict and constrained budgets, it is unlikely that this scenario will change significantly in the foreseeable future.

The outcome of this question will be in the identification of qualitative variables and the development of a causal explanation "that can be explained as a *cause* of the consequence of interest" (McNabb 2004, 344). Identifying variables and suggesting causal relationships are not only necessary to understanding the phenomena, but it is "also likely promote policies to remedy the situation" (McEntire 2004, 4). This research question and its associated methods allow the "researcher to measure trends, prevalences, and outcomes and at the same time examine meaning, context, and process" (Creswell and Plano Clark 2007, 175). The method and strategy employed in this study allow the researcher to answer a diverse set of research questions. There are a number of other, secondary research questions with some nexus to the dual federal-state status of the National Guard, which it is also germane to examine. However, it is important to remember that these research questions were chosen based on the preliminary research. David McNabb (2004) notes that qualitative oriented research tends to be a more flexible research process and researchers often follow where the data leads them.

How has the prevalence of Emergency Management Assistance Compacts (EMAC) affected the National Guard's domestic emergency response mission? This is a secondary research question (S1). While different forms of assistance compacts have existed for centuries, the EMAC is a relatively new paradigm. The implications of this question relate to the primary research question and the dual status of the National Guard and its emergency response mission in several ways. First, the literature demonstrates that the emergence of EMACs may have in part been attributed to insufficient National Guard resources to meet the state's demands. While this is particularly the case for large emergencies, EMACs have been invoked for smaller scale emergencies as well. When implemented, the EMAC has proved to be a valuable mechanism for states to share resources during times of need. Determining the extent the dual status of the National Guard plays in the use of EMACs is necessary in taking a comprehensive and holistic examination of the main problem.

Second, since the Emergency Management Assistance Compact is a relatively new paradigm and it appears to be gaining in popularity and use—especially after the success of Hurricane Katrina—it is most likely the EMAC will be increasingly used for future emergencies involving the National Guard. Hurricane Katrina raised several issues over whether the Emergency Management Assistance Compact fully met the needs of the National Guard—especially when it comes to the National Guard's coordination with other states and other federal entities through EMAC.¹⁷ If the Emergency management Assistance Compact is going to be the way of the future, the needs of the National Guard must be addressed.

¹⁷ Despite this, the EMAC worked relatively well overall.

Third, it is plausible that the increasing reliance of the Emergency Management Assistance Compact may lead to further federal use of the National Guard. The EMAC could be seen as a justification to further shift power and responsibility to the federal governments, as state alliances increases a state's response capability through strength by numbers. It is also undetermined as to whether or not adjutant generals feel they are comfortable committing more resources to federal missions under the protection of the EMAC. The Emergency Management Assistance Compact may affect the aggregate capability of the National Guard's domestic response capability to emergencies. For example, while EMAC worked well during hurricane Katrina, analysts suggest that under different situations, such as a terrorist attack, other states would have been less likely to commit resources to effected states.

Finally, this question of interstate compacts, such as EMAC, goes directly to the heart of federalism, intergovernmental relations, and the balance of power between the federal government and the states. One of the reasons that interstate agreements must be congressionally approved is to ensure that these agreements do not affect the balance of power between the state or encroach upon or impair the supremacy of the federal government (*Virginia v. Tennessee* 1893). The benefits and advantages of the EMAC are also examined in this secondary question.

What military command and control structure promotes the most effective and efficient military response to emergencies? This is a secondary research question (S2). The American federal system of government allows for both state and federal militaries. Both of these militaries have different command and control structures: the National Guard reports through state lines to the governor while the federal forces report through

federal lines to the president. When these forces work within their traditional means, there is often little conflict or confusion.¹⁸ However, during times of emergency or disaster the response often elicits multiple agencies and departments from all levels of government—including both state and federal military forces. There are several possible command and control structures that have been used in the past, such as all federal (Title 10), parallel state and federal structures (Title 32 and Title 10 under separate commands), and a “dual hatted” commander (Title 32 and Title 10 under the same command). How the dual status of the National Guard affects the Guard’s command and control of military forces within its jurisdiction is important to understanding how this dual status affects the Guard’s response capability and in determining what methods are best under different circumstances.

How can the National Guard be better organized to support its state emergency response mission? This is a secondary research question (S3). The preliminary research suggests that the National Guard will likely continue its dual mission for the foreseeable future without significant reorganization of military forces. The preliminary research also indicates that these two missions are not mutually exclusive and they create certain constraints and pose some drawbacks. However, there are several advantages of the Guard’s dual status as well. The purpose of this question is to examine the current structure and missions and determine how the National Guard can be better organized to support its state emergency response role. For example, other researchers have postulated creating non-deployable National Guard teams dedicated to domestic emergency response, similar to the Civil Support Team concept (Wormuth et al. 2006). The research may also lead to answers as to how the Guard can be better organized to

¹⁸ Example are provided on page 159.

support both its state and federal roles, but the emphasis is on its domestic emergency response role.

Are State Defense Forces a viable alternative or a value-added to the National Guard for domestic military emergency response missions? This is a secondary research question (S4). Today, State Defense Forces are closer to the original militia than the current National Guard, which many of America's founders would see as a national military. However, as the National Guard has slowly transitioned from a state militia to a more considerable part of the United States national military, State Defense Forces have been slow to fill the void. Some experts believe that SDFs possess the potential to assist the National Guard during domestic emergencies (Bankus 2006; Carafano 2006; Brinkerhoff 2007). For example, these proponents claim that State Defense Forces provided valuable assistance during the 9/11 attacks. However, many states and the NGB have been reluctant to embrace the SDFs as a viable alternative to a fully staffed and present National Guard. This question is even more relevant given the current high number of deployments of National Guard units for expeditionary missions.

Finally, *what are the findings' implications on federalism and intergovernmental relations?* This is a tertiary research question (T1) and not a secondary research question because none of the data collected in this research specifically focus on answering this question. This question will be answered after the collection and analysis of all of the data and after all of the primary and secondary research questions are answered. Not much is written by research designers on tertiary research questions; however, some

qualitative research has used tertiary research questions as a part of an overall research design (Bouwmeester 2000; Boston 1996).¹⁹

While much of this research is not generalizable to other organizations, certain conclusions may be drawn about the nature of the National Guard's dual status and how it relates to more general trends in government, particularly in the context of federalism and intergovernmental relations. Therefore, this question can be analyzed within the context of the greater academic field and possibly even contribute to more generalizable findings within the greater field of federalism. Analysis will examine whether the current patterns of military activity are consistent or in contradiction with other trends of government.

For example, is military power becoming more centralized and is this consistent with other aspects of government?²⁰ Most importantly, the flexibility of the proposed research methods allows the research process and researchers often follow where the data leads them. Therefore, determining the exact value of this question is difficult to ascertain at this stage in the research. However, since federalism is the foundation of the research and the crux of the problem, and because it is very likely that the research will uncover implications of federalism and intergovernmental relations, this question will undoubtedly provide additional value to the research.

Delimitations and Limitations

This section sets parameters for the research study and establishes "boundaries, exceptions, reservations, and qualifications" (Creswell 2003, 147). Delimitations to

¹⁹ These are two examples of research that used tertiary research questions and were published by the U.S. Army Command and General Staff College. Other examples exist.

²⁰ The legal basis of military power in the U.S. and how the Guard fits into the relevant statutes is examined in Chapter Four.

narrow the scope of this study are addressed first, and then limitations to identify potential weaknesses in this study are subsequently addressed. To begin, this study will be framed in the context of public administration, but will rely on academic knowledge from other fields. Much of this research also includes aspects of emergency management, national security, and homeland defense—which are academic subjects onto themselves. This amalgamation of academic substance demonstrates that this research is multi-disciplinary and inter-disciplinary in nature, drawing upon academic topics from many different fields.

To avoid confusion as to the bounds of this research, figure 6 illustrates the path of academic discipline this study follows. The orange color of the organizational chart indicates the relative areas from which this line of study derives its academic context. The *social sciences* can be divided into seven distinct categories, of which *political science* is one category. Political science can further be divided into five main categories, including *public administration*. From there, topics on public administration are generally grouped into fourteen different areas of focus, with *federalism and intergovernmental relations* being one of these categorized focus areas.

In addition to this “top down” view, other independent academic disciplines contribute heavily to this study. Specifically, *homeland defense*, which is a subdivision of the greater field of *homeland security* that deals with the military aspect of homeland security (U.S. Library of Congress 2003); *national security studies*, which consists of both *foreign relations* and *national defense* (U.S. Department of Defense 2001); and most importantly, *emergency management*. The path of this dissertation views the issues of

the National Guard and its emergency response role from a federalism and intergovernmental relations perspective, with contributing academic fields.

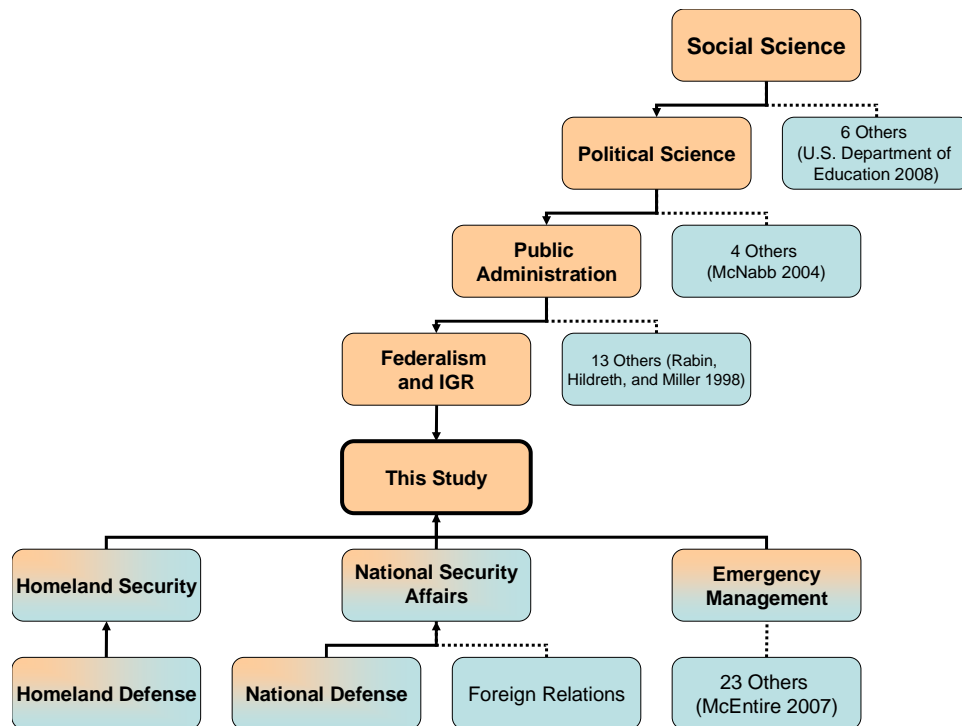


Figure 6. The academic context of this study.

The National Guard is a powerful and flexible tool for public administrators at state and federal levels, with applicability for domestic and expeditionary use. This study focuses on the National Guard's domestic mission of emergency response—only one of several domestic missions for the National Guard. Other National Guard missions, such as homeland defense, are related but not the primary focus of this study. Likewise, examining the expeditionary use of the National Guard or the use of active duty forces for domestic or expeditionary missions is not the research focus for this study, although it is an attributing cause of the research problem and may be addressed throughout the research. These delimitations are explained in more detail in the following paragraphs.

First, the National Guard is the main unit of analysis. Because of this, there is little focus on Navy or Marine assets, as the National Guard is a joint Army-Air Force reserve component organization and does not consist of Navy or Marine subcomponents. While the Navy and Marines also have reserve components, they are strictly federal and have no nexus to the National Guard or the militia. Likewise, generally speaking and with some exceptions, the federal Reserve components of the Army and Air Force have little organizational connection to the Army National Guard and Air National Guard.²¹ Between the two National Guard subcomponents, the Army National Guard is substantially larger than the Air National Guard and generally has more personnel and assets needed for both expeditionary federal missions and state domestic missions. Therefore, while the main unit of analysis is the entire National Guard, more emphasis is placed on the Army National Guard over the Air National Guard.

The use of active duty forces for domestic emergency response will also be examined in the context of how it affects the National Guard; but again, the National Guard, not active duty forces, is the main unit of analysis. The Department of Defense's *Strategy for Homeland Defense and Civil Support* (2005) recognizes that the domestic missions of homeland defense and civil support, including emergency response, are the responsibility of the total force. As demonstrated through many domestic emergencies, such as the military response to Hurricane Katrina, both active duty forces and the National Guard play a critical role in responding to emergencies when local resources are overwhelmed. During Hurricane Katrina, over 22,000 active duty federal forces and over 50,000 National Guardsmen aided civil authorities (U.S. House 2006b). The Congressional Report on Hurricane Katrina found that their lack of integration hampered

²¹ Unless federalized and excluding federal oversight.

the military's response. Therefore, it is prudent to examine the use of active duty forces for domestic emergency response in the context of how it affects the National Guard and the overall level of domestic emergency response capability.

State Defense Forces are outside of the scope of the primary research question and are not considered the National Guard, but are a population of interest for this study. State Defense Forces' *current* overall impact on relevant emergency response, homeland defense, or national security issues is relatively negligible but possesses certain potential. Moreover, while State Defense Forces are outside the immediate scope of the primary research question, they are not inconsequential to the crux of this research problem. Examining solutions holistically requires considering the implications for possible amelioration of the research problem by embracing the use of State Defense Forces—especially given their existing legal framework and their members' unyielding sense of duty and sheer allegiance to civil service and volunteerism. Therefore, the applicability of State Defense Forces will be examined in a secondary research question.

Private militias, private militaries, and non-governmental organizations (NGOs), however, are outside the entire scope of this research. Private militias, sometimes referred to as *paramilitary groups*, also exist and are proliferating, but are outside the scope of this study as they have no constitutional, legal, or fiduciary status, and play no substantial role in emergency management, homeland defense, or national security (Polesky 1996). Also outside the scope of research are private militaries, often referred to as *private security contractors* (PSCs). The use of private security contractors, such as Xe Services LLC,²² for defense and homeland security missions is also expanding in size and activity. Private security contractors are being used extensively in Iraq and

²² Formerly and commonly know as *Blackwater Worldwide* and originally *Blackwater USA*.

Afghanistan for Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF), respectively. For example, in addition to the approximate 150,000 U.S. troops in Iraq, there are estimated to be over 100,000 PSCs also in Iraq—ten times the number used in the first Iraq War (Merle 2006). The uncharted use of PSCs has naturally sparked new debate, demanding answers to unprecedented questions of jurisdiction, legal status, applicability of the Uniform Code of Military Justice (UCMJ), oversight, regulation, rules of engagement, command and reporting lines, and standard operating procedures (Blakely 2006). Finally, while non-governmental organizations such as the Red Cross and the Salvation Army are an essential partner to the government during times of disaster or emergency, NGOs are not the topic of this study.

The National Guard's emergency management mission, particularly the response phase, is a primary focus of this research. Emergency management can be broken down into four categories: mitigation, preparedness, response, and recovery (Waugh and Hy 1990). Again, this study focuses on the National Guard's domestic mission of emergency *response*. Response involves the policy and procedures that are enacted after the emergency or disaster has already occurred (Petak 1985; Drabek 1985). For purposes of this study, emergency response includes not only response to natural disasters but also response to manmade disasters and other emergencies such as severe civil disturbance.²³

The *Commission on the National Guard and Reserves* states that “state emergency *response* [emphasis added] is [the National Guard's] most important

²³ It is debatable whether or not the National Guard's law enforcement activities are considered part of emergency management. Much of the literature clearly delineates the different missions as two separate functions. However, as Hurricane Katrina proved, during times of emergency and disaster, the two missions have an affinity. Since most civil disturbances have an element of urgency, and urgency is a defining characteristic of emergency management—particularly response—the National Guard's ability to respond with civil support to law enforcement is considered within the scope of the research and within the definition of emergency management.

responsibility when it is not under federal control” (2008, 94). Therefore, with respect to the research, the National Guard’s ability to *respond* to domestic emergencies takes priority over the other three phases of emergency management. However, the four phases of emergency management overlap and the National Guard also plays an important role in preparation, mitigation, and especially recovery. Therefore, this study will also consider the impact of the National Guard’s dual status on preparation, mitigation, and recovery, but a special emphasis will be placed on response.

Other National Guard missions are also important and closely related to emergency response, but those missions are not the focus of this research. For example, there are many affinities between the Guard’s emergency management mission and its homeland defense missions, as they are both important domestic missions. Homeland defense is defined as “the military protection of United States territory, domestic population, and critical defense infrastructure against external threats and aggression. It also includes routine, steady state activities designed to deter aggressors and to prepare U.S. military forces for action if deterrence fails” (U.S. Library of Congress 2003, 1). While the National Guard’s homeland defense mission is important—especially in the post 9/11 era—it is not a primary research focus for this study.

Despite the fact that terrorism was a recent catalyst for change and the National Guard plays an integral role in homeland security, public administrators and citizens alike are far more likely to need their National Guard resources for emergency management missions over homeland defense missions, especially those involving response to natural disasters versus responding to a terrorist attack. A review of several public disaster databases clearly shows that natural disasters, such as hurricanes and storms, have

dwarfed man made disasters, like terrorism. Actually, over 99 percent of disasters from 1980 to 2008 have been of natural causes (Public Entity Risk Institute 2009). Disaster researcher Thomas Birkland summarizes by stating, “Natural disasters are among humanity’s most expensive, deadliest, and feared events” (1977, 47).

However, homeland defense as an academic subject is closely related to public administration, emergency management, and national security affairs. Dr. Stanley Supinski at the Homeland Security Management Institute believes that homeland defense, from an academic perspective, falls at the intersection of three primary disciplines: national security affairs, emergency management, and public administration. See figure 7. This dissertation does not necessarily delineate the fine line among each of these subjects. However, this study focuses mostly on emergency management and public administration and less on homeland defense and national security affairs. The U.S. Department of Defense’s Joint Publication 1-02, defines *national security* as

A collective term encompassing both national defense and foreign relations of the United States. Specifically, the condition provided by: a. a military or defense advantage over any foreign nation or group of nations; b. a favorable foreign relations position; or c. a defense posture capable of successfully resisting hostile or destructive action from within or without, overt or covert. (2008, 370)

Aspects of national security affairs are also entwined within academic subjects of emergency management, public administration, and of course this study—although to a much lesser degree. While DoD’s Joint Publication 1-02 does not define the term *national defense*, it clearly has both domestic and international connotations. The domestic aspect of national defense is similar to the concept of homeland defense, which is explored in detail in the subsequent chapters. The international dimension of national

security affairs, “foreign relations,” is less affined to this study and is only covered sparely and when necessary.

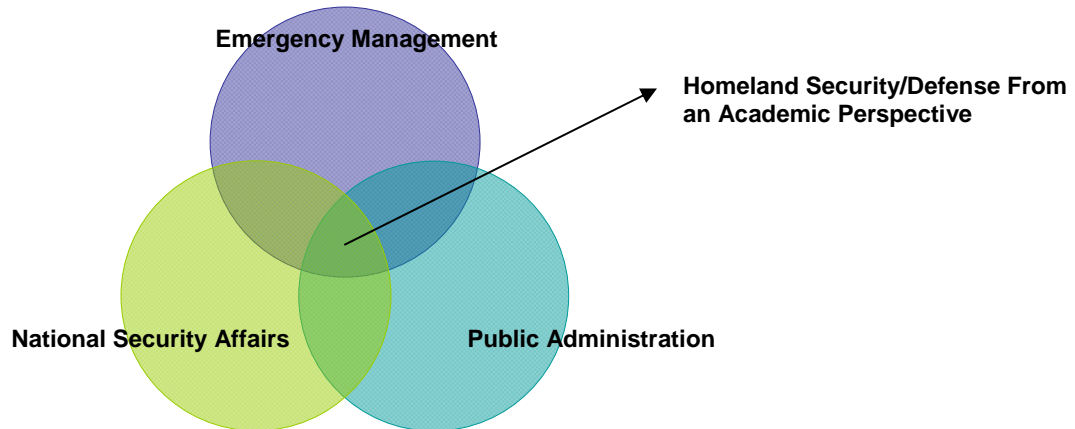


Figure 7. Homeland Security/Defense from an academic perspective (Supinski 2009).

In summary, emergency management is a fundamental and fiduciary responsibility of United States government and it is proclaimed to be the National Guard’s most important domestic mission. Furthermore, emergency management as a profession and discipline is a subcategory in the field of public administration (Selves 2006). Hence, this study approaches the subjects and issues from a public administration perspective, bearing in mind the potential implications and value-added to governments and citizens at all levels. Additionally, public policy and public administration are closely related; therefore, public policies and their implications, particularly those revolving around emergency management and the National Guard, may be examined as part of comprehensive research on the topic.

In addition to narrowing the scope of the research, potential weaknesses, or limitations, must be addressed. Creswell points out that “it is often difficult to identify weakness in the study before it has begun” (2003, 148). However, researchers must to their best to anticipate potential weaknesses and mitigate them or address them as caveats. To begin, this research will be conducted using unclassified and open source data. This may limit the amount of data that can be collected and analyzed. Political scientist and emergency management expert William Waugh notes that the lack of transparency and openness of government agencies involved in emergency management, specifically the Department of Homeland Security (DHS), “has created serious problems for those seeking to conduct rigorous research on organizational structures and processes” and this means “less access by public administration and other social science researchers With that lack of access, the critical examination that can improve organizational performance by challenging policy assumptions, developing good performance measures, and evaluating results is extremely difficult” (n.d., 1-4). This same lack of access to certain data in this research may also be a weakness in the study.

Additionally, this study uses a mixed methods research design with a qualitative predominance, the results may be less generalizable than other research designs, such as a strictly quantitative design. Thomas Lee (1999) corroborates this assumption by stating that qualitative research is usually not as generalizable as quantitative research. Another weakness of this approach is explained by Creswell: “Because the two methods are unequal in their priority, this approach also results in unequal evidence within a study, which may be a disadvantage when interpreting the final results” (2003, 219). Despite this, McNabb (2004) notes that qualitative oriented research tends to be a more flexible

research process and researchers often follow where the data leaves them. Additionally, mixed method research employs the characteristics of both quantitative and qualitative research, leveraging the advantages of both.

Another potential weakness in the research may be the low response rate of surveyed participants. Since there are only fifty-four states and territories, the population of surveyed participants is small and maximum participation is paramount. Participants that will be surveyed include the fifty-four National Guard adjutant generals. All of the participants will be surveyed through an online questionnaire administered through SurveyMonkey. There is an assumption that all participants are computer literate and there will not be any technical problems during the survey administration. Additionally, the SurveyMonkey survey link has been pretested for workability on a U.S. government computer; the link worked and there is little risk of firewall or other technical blocks.

Response rates vary significantly depending on several factors including length, respondent contacts, design, research affiliation, and compensation (Sheehan 2001). In the field of public administration “there appears to be no agreed upon standard for a minimum acceptable response rate” (Majumdar 2007, 250). Despite this, for this study a successful response rate for a census survey of fifty-four is considered seventeen or higher from the population group (Callahan 2009). A response rate of seventeen equates to 31 percent, which is about the average response rate for online surveys (Sheehan 2001). However, if less than seventeen participants respond, the data collected will still be reported and analyzed. Research in the field of political science shows that even surveys with very low response rates can be just as accurate, and sometimes more accurate, than surveys with high response rates (Visser et al. 1996).

Elizabethan O'Sullivan et al. (2003) suggests that public administrators are often inundated with survey requests from academic, professional, and government organizations and often fail to respond. Major General (MG) Francis D. Vavala,²⁴ then President of the Adjutant Generals Association, echoed this in an e-mail by warning that the Adjutant Generals (TAGs) are “extremely busy executives . . . [and] not good survey takers” (2008, n.p.). However, with a smaller sample size, it may be possible to increase the response rate through concerted effort (Majumdar 2007). For example, in a survey by Majumdar (2005), she was able to increase the response rate of twelve local officials to nearly 100 percent by rallying support of the mayor and city manager. To ensure a maximum response Major General Wayt has been solicited; he vowed to assist with the administration of the surveys by distributing them via the Adjutants General Association of the United States (AGAUS) web site and supporting the research effort. Hopefully, Major General Wayt's support will raise the response rate of the adjutant generals. Additionally, Major General Harold Sykora, retired Adjutant General of South Dakota and Chairman of the National Guard Association United States (NGAUS) Joint Task Force on Homeland Security, has also vowed his support for the research.

The survey will be available for approximately two weeks. If there is a low response rate within the first week an additional reminder will be sent out. Kim Sheehan (2001) notes that a post follow-up contact increases the response rate of e-mail surveys by 25 percent on average. If necessary the availability of the survey will be extended for an additional week in accordance with the schedule found in appendix F. However, on average over half of the survey responses are likely to be received within the first 24

²⁴ MG Vavala was replaced by MG Greg Wayt, Adjutant General of Ohio, as the new President of the Adjutant Generals Association as of June 2009.

hours and seven out of eight surveys are received within the first week (Hamilton 2003). This chapter has established an introduction to this study; the following chapter reviews the relevant literature.

CHAPTER TWO

REVIEW OF THE LITERATURE

Introduction

In a review of the literature relating to this dissertation, it was discovered that the relevant literature covers numerous topics and should be organized into several appropriate categories. This study lays at the intersection of several partially overlapping subjects. Some topics, such as federalism, are replete with literature. Other topics, such as emergency management, are less developed and emerging. Additionally, some of the literature is predominately scholarly, focusing on academic theories and philosophy, while literature on other topics is more practical, focusing on archival and contemporary policy and doctrine.

There are several ways to approach a study that is multi-disciplinary and interdisciplinary in nature. This dissertation approaches the topic from a public administration perspective, recognizing that the issues are a subsidiary of the greater field of public administration and because of the practical implications of the research to administrators of defense and emergency management matters. Figure 8 depicts a visual representation of the topic relevance and significance of many of the applicable areas of literature. The higher the literature topic, the more relevant it is to public administration, and the farther to the right the topic, the more significant it is to the study. The size of the literature topic circle represents the relative size of the body of literature as seen from my research perspective.

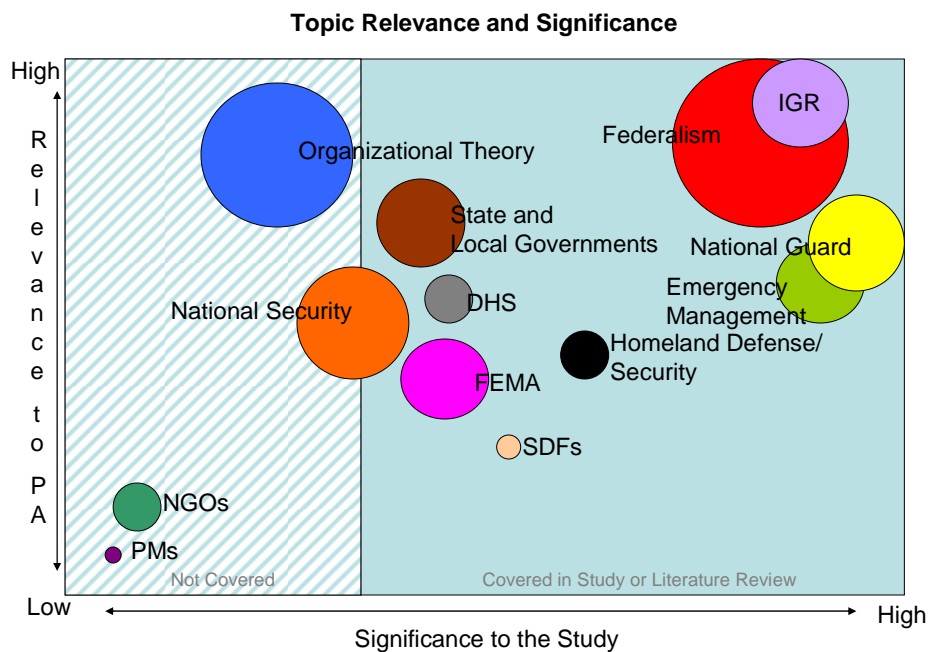


Figure 8. Literature topic relevance and significance.²⁵

The goal of this literature review is not necessarily to make the reader an expert in all of the related topics, nor is the goal to cover *all* of the literature—it is vast. Rather, its primary objective is to cover enough literature to provide context to the research, frame the research in the field of public administration, and demonstrate how this research builds upon the existing literature and covers research gaps. These objectives are consistent with the expectations of social science research methods. Additionally, this literature review meets other expectations set forth by social science research experts who state that the goals of a literature review are to provide historical context to the research topic; identify and define key, relative terms and concepts; establish a theoretical framework; provide a basis for the study’s relevance and importance; share the results of closely related studies; benchmark previous findings to the study; relate the study to

²⁵ Key: PM, Private Militias; NGO, Non-Governmental Agencies; SDF, State Defense Forces; FEMA, Federal Emergency Management Agency; DHS, Department of Homeland Security.

contemporary dialogue; and identify the gap that the study intends to fill (Creswell 2003; Marshall and Rossman 1999; Miller 1991; Cooper 1984).

This literature review is organized into five main sections and several subsections: *American federalism and intergovernmental relations*: definitions; background; purpose, benefits, and drawbacks; powers and responsibilities; and military affairs; *emergency management*: definitions and scope, theory, and practice; *the role of government*: the federal government, the Department of Homeland Security, the Federal Emergency Management Agency (FEMA), and state and local governments; *the role of the U.S. military*: the U.S. Department of Defense, emergency management and homeland defense²⁶, the Reserves and the Total Force Policy, the militia and State Defense Forces, and the U.S. National Guard; and *existing studies*. To begin, the literature review will discuss the American system of federalism and intergovernmental relations and how it relates to the military.

American Federalism and Intergovernmental Relations

In order to frame this study, a review of American federalism and intergovernmental relations literature is warranted. The fundamental quandary of the National Guard's duality is rooted in America's complex federal system of government. This system divides powers, including certain military powers, between the supreme national government and the sovereign state governments. While this is one of

²⁶ The term *National Security* is defined as "both national defense and foreign relations of the United States" (U.S. Department of Defense 2008, 370). While DOD's Joint Publication 1-02 does not define the term *national defense*, it clearly has both domestic and international connotations. The domestic aspect of national defense is similar to the concept of homeland defense, which is explored in the literature review. The international dimension of national security affairs, "foreign relations," is less affined to this study and is only covered sparsely and when necessary.

America's greatest strengths, it can also be a hindrance to administration if not perspicaciously understood and navigated with finesse.

The United States of America is a country of many governments. To be exact, it is a country of 89,527 governments, of which all but fifty-one are local governments (U.S. Bureau of the Census 2007). In America, federal, state, local, and tribal governments may exercise separate and autonomous authority over their respective territory. Many of these governments have broad powers, including the power to assess, levy, and collect taxes; pass and enforce laws; and appoint officials. They also have great responsibility, such as providing public services and guaranteeing safety and welfare. Despite each government's separate and autonomous qualities, they are not completely independent of each other. Many of their powers and responsibilities are shared and divided, making every level of government interdependent. This method of shared and divided governance is woven into the fabric of the republic and is the essence of American federalism.

This section of the literature review categorizes American federalism and intergovernmental relations into several subsections: definitions; background; purpose, benefits, and drawbacks; powers and responsibilities; and military affairs. How emergency management activities operate within the framework of federalism is discussed in a separate and subsequent section of this chapter titled "Emergency Management."

American Federalism and Intergovernmental Relations—Definitions

The *American Heritage College Dictionary, Fourth Edition* defines *federal* as “a form of government in which a union of states recognizes the sovereignty of a central authority while retaining certain residual powers of government.” This definition fits American style federalism, but it is not necessarily inclusive of all styles. For example, it does not fully describe Canadian federalism where “so-called reserved powers are in the hands of the central (Dominion) government” (D. Wright 1983, 417). An analysis of the literature finds that a single concerted definition of *federalism* does not exist. Additionally, the founding fathers did little to define, describe, or elaborate on the American federal system they put into operation (Leach 1989). Scholars define federalism in their own terms, usually more general and holistic in nature, or with each definition varying slightly, tailored to the scope or substance of their research. Political scientist David B. Walker (2000) observes that the variety and numbers of definitions of federalism lengthens with the history of federal systems.

For example, political science scholar Daniel Elazar broadly defines federalism as a system of government that unites “smaller *polities* within an overarching political system by distributing power among general and constituent governments in a manner designed to protect the existence and authority of both national and subnational political systems enabling all to share in the overall system’s decision-making and executing processes” (1966, 2). Paul Peterson criticizes this definition as being too broad and goes to offer his own definition of federalism as “a system of government in which powers are divided between higher and lower levels of government in such a way that both levels have a significant amount of separate and autonomous responsibility for the social and

economic welfare of those living within their respective jurisdictions” (1981, 67). Peterson further on to note that a federation must have two essential elements: “a significant amount of control over the recruitment of their own political and administrative leadership” and “the power to tax their citizens in order to provide the necessary range of government services” (1981, 68). Regardless of variations in definitions, federalism is essentially an alliance between independent sovereignties.

However, federalism is *not* merely a decentralized national government,²⁷ intergovernmental relations, representation of state or local units of government in the national government, or administrative units of the national government (Dye 1990). Federalism is also not restricted to national-state relationships. Federalism may apply to “relations between the national government and local governments, between two or more states, between each state and its own subordinate governments, and between two or more governments at the local level” (Leach 1989, 395). Furthermore, the principle of federalism cannot be solely confined to relations between governments; it can apply to other stakeholders, such as private and non-profit organizations (Rockefeller 1962). However, national-state government relationships are what most federalism research tends to focus on—including this dissertation.

Federalism is also *not* the same as intergovernmental relations (IGR), although they are sometimes incorrectly used interchangeably and faultily considered synonyms. Intergovernmental relations is “the various combinations of connections, interactions, interdependencies, and influence existing among public officials, both elected and appointed, who hold positions in all types and levels of government, and where the

²⁷ The terms *national government* and *federal government* are used synonymously throughout this dissertation except when expressly noted.

prominent public agenda items are financial, policy, and political issues” (D. Wright 1995, 579). Essentially, it is the collective implementation of public policy among government and quasi-government offices at all levels of government, resulting from a federal style of government. In contrasting the two terms, federalism is more constitutional, legal, jurisdictional, and focuses on a formal two-tier system, while IGR is less formal, multilayered, and “more functional, fiscal, [and] administrative in foci” (Walker 2000, 21). While the term *federal* has existed for centuries, the term *intergovernmental relations* has only come into the American lexicon during the 20th century (D. Wright 1983). Despite this, the *concept* of IGR was recognized and used in a number of areas even before the Philadelphia Convention (Leach 1989).

As previously noted, Rockefeller (1962) stated that the principle of federalism cannot be solely confined to relations between governments. Recognizing that there is a military aspect of intergovernmental relations, which spawns from federalism, this study coins the term *intermilitary relations*. For purposes of this study, intermilitary relations is defined as the various combinations of connections, interactions, interdependencies, and influence existing between military organizations at different levels of government (e.g. relations between the National Guard and federal forces, whether active or reserve, and the relations between state and federal commander-in-chiefs with regards to military affairs). Because of a legal status change, intermilitary relations does not include state military organizations that are federalized; however, it is important to recognize political implications may still exist. Also, the term *intermilitary relations* is not to be confused with *intramilitary relations*, which are defined here as the connections, interactions, interdependencies, and influence existing within military organizations at the same level

of government. Next, this section reviews background and historical information on federalism.

American Federalism and Intergovernmental Relations—Background

The history of federalism in the United States can be traced back to the original colonies. In 1776, the original thirteen colonies declared independence from the Kingdom of Great Britain and the American Revolution ensued. At their inception, a confederal system of government was established and the colonies powers were strong. Still at war with the Kingdom of Great Britain, the colonies were averse to establishing another strong central government. The colonies recognized that maintaining sovereignty, freedom, and independence was of paramount importance, but also that their survival depended on inter-colonial cooperation.

The details of this confederal system of government were expounded in the Articles of Confederation and Perpetual Union, which the sovereign colonies began to ratify in 1777 and completed in 1781. The Articles of Confederation formed the sovereign colonies into a “firm league of friendship” that committed them to cooperate with each other in military affairs, foreign relations, and other areas of mutual interest (1777, art. 3). Despite the fact that a fundamental struggle of federalism has dealt with the balance of power between the states and the national government, the Articles of Confederation paid little attention to the issue of division on powers as the “confederation was viewed not as an end in itself but a mechanism for advancing the battle against Britain” (Walker 2000, 43). This was the first governing document of the United States

and it did in fact only serve as a temporary arrangement; it remained in place until the ratification of the U.S. Constitution in 1788.

Before the adoption of the Constitution, the founding fathers laid the foundation for a federal system of government. James Madison, Alexander Hamilton, and John Jay opined arguments for ratification of the Constitution in a series of writings now referred to as the *Federalist Papers*. Influenced by ancient Greek and Roman governments, their intentions in writing the Federalist Papers were to gain support for the ratification of the Constitution (Fleiner-Gerster 1990). Papers No. 10, No. 14, No. 36, No. 39, No. 45, and No. 51 are especially insightful in interpreting the founding father's intentions of their federalist ideas (Drake and Nelson 2002).

For example, in 1788, James Madison posited the basic principles of federalism in Federalist No. 51 where he wrote, "In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments." In Federalist No. 39 Madison also described how "each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others," retaining authority "within their respective spheres," and he described a system that "is neither wholly *national* nor wholly *federal*."²⁸ Additionally, in Federalist No. 36, Alexander Hamilton wrote of a "system of each state within that state."

Although this style of governance is the cornerstone of the American system and has served as the foundation for centuries, the current system of federalism is not what it once was. Over the years, American federalism has undergone continuous evolution and

²⁸ The Founding fathers used the term *federal* to describe what in contemporary terms is defined as *confederal*.

today it remains in flux. While the founding fathers attempted to define and describe the principles of American federalism, “the theoretical underpinnings of federalism were not adumbrated by the founders” (Leach 1989, 388). Historian Herbert Storing believed that the founding fathers did not expound on the details because many federalist accepted the principles of federalism as a “temporary arrangement in the course of building a genuine national government” (1981, 37). Regardless, despite shifts and swings, the general principles of federalism have survived the times and remain the cornerstone of the American system of government.

The major eras of federalism evolution include periods summarized as conflict, 1930s and before; cooperative, 1930s-1950s; concentrated, 1940s-1960s; creative, 1950s-1960s; competitive, 1960s-1970s; calculative, 1970s-1980s; contractive, 1980s-1990s; coercive-collage, 1990s-2000s; and finally, contemporary federalism, 2000s (D. Wright 1995; Boyd 1997; Walker 2000). These characteristics are made by examining policy issues dominated by the public agenda, perceptions of the chief participants, and mechanisms and techniques used to implement intergovernmental actions and objective (D. Wright 1995). Each era is characterized by unique shifts in characteristics of federalism such as power, cooperation, and collaboration. Today’s contemporary federalism is “characterized by shifts in the intergovernmental grant system, the growth of unfunded federal mandates, concerns about federal regulations, and continuing disputes over the nature of the federal system” (Boyd 1997, 1). Additionally, some experts believe that power is gradually becoming more centralized, slipping away from the states and toward the national government (Elazar 1980; Walker 2000).

For example, some analysts believe that the Bush Administration “has promoted numerous initiatives to expand federal power at the expense of the states, including in the No Child Left Behind Act, the Federal Marriage Amendment, the Terri Schiavo case, assisted suicide, medical marijuana, and other policies” (Somin 2008, n.p.). In the context of homeland defense and emergency management, both practitioners and scholars consider this arena to be a key testing ground for the principles of federalism (Kincaid and Cole 2002). Some scholars believe this shift toward centralization of power was accelerated in the post 9/11 environment as the federal government used “opportunistic federalism” to expand its powers in the midst of haze and fear (Lester and Krejci 2007). Proponents of this belief point to evidence of the federalization of airline screeners and the trend toward the federalization of local law enforcement, local first responder, and state military activities.

A recent example of this shift toward centralization was apparent with the 2007 amendment to the *Insurrection Act*, which widened its applicability to include “natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or *other condition* [emphasis added],” thus further empowering the federal government and possibly usurping governors during times of crisis (*John Warner National Defense Authorization Act for Fiscal Year 2007*). After staunch opposition from both Democratic and Republican governors, this controversial change was later repealed in 2008 by HR 4986: National Defense Authorization Act for Fiscal Year 2008. Nevertheless, this general shift in power has not happened without considerable opposition from governors, state’s rights advocates, and anti-federalists. This struggle is not new in context or substance—from the Articles of Confederation to present day America, there have been

continuous struggles for power between and among governments at all levels. Next, this chapter will review the purpose, benefits, and drawbacks of federalism.

American Federalism and Intergovernmental Relations—Purpose, Benefits, and Drawbacks

Fundamentally, the goal of the United States system of government is to balance and limit the full power of American government through division. This division of government includes separation of power, federalism, and judicial review. In an effort to form a “more perfect union,” the U.S. Constitution, adopted in 1787 and ratified in 1788, provided for a federal system of government. Under this system, some powers are intended to be delegated to the national government and the rest are intended to be reserved to the states and the people. The ratification of the Constitution and the resulting federal system of government was not easily achieved. It is essentially a compromise between the federalist, who lobbied for a strong national government, and the anti-federalist, who were advocates of strong state governments.²⁹ Nearly every aspect of government organization follows this basic paradigm of compromise. For example, the United States has a bicameral Congress, where the lower house is based on state population while the upper house is based equal state representation; additionally, the U.S. military is similarly structured though compromises, consisting of both state militias and a national military.

The drafters of the Constitution created this multilayered system of government to reach consensus between the federalist and the anti-federalists and because they realized

²⁹ The Connecticut Compromise, or sometimes called the *Great Compromise*, defined the legislative and representation structure that created a bicameral Congress. It was an agreement reached between large and small states during the Philadelphia Convention in 1787.

there are many advantages to a federal system, such as providing for a balanced government that diversifies power and protects the people. Federalism protects the people by constraining big government as “the great diversity of interests in such a system would preclude the emergence of an arbitrary majority at the national level” (Dye 1998; Walker 1995, 55). In Federalist No. 51 Madison wrote, “A dependence on the people is, no doubt, the primary control of government, but experience has taught mankind the necessity of *auxiliary precautions* [emphasis added].”

In the context of public administration, federalism allows decentralized governance: issues that are best administered at the national level are governed by the federal government and other issues that are best administered at a lower level are governed by state and local governments.³⁰ Proponents of federalism note that it has proved to be an effective method of governing, specifically in the areas of policy diversion, conflict management, protection against tyranny, dispersal of power, participation, ownership, efficiency, policy responsiveness, and policy innovation (Dye 1998; Inman and Rubinfeld 1997). Grodzins writes that “federalism is a device for dividing decisions and functions of government” (1966, 265). Also, in theory federalism provides for competition among governments, creating “opposite and rival interests,” enabling governments to compete with each other to improve the well-being of citizens (Dye 1990).

Opponents of federalism argue that it allows “special interests to protect positions of privilege, frustrates national policies, distributes the burdens of government unevenly, hurts poorer states and communities, and obstructs action toward national goals” (Dye 1998, 299). In the context of intergovernmental relations, federalism is not a tool to

³⁰ Local governments are creations of the states.

facilitate integration, coordination, or control. Furthermore, opponents believe federalism is complex, expensive, redundant, less responsive, less accountable, promotes growth of government, impedes progress of the nation for sectionalism, and even perpetuates racism (Collier 2006; Riker 1964; Laski 1919). They also believe that federalism facilitates the creation of a large government where many citizens become bewildered in its complexity. Political scientist Morton Grodzins (1966) illustrated this complexity by enumerating the number of governments the residents of Forrest Park, Illinois are citizens of and pay taxes to—eleven.³¹ In the following section, this chapter will discuss how the powers and responsibilities of government are divided through federalism.

American Federalism and Intergovernmental Relations—Powers and Responsibilities

In effect, the U.S. Constitution reserves all powers to the states and the people except those powers that are delegated to the national government. Although explicit wording to this effect was present in the Articles of Confederation,³² such wording never actually made the Constitution. Therefore, the concept of limited national powers was originally considered to be merely implied by means of truism. To officially clarify the distribution of power and reaffirm the relationship between the national and state governments, the 10th Amendment was adopted as part of the Bill of Rights; it explicitly states, “The powers not delegated to the United States by the Constitution, nor prohibited

³¹ The United States of America, the State of Illinois, Cook (or Will) County, Cook County Forest Preserve District, Suburban Tuberculosis Sanitary District, Rich (or Bloom) Township, Bloom Township Sanitary District, Non-High School District 216, Rich Township High School District, Elementary School District 63, and South Cook County Mosquito Abatement District (Grodzins 1966).

³² “Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.”

by it to the states, are reserved to the states respectively, or to the people.” The U.S. Supreme Court later endorsed the original implication and opined that the amendment “added nothing to the . . . [Constitution] as originally ratified” (*United States v. Sprague* 1931).

The power vested in the national government is limited mostly to those powers enumerated in the Constitution. These few enumerated powers are found in article I, section 8 of the U.S. Constitution. These include the power to borrow and coin money; regulate commerce with foreign nations; declare war; raise and support armies; provide and maintain a navy; and to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions; among others. The Supreme Court later verified the principles of enumerated powers in *McCulloch v. Maryland* (1819) when Chief Justice John Marshall wrote, “This government is acknowledged by all, to be one of enumerated powers. . . . that principle is now universally admitted.”

However, it is widely believed that the founding fathers allowed some flexibility in the Constitution to plan for future exigencies. The last clause of article I, section 8 of the U.S. Constitution, which explicitly enumerates certain powers to the national government, states that the Congress may also “make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.” This is often referred to as the *necessary-and-proper clause*, and is the basis for implied national powers. Ironically, the same Supreme Court case that solidified the principles of enumerated powers also set landmark precedence on the interpretation of implied powers. Chief Justice Marshall opined that the Constitution

gave the U.S. Congress the implied powers to exercise its enumerated powers; he wrote, “Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional” (*McCulloch v. Maryland* 1819).

Although the national government has limited powers, it is supreme. Article VI, clause 2 of the U.S. Constitution, often referred to as the *Supremacy Clause*, states,

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

This essentially means that the United States Constitution is the “supreme law of the land,” and lower governments and judicial systems are required to uphold it even if it conflicts with state and local laws. Simply, federal laws have supremacy over any state laws. This principle was also verified in *McCulloch v. Maryland* (1819) when the Chief Justice Marshall declared, “If any one proposition could command the universal assent of mankind, we might expect it would be this— that the government of the Union, though limited in its power, is supreme within its sphere of action.”

While the founding fathers and subsequent legal interpretations made the national government supreme in this way, the national government is not omnipotent. The founding fathers created a system of government that recognized the need for and importance of a series of independent subnational governments and administrations, which are more directly connected to the community, more aware of the peoples’ needs, more knowledgeable on the issues, and more vested in the outcomes of decisions. Hence,

in the United States, powers and responsibilities of governments are divided and shared between the federal and state governments; and while the national government is supreme, its powers are limited to those explicitly granted in the Constitution, or those implied powers necessary to implement them.

In turn, the states each have a unitary form of government, where power is held by one central authority—the state. To assist in the administration of government, the states have created a series of local governments such as counties, cities, towns, and villages. As noted earlier, nearly all the governments within the United States are local—99.9 percent³³ to be exact (U.S. Bureau of the Census 2007). The local governments are creations of the states and are not guaranteed sovereignty by the U.S. Constitution in the same manner as the states. The “states may create, alter, or abolish these other governments by amending their laws or constitutions” (Dye 1998, 284).

Federalism provides that individuals are citizens of the national government *and* of their respective state and local governments. In return for paying taxes and fulfilling their civic duties, citizens expect certain services from these governments. With shared and divided powers come shared and divided responsibilities for providing these services. Providing for services in the American style of federalism is often characterized as complex and chaotic. “There is no neat division of function among [government activity]. . . . virtually all governments are involved in virtually all functions. . . . [and] there is hardly any activity that does not involve the federal, state, and some local government in important responsibilities” (Grodzins 1966, 237).

While this is true, *primary* responsibilities are often clearly designated or implied. For example, while there is considerable overlap in federal, state, and local

³³ (Local governments/total governments) * 100 = (89,476 / 89,527) * 100 = 99.9%

responsibilities, the federal government is generally charged with providing services that are best served by a central government, such as national defense, currency regulation, social security, and foreign relations. Many of these responsibilities are explicitly delegated to the national government, mostly through the Constitution. The lower governments are generally responsible for the more local roles of policing, sanitation, education, child welfare, and transportation. However, as characterized by the current state of contemporary federalism, the federal government is currently playing a larger part in what used to be primary responsibilities of the states, such as healthcare, education, welfare, transportation, housing and urban development, and domestic security and safety.

One of the most critical and fundamental obligations of any government is the protection of its citizens. In the United States, the founding fathers explicitly guaranteed this protection in the Preamble to the Constitution by stating the Union shall “provide for the common defense.” At that time, *common defense* simply implied protection from foreign invasion and Native Americans. Today, the meaning of common defense has expanded to include the protection of vital national interests (Carafano, Spring, and Eaglen 2008). Vital national interests not only include protecting Americans in the homeland, but also safeguarding national security; preventing a major power threat to Europe, East Asia, or the Persian Gulf; maintaining access to foreign trade; and maintaining access to resources (Feulner 1996).

In the context of federalism, national security is essentially a responsibility of the federal government (Eisinger 2006). Yet, first responder and most law enforcement activities are traditionally considered a local responsibility, handled by the states or local

governments. This is very straightforward when governments act within their traditional roles, for example when federal military forces are used for expeditionary missions or when county police respond to a local crime scene. However, acts of foreign terrorism on domestic soil and “local” disasters with national significance present a different set of intergovernmental challenges (Eisnger 2006). When the division of responsibility is blurred, intergovernmental relations, the implementation and execution aspect of federalism, can often lead to confusion, oversight, and blunders. For example, this type of intergovernmental relations challenge may have been a contributing factor in facilitating the 9/11 attacks. The *9/11 Commission Report* states,

The September 11 attacks fell into the void between the foreign and domestic threats. The foreign intelligence agencies were watching overseas, alert to foreign threats to U.S. interests there. The domestic agencies were waiting for evidence of a domestic threat from sleeper cells within the United States. No one was looking for a foreign threat to domestic targets. The threat that was coming was not from sleeper cells. It was foreign-but from foreigners who had infiltrated into the United States. (2004, 263)

Events such as the 9/11 attacks and Hurricane Katrina have contributed to expectations that during times of major crisis, responsibility for first response falls to the federal government (Krane 2002). Federalism scholar Samuel Clovis goes on to broadly state,

Throughout history, power has shifted toward the central government whenever the country faced a crisis (Civil War, World Wars, Great Depression, 9/11, etc.), faced an increase in the complexity of government (Great Depression, Post-war recoveries, self-sustaining tax authority, etc.) or faced times of incredible creation of wealth (post-World-War II, post-Korean War, Reagan to Bush administration years). (2008, 4)

However, keeping with the American system of federalism and the National Response Framework (NRF), response should be tiered and handled at the lowest levels possible; this will be expounded later in the “Emergency Management” section of this study. Recent disasters and the asymmetric nature of terrorism have blurred the division of power and responsibility between the federal government and lower governments, and have shifted power toward the federal government. Consequently, a new power struggle has ensued and it involves the National Guard.

American Federalism and Intergovernmental Relations—Military Affairs

Within the framework of federalism, the supremacy of the national government and the executive powers of the president are also recognized in military affairs with several court rulings, constitutional interpretations, and policy implementations. These events have moved the militia to the modern National Guard, and over time it has reshaped the landscape of military affairs from a federalism viewpoint. Various sections of this dissertation will detail the evolution and transformation of the National Guard, and chapter four, “Findings,” will bring much of this information together to prove the presumptions that this dissertation has postulated. However, this section will focus on several key court rulings and constitutional interpretations with respect to military affairs.

While history is abounded with examples court rulings that have contributed to the shift of power, three rulings are noteworthy: *Houston v. Moore*, *Martin v. Mott*, and *Luther v. Borden*. In chronological order, *Houston v. Moore* (1820) was the first case heard by the Supreme Court dealing with the Second Amendment (Kopel 1999). The case arose from the State of Pennsylvania where a militiaman had failed to muster for

federal militia duty when summonsed at the request of the president during the War of 1812. The crux of the case revolved around whether the *State* had the authority to prosecute the militiaman for violating a federal statute (Kopel 1999). However, the implications of the outcome of the case made militiamen liable to United States penalties and State penalties when “neglecting or refusing to serve when called into actual service in pursuance of any order or requisition of the President of the United States” (*Houston v. Moore* 1820).

Another landmark ruling that solidified the powers and supremacy of the president with regards to military affairs and federalism came from the 1827 Supreme Court ruling of *Martin v. Mott*. In *Martin v. Mott* the Supreme Court overturned the New York state court’s rulings that determined Jacob Mott, a New York militiaman, was not liable for failing to muster for militia service when ordered by President James Madison to protect the Union from the imminent danger of a British invasion. In the ruling Justice Joseph Story opined, “We are all of opinion, that the authority to decide whether the exigency has arisen, belongs exclusively to the president, and that his decision is conclusive upon all other persons” (*Martin v. Mott* 1827).

Similarly, in *Luther v. Borden* (1849) the Supreme Court opined that the president has near plenary powers to determine when it is appropriate to use the military, and suggested that it is a function of the executive branch and not the legislative branch. Chief Justice Roger B. Taney rhetorically asked, “After the President has acted and called out the militia, is a Circuit Court of the United States authorized to inquire whether his decision was right?” The Court went on to suggest that “when the President decides to use military force to preserve the peace, neither the decision itself not the methods

employed are open to question in the courts of the United States” (Rossiter and Longaker 1976, 17). Each of these rulings solidified the president’s powers over the National Guard and the near-plenary power to federalize.

More recent examples of the creeping scope of federal powers with respect to military affairs comes from a number of events, rulings, and legislation, namely the passage of *Armed Forces Reserve Act of 1952* and the Montgomery Amendment. The *Armed Forces Reserve Act of 1952* significantly expanded the scope of federal power by eliminating the need for an emergency to federalize the National Guard or to bring the National Guard into an active duty status for expeditionary use (Galloway 1957). However, the Act still required gubernatorial consent to federalize a state’s National Guard for use expeditionary missions (Mordan 2006).

Later, the Montgomery Amendment denied governors the right to withhold state National Guard forces from federal service. Prior to this, the National Guard could be activated into federal service without gubernatorial consent during time of war or national emergency, but gubernatorial consent was required before federalizing the National Guard for non-emergency training. This requirement of gubernatorial consent was considered to be constitutionally mandated (*United States v. Peel* 1977). Consent was routinely granted prior to 1985, but in March of that year several governors³⁴ at odds with the Reagan Administration’s policy to Nicaragua withheld their National Guard Forces for training events in Central America (Cooper 1991). U.S. Congressional Representative Gillespie V. Montgomery of Mississippi submitted an amendment to the

³⁴ Governors of California, Maine, and Ohio declined requests from the Department of Defense to send National Guardsmen to Central American (Cooper 1991). The governors of Vermont, Massachusetts, Arizona, New York, and Washington announced that they would withhold their units as well (Cooper 1991).

proposed *National Defense Authorization Act of 1987* removing gubernatorial consent as a requirement to federalization. The Amendment quickly passed the U.S. Congress and is now codified to read, “The consent of a Governor may not be withheld (in whole or in part) with regard to active duty outside the United States, its territories, and its possessions, because of any objection to the location, purpose, type, or schedule of such active duty” (U.S. Code 2007, sec. 12301).

The Montgomery Amendment was soon challenged by several governors, citing confliction with the Militia Clause. However, the Supreme Court later unanimously verified the legality of the Montgomery Amendment in *Perpich v. Department of Defense* (1990). This ruling was not only a landmark ruling in military affairs, but was also “one of the most significant Supreme Court decisions concerning federalism values” (Cooper 1991, 642). The Court ruled that the Militia Clause actually enhances federal powers and Justice John Paul Stevens opined that the Court’s interpretation of the Clause “merely recognizes the supremacy of Federal power in the area of military affairs” (1990, 351). Moreover, the Court confirmed that Congress’ army powers are “plenary and exclusive” (*Perpich v. Department of Defense* 1990, 339). This ruling appears in contradiction to the founding father’s intents as James Madison wrote,

The state governments are to govern the militia when not called forth for general national purposes; and Congress is to govern such part only as may be in the actual service of the Union. Nothing can be more certain and positive than this. It expressly empowers Congress to govern them when in the service of the United States. It is, then, clear that the states govern them when they are not. (Elliot 1888, 424)

Perpich v. Department of Defense effectively acknowledged that “federalism is only minimally relevant in the administration of the United States armed forces” (Cooper

1991, 641). Interestingly, the ruling also noted that “if the federal training mission were to interfere with the State Guard’s capacity to respond to local emergencies, the Montgomery Amendment would permit the Governor to veto the proposed mission,” and that “a governor might also properly withhold consent to an active duty order if the order were so intrusive that it deprived the State of the power to train its forces effectively for local service” (*Perpich v. Department of Defense* 1990, 351-52).

Because of the National Guard’s dual federal-state nature, the Guard is at the center of the perpetual power struggle between state governments and the federal government. This most recently played out during Hurricane Katrina when President George W. Bush pressed Louisiana Governor Katherine Blanco to relinquish control of her National Guard forces to the federal government. She did not capitulate and the federal government did not force her to surrender her powers. In contradiction to Cooper’s (1991) assertion, E.L. Gaston opines, “The Administration’s unwillingness to subordinate federalism to the exigencies of the humanitarian disaster demonstrates the strength of the current attachment to federalism” (2007, 526). Gaston goes on to write, “the Administration has accepted the restrictions imposed by federalism preferences and consequently has worked within the existing state-centered framework” (2007, 523).

However, Richard Falkenrath (2005), former homeland security advisory to President Bush, believes this was unintentional and that the Bush Administration was too focused on other priorities to truly challenge the basic concept of federalism. Later, the federal government used its “supremacy” to redefine the *Insurrection Act*, giving the president the power to usurp the governor’s control of the state’s National Guard

operating within the state under less stringent criteria.³⁵ Additionally, the power struggle perpetuated through a series of local crises when governors claimed that they did not have the necessary state military resources to adequately respond due to their National Guard's deployments to expeditionary missions in support of the War on Terrorism—most notably Iraq.

The National Guard's unique dual federal-state status makes it an interesting research subject with regards to federalism and command and control over military forces, especially during emergencies. It is clear that the status of the U.S. National Guard's use for emergency management, homeland defense, and federal expeditionary missions pose unique challenges in the new contemporary era of American federalism, which require further study. Underpinning this assertion, Martha Derthick writes, "A continuing question, arguably the most problematic for federalism, was what role the armed forces of the United States should play" (2007,43). In the following section, this literature review examines emergency management, one of the National Guard's most important domestic missions.

Emergency Management

Have a clear understanding of American federalism and intergovernmental relations is important when studying emergency management as this aspect of the American system of government represent the legal, historical, and political framework that the profession must work within. Emergency management has become a topic of contemporary scholarly and practicable focus. Recent manmade events, such as the 9/11

³⁵ These changes were subsequently repealed in its entirety by HR 4986: National Defense Authorization Act for Fiscal Year 2008.

attacks, train and subway bombings, and hotel attacks; and natural disasters, such as Hurricane Katrina and the catastrophic earthquakes and tsunamis in Asia, have contributed to this renewed emphasis on emergency management. The National Guard plays an increasingly critical role in emergency management practice and is a key enabler to the United States' overall strategy for national security.

When not under federal control, the some of the literature suggests the National Guard's most important mission is emergency management—particularly emergency response. The Guard is tasked with preparing for, mitigating, responding to, and recovering from all-hazards emergencies. The National Guard is charged with the awesome task of preserving the life and protecting the property of the American people. Because emergency management is key mission of the Guard and because it is the research focus of this study, a comprehensive look into emergency management is germane. This section reviews the literature on emergency management and is categorized into three parts: definitions and scope, theory and models, and practice and profession.

Emergency Management—Definitions and Scope

Like federalism, an analysis of the literature reveals that a single concerted definition of *emergency management* does not exist. Scholars and practitioners differ over the exact definition of emergency management, and several competing definitions exist. However, before examining definitions it is reasonable to analyze the term in a literal sense. Ostensibly, the term *emergency management* is an oxymoron (Sylves 2008). The management of something as unpredictable, complex, and chaotic as

emergencies seems impractical. In fact, some believe that emergencies cannot be managed at all (Miskel 2006).

However, Robert Freitag, Director of the Institute for Hazard Mitigation Planning and Research at the University of Washington, notes that “the operative word here is management. It is not the study of emergencies, but the management of them. Solving problems, reducing risk through the four phases of emergency management – the comprehensive management of emergencies” (Blanchard 2007b, 1). Despite the apparent oxymoron, the term *emergency management* is commonly accepted and part of a contemporary lexicon but with multiple variations of its definition.

Emergency management expert B. Wayne Blanchard states that “one of the fundamental problems in emergency management today is that a broad array of very ‘instrumental’ audiences does not understand, or does not adequately understand, what emergency management is” (2007b, 2). This exists in part because there is no clearly defined and accepted definition. There is a divergence of definitions between those that are more practice-centric and those that are more discipline-and-profession-centric. For example, David M. Neal defines emergency management as “the day-to-day activities that fire or police departments perform that are part of their planned, anticipated, budgeted daily routine” (2000, 417). Conversely, Mike Selves, President of the International Association of Emergency Managers, argues,

One of the biggest challenges emergency managers face, as a profession, is dispelling the misconception that our function is simply the sum total of the efforts and resources of the emergency services. The public can identify with firefighters, police and EMTs. However, the idea that there is a profession of *public administration* [emphasis added], called Emergency Management, whose job is to facilitate the creation of basic disaster policy framework and to coordinate the implementation of the

policy during a disaster, is not well understood. Our job ties together not only the responders but also the decision makers, public and private agencies not normally associated with emergency response and a whole array of other elements of the local community before, during and after any disaster event. (2006, n.p.)

Others choose a much simpler definition: “A simple definition is that *emergency management* is the discipline dealing with risk and risk avoidance” (Haddow and Bullock 2003, 1). The variations of the definitions of emergency management continue and are nearly limitless.³⁶

However, for purposes of this study, a comprehensive and holistic definition is used: “Emergency Management is the risk-based coordinated and collaborative integration of all relevant stakeholders into the four phases of emergency management (mitigation, preparedness, response and recovery) related to natural, technological, and intentional hazards (All-Hazards)” (Blanchard 2007b, 10). This definition is derived from the widely accepted definition from the National Governors’ Association (1978), which similarly defined emergency management as the coordinated and collaborative integration of all relevant stakeholders into the four phases of emergency management (mitigation, preparedness, response and recovery) related to natural, technological, and intentional hazards. These four phases of emergency management have remained the cornerstone of emergency management theory and doctrine and will be expounded in the subsequent sections.

Scholars and practitioners also hold different views on the terms used to describe emergency management and its associated activities and variables. Some of these include civil defense, national defense or homeland defense, homeland security, civil emergency preparedness, continuity planning, disaster management or services,

³⁶ For a full discussion see Blanchard (2007b).

emergency services, emergency operations, hazard management, and risk management. While each of these terms possesses some aspects of emergency management characteristics as defined above, they also have other differentiating attributes that preclude them from being consignant, which are described in subsequent paragraphs. The closest of these near-synonyms is the term *disaster management*. Some scholars and practitioners use the terms *emergency management* and *disaster management* interchangeably. For example, this is the case in the latest emergency management textbook titled *Disaster Policy and Politics*, by Richard Sylves. However, he caveats that many other scholars may disagree that the terms are synonymous. Therefore, in addition to defining the term *emergency management*, several other key terms must be defined and distinguished.

After conducting a review of the literature and examining definitions of some of the common terms in the field of emergency management, it was again observed that multiple competing definitions exist for many of these terms. For the sake of simplicity this research moves forward with a few standard definitions for the purpose of this dissertation. First, the literature shows that, with a few exceptions, the terms *emergency management* and *disaster management* appear to be synonyms. This affinity may be why Sylves (2008) chooses to use them interchangeable. However, emergency management scholar Enrico Louis Quarantelli (1995) notes a slight distinction between the terms, suggesting the term *emergency management* has a connotation toward the preparedness and response phases while the term *disaster management* implies a focus on the full range of phases. In contrast to the definition of emergency management, a disaster is commonly defined as “a nonroutine event in time and space, producing human, property,

or environmental damage, whose remediation requires the use of resources from outside the directly affected community” (Lindell, Prater, and Perry 2006, 8).

Additionally, the term *disaster* has an undertone that suggests an emergency of widespread scope, while the term *emergency* simply indicates an immediate need. Moreover, a disaster appears to imply mainly one type of emergency, but it is not necessarily inclusive of other emergencies, such as severe civil disturbances. Also, the term *disaster* has a common predominate association to natural disasters because of their frequency, when in actuality many different types of disasters exist—such as technological (e.g. Three Mile Island, Bhopal, and Chernobyl). Because of these differences and many others, David McEntire suggests that the field of emergency management should search for alternative name, but “is doubtful that the term emergency management will disappear because of its increased recognition in recent years” (2004, 9). For the reasons noted above and to avoid confusion between the two terms, this research uses the term *emergency management* exclusively and uses Blanchard’s (2007b) meaning as a working definition for this research.

To briefly define and distinguish the other related terms, the terms *civil defense* and *civil emergency preparedness* in the United States are unpopular terms with connotations to nuclear attack or national security preparedness and are rarely used today (U.S. Federal Emergency Management Agency n.d.a). The terms *homeland defense* and *homeland security* are more contemporary terms and are closely related. Homeland security is “a concerted national effort to prevent terrorist attacks within the United States, reduce the vulnerability of the United States to terrorism, and minimize the damage and assist in the recovery from terrorist attacks” (U.S. Library of Congress 2003,

1). Homeland defense is a subset of Homeland Security, which is specific to the military aspect of defending the homeland. All of these terms have a context to a wartime protection of the United States and focus less on the other hazards.

To continue, *emergency services* and *emergency operations* are terms that are identified in the United States “with existing emergency offices such as police, fire, and ambulance” (U.S. Federal Emergency Management Agency n.d.a, 5). These terms signify the activities of the practitioners of the trade, often referred to as *first responders*, as they frequently field and respond to routine 911 calls from the public, looking for police, fire, ambulance, or rescue services. First responders are not necessarily emergency managers, as emergency managers are *coordinators* of *all* phases of emergency management, while first responders the *implementers* of the *response* phase.

Next, the term *risk management* “is a term that has only recently entered the field of hazards, disasters and society’s organized response to them. The term . . . has typically been applied to private sector efforts to manage or limit injuries and losses” (U.S. Federal Emergency Management Agency n.d.a, 6). Risk is often viewed “as actual exposure of something of human value to a hazard and is often regarded as the combination of probability and loss” (Smith 1996, 5). The use of risk and risk-based management has gained increasing credibility and use in the field of emergency management in recent decades. Notice, one of the key differences between the aforementioned NGA’s (1978) definition of emergency management and Blanchard’s (2007b) definition is that Blanchard includes the term *risk-based* to his definition.

To continue, the term *hazard management* is now infrequently used in the United States and only tends to focus “on dealing with a ‘threat’ prior to its actualization” or

when the time or probability is uncertain (U.S. Federal Emergency Management Agency n.d.a, 5). Robert Bolin and Lois Stanford note that “hazard management as a technically specialized field necessarily avoids the broader environmental and social contexts of disasters” (1998, 219). In emergency management, a hazard is the potential for an emergency or disaster (Pearce 2000). In the past, the term *hazard* was often synonymous with the term *risk* (McEntire 2004).

However, this prevailing notion has changed; Susan Cutter distinguishes a hazard from the abovementioned term *risk* by stating, “Hazards are the threats to people and the things they value, whereas risks are measures of the threat of the hazards” (2001, 2). The term *all-hazards* represents a common approach to viewing hazards in emergency management and is “the spectrum of all types of hazards including accidents, technological events, natural disasters, terrorist attacks, warfare, and chemical, biological including pandemic influenza, radiological, nuclear, or explosive events” (U.S. Department of Homeland Security 2007b, 1). Table 1 below derived from Lindell, Prater, and Perry (2006) helps illustrate some of the nuances between hazards, emergencies, and disasters discussed above.

		Time/probability		
		<i>Uncertain</i>	<i>Imminent</i>	<i>Occurred</i>
Demand compared to community capacity	<i>Less than</i>	Hazard	Emergency	Emergency
	<i>Greater than</i>	Hazard	Emergency	Disaster

Table 1. Relationships among hazards, emergencies, and disasters (Lindell, Prater, and Perry 2006).

Finally, the concept of vulnerability is frequently discussed in contemporary emergency management literature. Vulnerability is broadly defined as “the susceptibility

to hazard, disasters, or risk”; vulnerability can also “be a measure of resilience” (Pine 2007, 15). A hazard does not necessarily suggest the presence of vulnerability, however. Notice the key word *susceptibility* within the aforesaid definition. McEntire points out that “a hazard will not produce a disaster if there are no people or property to be affected” (2004, 6). However, it is important to note that there are other aspects of vulnerability other than people and property.

Vulnerability can include stakeholders such as individuals and families, business and industry, communities and local government, and state and federal government (Haddow and Bullock 2006). Also, Lindell, Prater, and Perry (2006) and Cutter (2001) describe other vulnerabilities, such as agriculture, social, physical, economic, and structural. Vulnerability is often a key variable in emergency management models and is discussed further in the next section. In the context of political science and public administration vulnerability “is produced by the political structure and incorrect decision making” and “results from misguided laws, the failure to implement policies,” respectively (McEntire 2004, 12).

A distinction among terms was clarified by David Okrent (1980) who considered two people crossing an ocean, one in a large ship and the other in a rowing boat. The main *hazard* of deep water and large waves is the same for both people. However, the *risk*, that is the probability of drowning and the resulting loss of life, is much greater for the person in the rowing boat. To expand on this scenario, the person in the rowing boat has a higher level of *vulnerability* than the person in the large ship. However, if both people in this scenario were on land and not in the ocean, there would not be any risk, hence no vulnerability to drowning, despite the presence of the hazard. Again,

emergency management models using these key variables are further expounded in the subsequent section.

Regardless of which terms or definitions are used within emergency management, Quarantelli notes that “definitions and concepts . . . depend less on their inherent or scientific merits but more on political considerations – the political arena is the place where in almost all societies differences of opinions and values are fought over and usually ‘resolved’ in one direction or another” (2002, n.p.). He goes on to reiterate in a practical sense that emergency managers “need to take into account the political contexts in which they will be operating. Scientific evidence or the views of scientists will be only one factor that will feed into that context” (Quarantelli 2002, n.p.).

Now, having a clear understanding of the definition of emergency management and an appreciation of the nuances among affined terms, it is important to realize the principles and objectives of emergency management. The National Governors’ Association proclaimed that the principle objectives of a comprehensive emergency management program were to “reduce (if not eliminate) the incidence of disasters wherever possible...; reduce the damage (health, property, economic) caused by disasters that could not be prevented; and reduce the costs of emergency response and disaster recovery while increasing their effectiveness” (1979, 39). FEMA more simply states, “The goal of emergency management is to save lives, prevent injuries, and protect property and the environment if an emergency occurs” (1995, 1). These are also the goals of the National Guard when called upon the people to perform their domestic emergency management mission.

In addition to a lack of a consensual definition as noted above, scholars also have different opinions on the boundary and focus of emergency management. Political scientist Waugh (2000) believes that a major problem in defining emergency management is finding its boundaries in order to accommodate professional interests. For purposes of this study, emergency response encompasses response to all emergencies, including natural, manmade, and even severe civil disturbance. It is debatable whether or not the National Guard's law enforcement activities are considered part of emergency management. Much of the literature clearly delineates the different missions as two separate functions. However, as Hurricane Katrina proved, during times of emergency and disaster, the two missions have an affinity. Since most civil disturbances have an element of urgency, and this is a characteristic of emergency management as described above—particularly response, the National Guard's ability to respond with domestic civil support to law enforcement is considered within the scope of the research and within the definition of emergency management.

Another reason that scholars have difficulty narrowing the boundaries is because emergency management is a multi-disciplinary and inter-disciplinary field. Waugh writes, "Because it is an interdisciplinary field, the boundaries of the public administration disaster literature are very broad and overlap considerably with other disciplines" (2000, 7). Jennifer Wilson and Arthur Oyola-Yemaiel go further to note, "The field is becoming increasingly complex and more than ever, needs a myriad of disciplines to accomplish its mission emergency managers should become the integrators of the theoretical and practical knowledge of the field" (2002, 80). In the next

two sections of this chapter, the theoretical and practical knowledge of emergency management are discussed.

Emergency Management—Theories and Models

While the literature on federalism theory and models is replete and vast, the literature on emergency management is smaller yet growing. Throughout the 20th century, there was little research on policy or administration of emergency management and there was relatively little political or academic interest in emergency management (Mushkatel and Weschler 1985). When studied, emergency management was rarely distinguished as an independent discipline and was “often characterized as adjunct to ‘more routine’ bureaucratic functions such as planning, financial management, human resources management, and economic development” (Henderson 2004, 103). However, the attacks of 9/11 and other recent “emergencies” were the catalyst that spurred academic and practicable discussion and debate on the once sparsely-researched topic of emergency management. Today, the literature on emergency management is growing and diversifying. Within the literature are attempts to create emergency management theories and models, and there exists competition among these theories and models.

First, a brief general discussion of the differences between theories and models is relevant. One of the key objectives of theory is to provide an explanation of causal relationships—how variables interact with each other to provide an outcome. This is described in McEntire (2004), where he also discusses the multiple definitions and purposes of theories and models both in general terms and as it relates to emergency management. McEntire (2004) articulates that, as is the case with other terms and

definitions presented in this study, scholars debate the definition and purpose of theories and models—especially in emergency management. However, McEntire states that theories

refer to the ideal or preferred conditions that academics are trying to promote in the world around us [relate] to the entire body of knowledge available in the given discipline. . . . [clarifies] terms by providing sound academic definitions. . . . [are] equated frequently to concepts, which are heuristic devices that enable understanding [and] imply principles that promote ethics and standards in a particular field of study or profession. (2004, 2-3).

He goes on to note that “classifications, or illustrations of comparison, are likewise synonymous with theory” and “typologies, which are organized categorizations, have a close relationship to theory” (McEntire 2004, 3). Finally, McEntire notes that models are “charts that show theoretical links between different variables or relationships in or among groups” (2004, 3). He references one of the most common models in emergency management practice is the *National Incident Management System* (NIMS), which shows “how unified command may take place among many organizations, while also illustrating how individuals in an agency (or multiple agencies) may fall under planning, operations, logistics and finance/records sections” (2004, 3). The *National Incident Management System* model and others are discussed later in this chapter.

Theories and models of emergency management are increasing and expanding as the field of emergency grows and because political leaders are put under more pressure to safeguard their constituents from a plethora of hazards. Emergency management is emerging as a unique sub-discipline of academic study from the more general field of public administration. This appears to be evolving in a similar fashion to the way the unique academic study of criminal justice emerged as a distinct discipline from the field

of criminology in the 1960s and 1970s (Savelsberg, Cleveland, and King 2004). And just as the study of criminal justice includes criminology, sociology, psychology, and other disciplines in order to allow a more comprehensive study of criminal justice issues and to explore the root causes of crime, emergency management is also a multi-disciplinary and inter-disciplinary field. The current level of knowledge represents twenty-three disciplines, including geography, engineering, sociology, gerontology, public administration, international relations, law, environmental management, criminal justice, and information science, etc. (McEntire 2007).

Although emergency management is a primary function of public administration, academic programs in public administration have been slow to develop emergency management courses and curricula. However, the gap is “closing as research funding increases and as colleges and universities develop research programs and centers focused on emergency management, Homeland Security, and related policy issues” (Waugh 2005, 1). As of 2007, there were at least 142 collegiate programs relating to emergency management and at least sixty-one collegiate programs relating to homeland security (Blanchard 2007a).

This is a relatively new pedagogical paradigm for the field of public administration as emergency management has traditionally been a low-priority political issue, and this resonated through the academic field (Briechle 1999). The new growth is also stimulated by increased patriotism and the desire for public service, as well as a sharp increase in government funding for homeland security and emergency management research and an increase in related jobs. Notwithstanding this growth, Waugh emphasizes that “the number of public administration researchers involved in disaster

policy and emergency management research is still relatively small in comparison to researchers in other social science disciplines” (2005, 1).

Despite this relatively new growth in the field and the renewed scholarly focus, the original turning point for public administration scholars came from a 1984 workshop sponsored by the Federal Emergency Management Agency and the National Association of Schools of Public Affairs and Administration (NASPAA). This workshop expanded the community of public administration researchers focused on emergency management, and it resulted in a special issue publication of *Public Administration Review* in 1985, which focused on emergency management (Waugh 2005). Throughout the last part of the century interest in emergency management has ebbed and flowed while other public administration issues dominated the scholarly agenda.

The scholarly interest was again reenergized and expanded following the 9/11 attacks when public administration scholars once again focused on emergency management, homeland security, and “issues of governance, civil liberties and privacy, and security, as well as organization” (Waugh 2005, 2). These events lead to another special issue of *Public Administration Review* in 2002, published on the anniversary of the attacks. Despite the waxing and waning interest, there seems of be a consensus among scholars that the discipline of public administration provides a strong foundation for emergency management research.

As previously noted, there are current attempts to create emergency management theories and models, as well as competition among these theories and models. McEntire et al. echoes this and states, “Right now, there is an impressive degree of competition among distinct theoretical perspectives in emergency management” (2001, 267). Around

the change of the millennium, emergency management researchers called for “a broader view of the disaster problem and even for a revolution in approach” (Mileti 1999, 35). Since then, a number of fresh emergency management theories and models have emerged. Despite this, there is “no single overarching theory that is currently ascribed to in emergency management” and the status of the development of emergency management theory remains in perpetual flux (McEntire 2004, 4). Next, this section covers some the key variables that make up emergency management theory and highlights several of the leading theories and models.

Like many theories, the core of emergency management theory revolves around variables. Because of the complex, multi-disciplinary, and inter-disciplinary nature of emergency management, the total number of variables involved with any study of emergency management is innumerable. Don Geis also notes that “everything is interconnected and a holistic, integrated . . . approach is required” (2000, 152). For these reasons, frameworks that incorporate a plethora of causative variables, such as chaos theory, systems theory, complexity theory, and dynamic network analysis, are gaining substantial recognition in the field of emergency management (Mileti 1999; Koehler, Kress, and Miller 2001; Kapucu 2009).

For example, public administration scholar Lenneal Henderson examines emergencies and disasters in developing nations by using chaos theory as the guiding framework and states, “Both disaster events and emergency response systems are challenged by the key proposition in chaos theory that both events and human reaction to those events are unpredictable, often random and lack clear structure or patterns that could facilitate effective management and organization” (2004, 105). Naim Kapucu

writes that these “exact patterns of interaction are not repeatable,” therefore adding to the challenge of creating sensible models and predictable outcomes (2009, 1).

However, some of the aforementioned frameworks are adaptable and sufficiently hold and exchange information, while remaining flexibility to support condition as they change (Kauffman 1993). McEntire (2004) advises that it is impossible and not practical to develop a theory that can capture every single variable and issue associated with disasters. Additionally, he warns that a theory that attempts to explain everything may in fact explain nothing at all.

Identifying variables helps suggest causal relationships needed to understand a phenomenon. John C. Pine states, “The appropriate use of a management concept or theory is thus contingent or dependent on a set of variables that allow the user to fit the theory to the situation and particular problems” (2007, 12). Within the field of emergency management, it is stated that a disaster (D) occurs when a triggering agent (T) interacts with vulnerability (V), or $T + V = D$ (McEntire 2004). Recall from our previous discussion that vulnerability is the *susceptibility* (S) to hazard (H). With no susceptible stakeholders or property, a hazard is unlikely to produce vulnerability. So it can be said that $T + (S \times H) = D$. A hazard is likely to produce a disaster “when urban planning has been haphazard, when building codes have not been enforced, when warning systems are underdeveloped, when preparedness measures have been neglected, and when a geographic area contains special populations or other at risk groups” (McEntire 2004, 4).

Another concept of emergency management involving basic variables is that of risk. Risk (R) is commonly defined as the probability (P) of an event multiplied by the consequences (C) if the event occurs, or $R = P \times C$ (Einstein 1998). A few

scholars, such as Ansell and Wharton (1992), use the description *likelihood* (L) in lieu of probability in this equation. Like vulnerability, there is no risk if there is nothing to be affected—no consequences. There also exists a different set of definitions of risk, which are less common than $R = P \times C$ but nonetheless still prevalent in the literature. These definitions define risk as hazard times vulnerability, or $R = H \times V$ (Benouar and Mimi 2001; Alexander n.d.). Several other variations and equations of the term *risk* exist, but these are the most common. McEntire 2004 notes that “risk and vulnerability are often used interchangeably in the research literature” (2004, 13). However, many scholars understand how risk *relates* to vulnerability. For example, the vulnerability model developed by McEntire (2000) and seen in figure 9 includes risk as a primary component but has vulnerability as the central feature of the theory.

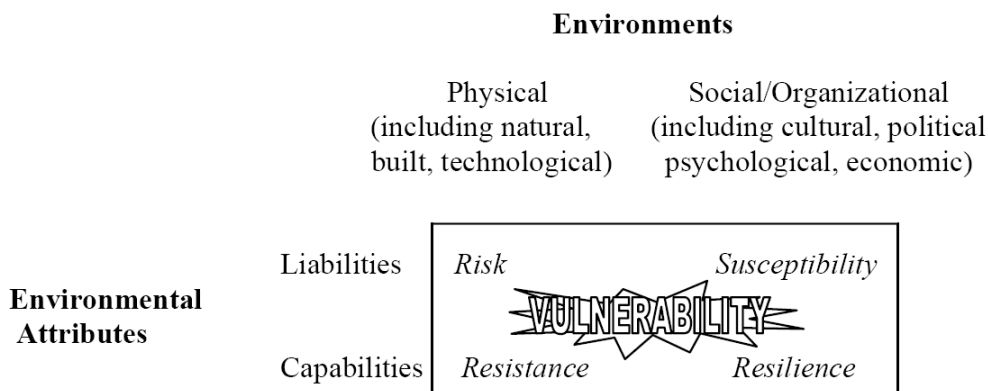


Figure 9. Model of vulnerability (McEntire 2000).

With so many basic variables to examine, determining which of these variables to develop theories and models around is a topic of debate. In the past, emergency management scholars have focused on hazards and mitigation with the thinking that a dollar spent on mitigation saved four dollars in recovery (McEntire

2004; Waugh 2007b). Additionally, some models have been risk-focused. However, more recently there is a growing recognition on the importance of vulnerability over the other variables, particularly because the dangers of hazards are included in vulnerability, but vulnerability also includes susceptibility (Cannon 1993; Salter 1998; Bender 2004; McEntire 2004). Moreover, the importance of control has become center stage—you cannot control hazards, but vulnerability *can* be controlled and mitigated. McEntire reiterates this by stating, “Vulnerability, unlike hazards, is undoubtedly the only thing we really have control over in the disaster equation” (2004, 11).

Despite this new focus of vulnerability, the field of emergency management has been slow to shift its paradigm and it is not yet fully accepted (McEntire 2004). McEntire’s (2000) model of vulnerability was illustrated above as an example, but analysis of risk, hazard, and vulnerability continue to be three primary models of emergency management analysis. Blanchard describes the competing approaches: one based on risk and the other on vulnerability and hazard.

The all-hazards approach is risk-based while the catastrophic hazard approach is vulnerability-based – typically worst-case or fear-based. That is, the emergency management “all hazards” approach centers on the conduct of a risk assessment of all relevant hazards and threats – identification and analysis of hazards, followed by assessing risks, vulnerabilities and capabilities – which then leads to the development of plans, procedures, programs, the development of capabilities (risk management). The vulnerability approach begins with the thought what are the worst things that could happen to us. Only after the worst cases are determined (those things that keep us up late at night), are risk-management approaches applied to that universe of hazards. (Blanchard 2007b, 20)

The U.S. military, including the National Guard, uses a risk-based model where assessors follow a five step qualitative risk management process: identify hazards; assess hazards to determine risks; develop controls and make risk decisions; implement controls; and supervise and evaluate. This model categorizes risk by examining the probability of an occurrence and the severity of the outcome. While the primary purpose of this model is to reduce risk of operational missions, the basic concept can be used for disaster and emergency management by nearly any organization or government. For example, NASA uses a very similar model to avert accidents, such as the Space Shuttle Challenger and Columbia losses. A detailed explanation and example of this risk based model can be found in appendix H of this study.

A number of other theories and models have also been proposed. One of the most comprehensive collections of emergency management theories can be found in McEntire (2004). There, he discusses the work of Thomas Drabek, John Pine, and Rick Sylves, among others. Drabek's work focuses on different contextual meanings, such as normative and substantive theories and also suggests that emergency management theory could have micro and macro level applications. Pine concentrates on environmental and management perspectives, showing that management theories may have positive impact upon emergency management practices.

Sylves' theories center on political influence and implications: he believes that policy makers either base decisions on popular opinion (Jeffersonian model) or on expert advice (Hamiltonian model). McEntire goes on to detail several other models used in emergency management such as social constructionist views, Marxist interpretations, Weberian perspectives, organizational behavior, emergent behavior, risk perception and

communication, development, sustainability, technology, decision theory systems theory, chaos theory, management theory, paper plan syndrome, networking and collaboration, compliance model of evacuation, policy making, preparedness and improvisation, and integration.

However, the traditional theory of emergency management has by far been modeled around the concept of comprehensive emergency management (CEM) (Britton 1999). The concept of comprehensive emergency management is the product of the National Governors' Association of 1978, which produced a report titled *1978 Emergency Preparedness Project – Final Report (State Comprehensive Emergency Management)*. This report was essentially a handbook for governors, and the first of its kind. One of the key concepts of CEM is the categorization of emergency management functions into distinct phases: mitigation, preparation, response, and recovery. These phases remain the cornerstone of emergency management today.

Mitigation “involves deciding what to do where a risk to the health, safety, and welfare, of society has been determined to exist and then implementing a risk reduction program”; preparation “involves developing a response plan and training first responders to save lives and reduce disaster damages”; response “entails providing emergency aid and assistance, reducing the probability of secondary damage, and minimizing problems for recovery operation”; and recovery “involves providing the immediate support during the early postdisaster period necessary to return vital life-support systems to a minimum operational levels and continuing to provide support until the community returns to normal” (Sylves 2008, 23-24).

While comprehensive emergency management has remained the traditional paradigm of emergency management, its principles are being challenged in contemporary literature. McEntire (2004), Neal (1997), and others believe that CEM overly simplifies the disaster phases. Britton (1999) points out that comprehensive emergency management has trouble capturing wider explanations, such as political, economic and cultural. McEntire et al. state that “a new concept is needed to replace comprehensive emergency management, as it is incomplete, reactive, and does not address or include all of the variables and disciplines related to disaster” (2002, 276).

The weaknesses of CEM have encouraged scholars to explore other frameworks. Several leading concepts of emergency management developed, including the disaster resistance community (Geis 2000; Armstrong 2000), the disaster resilient community (Britton and Clarke 2000; Burby et al. 2000; Buckle, Mars, and Smale 2000), sustainable development and sustainable hazards mitigation (Boullé, Vroklijks, and Palm 1992; Berke, Kartez, and Wenger 1993; Mileti 1999), and invulnerable development (McEntire 2000). McEntire et al. (2002) identify the strengths and weaknesses of each of these prevailing concepts and suggest the creation of a new concept, which they coin *comprehensive vulnerability management*.

Comprehensive vulnerability management builds on the CEM concept and is similar to McEntire’s (2000) concept of invulnerable development, but it “overcomes the drawbacks . . . while retaining its strengths” (McEntire 2002, 274). This new concept is defined as “holistic and integrated activities directed toward the reduction of emergencies and disasters by diminishing risk and susceptibility and building of resistance and resilience” (McEntire et al. 2002, 273). McEntire et al. (2002) argue that their new

model has several advantages over comprehensive emergency management: it is related to all types of triggering agents, it is related to each of the four functional areas of emergency management, it is related to the majority of actors that are involved in disaster reduction, and it takes into account the wide array of disaster-inducing or disaster-intensifying variables. They call for scholars and practitioners to consider comprehensive vulnerability management as the future paradigm for the fields of emergency management and disaster vulnerability management.

As theories and models continue to develop and scholars jockey for the next revolutionary paradigm, McEntire and Marshall (2003) identified at least ten significant concerns that are potential barriers to the further development of emergency management theory and pose them as questions: What is a disaster? What is emergency management? What hazards should we focus on? Should we continue to give preference to the concept of hazards? What variables should be explored in academic research? What actors should be incorporated into academic studies? What phases should be given priority? What disciplines should contribute to emergency management? What paradigms should guide our field? What is the proper balance for knowledge generation?

Moreover, as scholars progress, the literature suggests they should ensure that their efforts produce theory that can be applied to realistic, attainable models and recommendations that policymakers and practitioners can apply with success in the field, where the real life outcomes are one of life and death. The following section views literature on the practice and profession of emergency management, including practicable models used in the United States, such as the *National Response Framework* and the *National Incident Management System*.

Emergency Management—Practice and Profession

Waugh (2005) observes that public administration research on emergency management is largely practice-oriented and less often focuses on theory. This is primarily because for “research to have credence in the profession, it needs to address practical issues and be presented in forms that professional emergency managers can use” (Waugh 2005, 10). Essentially, while the development of theory is important and revolutionizing, emergency management as an academic field of public administration must focus on practice. This section identifies and defines the key practitioners of emergency management, reviews the state of the profession, and provides an introduction to several practicable emergency management models used in the United States.

Practitioners of emergency management vary, but generally can be categorized into emergency managers or emergency responders. Emergency managers are “those who possess the skills, knowledge, and abilities to manage a comprehensive [emergency] management program” (Ditch 2003, 12). They can hold titles of civil defense coordinator, civil preparedness coordinator, disaster services coordinator, emergency services director, or police or fire chief (Sylvester 2008). However, in most states the lead emergency management official holds the title of *emergency management director*. In some states the emergency management director is the adjutant general, and in nearly all states the emergency management director is appointed—most by the governor (National Emergency Management Association 2008b).

In the past, the ranks of emergency management professionals have been filled by former police, first responders, and military personnel. However, the field is increasingly becoming populated with professionals from other professions and disciplines, such as

medicine, information technology, and public affairs. Emergency managers exist in a wide variety of organizations, including tribal, local, state, and federal government; business and industry; non-profit organizations; citizens' groups; military organizations; medical and educational institutions (Ditch 2003; U.S. Federal Emergency Management Agency 2008c).

In contrast, emergency responders are usually trained public servants from within the community who are first to arrive on the scene to render aid during the response phase of the emergency. Homeland Security Presidential Directive 8 defines *first responders* as “those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment” (2003, 1). They primarily consist of firefighters, police officers, and emergency medical technicians (Lindall, Prather, and Perry 2007) but can also consist of “emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and recovery operations” (Homeland Security Presidential Directive 8 2003, 1). In the United States there are over 2.5 million first responders working in about 39,000 jurisdictions at all levels of government but mostly at the state and local level (Target Capabilities List 2005, A-61). The National Guard is often the first *military* responder to a disaster or emergency, saving lives and protecting property while establishing a link from civil authorities to the Department of Defense.

There has been considerable interest lately over whether emergency management is a true profession. In an undated FEMA training publication estimated to be from the early 2000s, it proclaims that emergency management is not a “standalone” profession;

rather, “it is integrated broadly throughout public and private entities, and it has ever-expanding—if even definable—boundaries” (U.S. Federal Emergency Management Agency n.d.b, 9). Before this, Jennifer Wilson from the University of Florida published her doctoral dissertation analyzing the then current status of emergency management professionalization. The purpose of her research was “to provide a frame of reference for whether or not the field of emergency management is a profession” (2000, viii).

Dr. Wilson found that “during approximately the last twenty years, the formal advancement toward an emergency management profession has encompassed two primary strategies—certification and accreditation—motivated by the objective to organize a profession” (2000, viii). She concluded that “based on sociology of professions literature, emergency management can be considered to be professionalizing” and that “efforts may or may not be sufficient to achieve the ultimate goal of becoming a legitimate profession” (2000, viii). Since then, significant events such as the 9/11 attacks and Hurricane Katrina have been the impetus for full professionalization. Fast forward to 2007, and emergency management expert B. Wayne Blanchard proclaims that “emergency Management is a science and knowledge-based profession” and goes on to enumerate *professionalism* as one of the ten guiding principles in the profession (2007b, 10).

One of the key achievements in the field during this period of “professionalization” has been the establishment of professional certification programs, such as the Certified Emergency Manager (CEM) program and the Emergency Management Accreditation Program (EMAP). Additionally, professional associations like the International Association of Emergency Managers (IAEM) and the National

Emergency Management Association (NEMA) have been growing and strengthening. The CEM program was created to raise and maintain the professional standards of the field and to certify achievements within the profession (International Association of Emergency Managers 2009). Certification is awarded on the basis of experience, education, training, contribution, and examination (International Association of Emergency Managers 2006). These credentials certify that awardees possess “the skills, knowledge and abilities to effectively manage a comprehensive emergency management program” (Armstrong n.d., 11).

In contrast to the CEM program, the EMAP is a voluntary standard-based assessment and accreditation program for government agencies and organizations—rather than individuals (Emergency Management Accreditation Program 2009). This program is open to U.S. state, territorial, and local government emergency management organizations (Emergency Management Accreditation Program 2009). Finally, the International Association of Emergency Managers is a non-profit educational organization with membership in fifty-eight countries that is dedicated to promoting the principles and profession of emergency management (International Association of Emergency Managers 2009).

These professionals operate within the framework, or some would say confines, of American federalism. Many emergencies, especially emergencies that are disasters, elicit a response from multiple government agencies and jurisdictions. For example, at least fifty public agencies from all levels of government, and several volunteer agencies, responded to the 9/11 Pentagon attack (Schwartz and Combs 2003; Arlington County 2001). The *9/11 Commission Report* notes,

In addition to county fire, police, and sheriff's departments, the response was assisted by the Metropolitan Washington Airports Authority, Ronald Reagan Washington National Airport Fire Department, Fort Myer Fire Department, the Virginia State Police, the Virginia Department of Emergency Management, the FBI, FEMA, a National Medical Response Team, the Bureau of Alcohol, Tobacco, and Firearms, and numerous military personnel within the Military District of Washington. (2004, 314)

While this is an extraordinary example, multilevel government responses are typical in American emergency management—even for some local emergencies and smaller disasters. This arrangement requires a unique level of coordination. In order to help emergency managers and emergency responders navigate the complex, multi-governmental, and multijurisdictional environments wherein they operate, which is a result of the American federal system of government, a number of models have been developed. The two key models are the *National Response Framework*, formerly the *National Response Plan*, and the *National Incident Management System*. This section will also discuss the Emergency Management Assistance Compact, which is gaining in popularity and use, and it will discuss how the National Guard fits into each of these models.

The *National Response Framework* “presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies. It establishes a comprehensive, national, all-hazards approach to domestic incident response” (U.S. Department of Homeland Security 2008, n.p.). The *National Response Framework* supersedes the *National Response Plan*, which was in place from December 2004 until March 2008. The *NRP* was “unique and far reaching” because for the first time it eliminated “critical seams” and tied “together a complete spectrum of incident management activities to include the prevention of, preparedness

for, response to, and recovery from terrorism, major natural disasters, and other major emergencies” (2004, i). Its predecessor, the *Federal Response Plan* (1992), focused mostly on federal roles and responsibilities and less so on state and local roles and responsibilities, and most importantly it did little to address the interaction and coordination among levels of government. The *NRP* was invoked two times since its inception: both in 2005 for Hurricanes Katrina and Rita. In 2006 the *National Response Plan* underwent an update as a result of the “organizational changes within DHS, as well as the experience of responding to Hurricanes Katrina, Wilma, and Rita in 2005” (U.S. Department of Homeland Security 2006, 1).

Later in March 2008 the *National Response Framework* replaced the *National Response Plan*. One of the key changes from the *National Response Plan* to the *National Response Framework* include, as the titles suggest, moving from a plan to a framework. The *National Response Framework* notes that “the *NRP* and its supporting documents did not constitute a true operational *plan* in the sense understood by emergency managers. Its content was inconsistent with the promise of its title” (2008, 2). Additionally, stakeholders suggested both structural and substantive changes to the *NRP* as it was still too nationally focused and was too “bureaucratic and internally repetitive” (National Response Framework 2008, 2). Other changes include an increased focus on local governments, states, NGOs, individuals, and the private sector; it was written around two primary audiences: elected officials and emergency management practitioners; it establishes planning as a critical element of effective response; and it established a response doctrine that includes engaged partnership, tiered response, flexible, scalable,

and adaptable operational capabilities, unity of effort through unified command, and readiness to act.

The new *National Response Framework* that emerged “is a guide to how the Nation conducts all-hazards response. It is built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the Nation, linking all levels of government, nongovernmental organizations, and the private sector” (2008, i). The *NRF* is organized into five chapters in the core document (Roles and Responsibilities, Response Actions, Response Organization, Planning: A Critical Element of Effective Response, and Additional Resources); it also consists of emergency support annexes, support annexes, incident annexes, and partner guides. The key concepts of the *National Response Framework* are: 1) it builds on the *National Incident Management Systems* (NIMS) and is flexible, scalable, and adaptable; 2) it aligns key roles and responsibilities across jurisdictions; 3) it links all levels of government in a unified approach to emergency management; 4) it is always in effect and can be partially or fully invoked; and 5) it coordinates federal assistance without need for a formal trigger.

The *NRF* discusses the role of the military and briefly discusses the role of the National Guard within the larger context of a national response. However, its discussion is cursory and does not present much new information that is already detailed in this dissertation (e.g. Title 10, Title 32, etc.). However, it is important to note four important concepts that are reiterated in the *National Response Framework*: 1) “The provision of defense support is evaluated by its legality, lethality, risk, cost, appropriateness, and impact on readiness” (2008, 26); 2) “When Federal military and civilian personnel and

resources are authorized to support civil authorities, command of those forces will remain with the Secretary of Defense” (2008, 26); 3) “The Secretary of Defense retains command of DOD military forces providing Defense Support of Civil Authorities. National Guard forces under the command and control of a Governor are not DOD military forces” (2008, 11); and 4) “Nothing in this *Framework* impairs or otherwise affects the authority of the Secretary of Defense over the DOD” (2008, 11).

Another key emergency management model is the *National Incident Management System* (NIMS). The *National Response Framework* states that the NIMS “is a companion document that provides standard command and management structures that apply to response activities” (2008, 4). The *National Incident Management System* is derived from Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, which directed the development and administration of the NIMS. NIMS was originally released in 2004 and then underwent revisions and updates and was rereleased in 2008. The *National Incident Management System*

provides a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment. (National Incident Management System 2008, 1)

As noted in the *NRF*, these two documents are complimentary: “NIMS provides the template for the management of incidents, while the *NRF* provides the structure and mechanisms for national-level policy for incident management” (National Incident Management System 2008, 1).

The *National Incident Management System* has key concepts and principles that are based on flexibility and standardization. NIMS' main components are preparedness, communication and information management, resource management, command and management, and ongoing management and maintenance. The *National Incident Management System* is based on best practices and is a "comprehensive, standardized framework that is flexible enough to be applicable across the full spectrum of potential incidents" (U.S. Federal Emergency Management Agency 2009, 2.3). NIMS allows the emergency managers and emergency responders working across agencies, jurisdictions, and governments "to work together to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents" (U.S. Federal Emergency Management Agency 2009, 2.3).

The value of a system like NIMS was realized in 2001 with the 9/11 attack response; the *9/11 Commission Report* suggests that the response to the Pentagon attack was effective and overcame the "inherent complications of a response across jurisdiction because the Incident Command System, a formalized management structure for emergency response, was in place in the National Capital Region on 9/11" (2004, 314). However, since the NIMS is not "an operational incident management or resource allocation plan" it does not specifically discuss operational particulars and does not detail the role of the Department of Defense or the National Guard (National Incident Management System 2008, 3).

Another key model that is gaining in modern usage is the Emergency Management Assistance Compact. The EMAC is a “congressionally ratified³⁷ organization that provides form and structure to interstate mutual aid” (Emergency Management Assistance Compact 2009, n.p.). This framework is administered by the National Emergency Management Association and is essentially a large state-to-state mutual aid agreement that allows states to share resources in times of emergency or disaster. In 1950 Congress passed the *Federal Civil Defense Act* that provided the legal framework for mutual aid agreements. Resultantly, mutual aid agreements became commonplace, but they were mostly regional and entered into by individual states or local governments with their neighbors. The concept of the larger Emergency Management Assistance Compact was originally envisioned by Florida Governor Lawton Chiles after Hurricane Andrew in 1992, and it was later created in 1995 and ratified by Congress in 1996. Since then, EMAC membership has grown from four states to all fifty states, the District of Columbia, and three territories³⁸ (U.S. Government Accountability Office 2007a). The EMAC process is an eight step, four phase process that begins with activations and ends with reimbursement.

The Emergency Management Assistance Compact can either be used in lieu of federal assistance or in conjunction with federal assistance (U.S. Federal Emergency Management Agency n.d.c, 1). The commonly referenced articles of the compact address those issues that are of most concern to states that are giving or receiving aid: Licenses and Permits (Article V), Liability (Article VI), Compensation (Article VIII), and

³⁷ *Virginia v. Tennessee* (1893) stipulates Congressional approval is needed for agreements like EMAC because it “may affect the balance of power between states and encroach upon or impair the supremacy of the United States” (U.S. Library of Congress 2007, 6).

³⁸ U.S. Virgin Islands, Puerto Rico, and Guam.

Reimbursement (Article IX). Until 2004, the Emergency Management Assistance Compact was mostly used by states to support emergency management operations; however, since then the scope of its applicability and use has widened significantly and includes civilian assistance and the National Guard as well.

Today, the EMAC is used not only to support emergency management operations but also emergency services, law enforcement, hazmat, search and rescue, human services, health and mental, and agriculture and forestry (U.S. Government Accountability Office 2007a). In 2005, the EMAC represented 52 percent of the out of state personnel deployed to Louisiana in support of the Hurricane Katrina effort; in contrast, FEMA only consisted of 11 percent (U.S. Government Accountability Office 2007a). The use of the Emergency Management Assistance Compact has grown significantly in recently years: only twenty-six civilians and no Guardsmen were deployed under EMAC in response to the 2001 terrorist attacks; in 2004 2,561 personnel were deployed through EMAC, including 1,828 National Guardsmen; and in 2005, over 65,929 personnel were deployed through EMAC, including 46,000 National Guardsmen (U.S. Government Accountability Office 2007a). It is important to note that more National Guard personnel are now deployed through EMAC than civilian personnel.

The National Guard is playing an increasingly important role in the value of the Emergency Management Assistance Compact. In However, this experience brought to light several coordination challenges between NGB and EMAC. A 2007 Government Accountability Office report titled *Emergency Management Assistance Compact: Enhancing EMAC's Collaborative and Administrative Capacity Should Improve National Disaster Response* found, "Although both the EMAC network and NGB facilitate the

sharing of resources across state lines, they had limited visibility into each others' systems for initiating and fulfilling requests" (2007, 19). However, learning from these issues, EMAC and NGB are working together to better understanding of their mutual roles and responsibilities. Since then, EMAC has established an advisory group and the NGB, along with other national stakeholders such as FEMA and the CDC, are members of that group (U.S. Federal Emergency Management Agency n.d.c).

The GAO report also discusses in detail the status of National Guard troops under EMAC. It states that "early consideration of whether it would be appropriate to authorize the use of Title 32 status for National Guard units responding to catastrophic incidents could decrease the administrative and financial burdens states endure when switching between state active duty status and Title 32 status" (U.S. Government Accountability Office 2007a, 37). It goes on to recommend "the Secretaries of Defense and Homeland Security work together to amend the NRP's Catastrophic Incident Supplement Execution Schedule to include early consideration of the use of Title 32 in situations where the Secretary of Defense deems it appropriate" (U.S. Government Accountability Office 2007a, 37).

The assistant secretary of defense for reserve affairs subsequently did not concur with the GAO's recommendation and refuted by stating that the change "could be interpreted to imply that it is DOD policy to place National Guard forces into Title 32 status when in fact, the response to the event only requires National Guard in state active duty status" and that the use of "National Guard forces in a Title 32 status is an inherent DoD function . . . [and is] outside the purview of Secretary of Homeland Security" (U.S. Department of Defense 2007e, 1). Regardless, EMAC has already proven to be a force

multiplier for states in need of assistance and it holds plenty of potential for providing assistance for future disasters and emergencies. The Emergency Management Assistance Compact is explored further in a secondary research question. These aforementioned models are the key frameworks and plans in which American emergency management operates. Next, this chapter reviews the role of government, focusing on the Department of Homeland Security, the Federal Emergency Management Agency, and state and local governments.

The Role of Government

As previously noted, the quintessential role of government is to protect its citizens. This protection includes responding to domestic emergencies and disasters in order to save lives and protect property. Sang Choi notes, “Over time, government has played an increasing role in emergency management and disaster response due to increasing demands from the public for protection” (2008, 1). Understanding how this responsibility of government is shared and divided among different agencies and between levels of government is necessary to fully grasp the aims of this study. This responsibility can be shared and divided within the same level of government, such as between the Department of Homeland Security and its subordinate organization, the Federal Emergency Management Agency. It can also be between levels of government, such as between FEMA and a state emergency management office, which is a defining characteristic of American federalism. Because of the complex level of interaction, understating the history, roles, and organization of these government departments and agencies is paramount. The literature review revealed that the role of government, with

respect to emergency management, can be categorized into several relevant subsections: the federal government, the Department of Homeland Security, the Federal Emergency Management Agency, and state and local.

The Role of Government—The Federal Government

Although state and local governments always have the lead in emergency response and recovery, the United States federal government also plays a critical role in nearly every aspect of all phases of emergency management. Louise Comfort writes, “Extreme events demand resources and skills from a wider range of organizations than those in the immediately affected area” (2002, 30). When requested through proper channels, the federal government can provide much needed support to civil authorities during time of crisis, disaster, or emergency. The *National Response Framework* states, “The Federal Government maintains a wide array of capabilities and resources that can be made available upon request of the Governor” (2008, 6). These capabilities are spread out through a myriad of agencies and departments and include both civil and military assets and organizations.

Grodzins writes that “federalism is a device for dividing decisions and functions of government” (1966, 265). Further, federalism is not a tool to facilitate integration, coordination, or control. Creating viable networks for the efficient and effective management of emergencies is not easy given the strictures associated with federalism and the complexity of intergovernmental relations. Louise Comfort goes on and states, “The need for integration intensifies as the number of organizations engaged in response operations increases and the range of problems they confront widens” (2002, 30).

Therefore, the federal government provides frameworks and agreements, such as the *National Response Framework*, to assist in the coordination of organizations and assets across levels of governments and between departments and agencies.

Additionally, the federal government has mechanisms in place to provide assistance to state and local governments when requested—typically when state and local resources are overwhelmed or when the situation requires a specialty that primarily resides in the capabilities of the federal government, like weapons of mass destruction (WMD) response. One of the main mechanisms that provides assistance to the lower governments is the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*. The *Stafford Act* was created by Congress in 1988, amending the *Disaster Relief Act of 1974*, to “provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters” (U.S. Federal Emergency Management Agency 2007, 1).

Upon request from the governor and a presidential declaration, the *Stafford Act* provides financial assistance and federal government assets to the affected state through FEMA. There are five types of presidential declarations: major disaster, emergency, fire suppression, defense emergency, and pre-declaration activities (U.S. Library of Congress 2005d). The *Stafford Act* authorizes assistance to “individuals, families, state and local governments, and certain nonprofit organizations” to “provide mass care, restore damaged or destroyed facilities, clear debris, and aid individuals and families with uninsured needs, among other activities” (U.S. Library of Congress 2005d, 1). Assistance through the *Stafford Act* is available to all of the fifty states and the District of

Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (U.S. Federal Emergency Management Agency 2007).

It is important to note that while not specifically addressed in this section, federal law enforcement agencies that are not part of DHS, such as the FBI, sometimes play a role in emergency management—particularly with providing assistance to state and local authorities for law enforcement operations. Likewise, the U.S. Coast Guard, which is part of DHS also plays a vital role in emergency management—especially rescue operations during the response phase.³⁹ For example these two groups represented four percent and five percent, respectively, of the total personnel deployed in support of Hurricane Katrina in 2005 (U.S. Government Accountability Office 2007a).

However, the only subordinate of the Department of Homeland Security that is explored more in-depth in this chapter is FEMA. This is because FEMA has the lead on disaster mitigation, preparedness, response, and recovery planning, and FEMA often plays a larger part in emergency operations. In contrast, they contributed 11 percent of the total personnel deployed to Hurricane Katrina (U.S. Government Accountability Office 2007a). The Department of Defense is also a part of the government and they play a critical role in emergency response, but is examined in its own dedicated section following this discussion. Which governments, departments, and agencies partake in the emergency management process is often a product of what function of government is being called upon to perform, the cause of the emergency or disaster, and the scale of the emergency or disaster (Burton 2008).

³⁹ However, emergency management is not officially part of the U.S. Coast Guard's mission (U.S. Coast Guard 2009).

The Federal Government—The Department of Homeland Security

First, a clarification is in order. While many laymen use the terms *homeland security* and *homeland defense* synonymously, there are distinct differences in their meanings, especially when it comes to defining missions and responsibilities. Homeland *security* is defined as “a concerted national effort to prevent terrorist attacks within the United States, reduce the vulnerability of the United States to terrorism, and minimize the damage and assist in the recovery from terrorist attacks” (U.S. Library of Congress 2003, 1). Conversely, *homeland defense* is “the military protection of United States territory, domestic population, and critical defense infrastructure against external threats and aggression. It also includes routine, steady state activities designed to deter aggressors and to prepare U.S. military forces for action if deterrence fails” (U.S. Library of Congress 2003, 1). Logically then, the Department of Homeland Security does not include organic military assets or military missions; however, DHS does coordinate their efforts with the DoD—most notably U.S. Northern Command (USNORTHCOM). Literature and background information on the Department of Defense and its role in homeland defense is presented later in this chapter.

Understanding how the responsibilities of homeland security are shared and divided among different federal agencies, such as the Department of Homeland Security and the subordinate Federal Emergency Management Agency, is necessary to fully grasp the aims of this study. While many federal agencies play some role in securing the homeland, the primary responsibility lies in the Department of Homeland Security. Homeland security is not a new business—the U.S. has been doing it for centuries but using different terminology. The term *homeland security* only first appeared in

congressional documents around 1995 and did not gain extensive usage until around 1998 (Beresford 2004). In the past, the responsibility of securing the homeland was split among levels of government, consistent with the American principles of federalism, and was fragmented between departments at each level. Homeland security as an organized and functional federal government organization is a fairly new concept, however. Yet today as a result 9/11, homeland security is a ubiquitous household term.

Prior to 2001, there was little direction, guidance, leadership, or consistency with respect to roles and responsibilities of protecting the homeland. No federal homeland security organization existed and most states did not have any state agency tasked with a homeland security mission. The *9/11 Commission Report* states, “Before 9/11, no executive department had . . . the job of defending America from domestic attack” (National Commission on the Terrorist Attacks Upon the United States 2004, 395). Responsibilities that are now part of DHS’s mission were not even considered in a homeland security perspective before 9/11. For example, before 2001 border protection was considered more of an immigration issue than a national security issue; resultantly, lack of border protection may have been a contributing factor to the successful illegal immigration of some of the 9/11 hijackers (National Commission on the Terrorist Attacks Upon the United States 2004).

In a direct and immediate response to 9/11, President George W. Bush issued Executive Order 13228, establishing the Office of Homeland Security (OHS). The mission of the newly formed office was to “develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks” (U.S. President 2001, 796.). On October 8, 2001 President Bush appointed

former Pennsylvania Governor Tom Ridge to head the OHS. However, the Office of Homeland Security was only an interim solution until DHS was fully formed. President Bush signed the *Homeland Security Act of 2002* into law allowing for the establishment of the new Department of Homeland Security on November 25, 2002.

On March 1, 2003, the Department of Homeland Security became an operational department of federal government. The intent was to make a hodgepodge of disconnected, incoherent organizations into a more cohesive, unified community under the leadership and direction of a newly formed cabinet level Secretary. The logic behind the initiative paralleled the reasoning behind the formulation of the *National Security Act of 1947* that created the Department of Defense, consolidating key agencies into one larger, powerful organization (Carafano 2004). DHS became the primary federal agency for homeland security issues. Furthermore, in accordance with Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the Secretary of Homeland Security is the principal federal official for domestic incident management.⁴⁰

⁴⁰ “Incident management refers to how incidents are managed across all homeland security activities, including prevention, protection, and response and recovery” (U.S. Federal Emergency Management Agency 2007, 6)

DHS assumed control of more than 170,000 personnel and twenty-two⁴¹ existing federal agencies, programs, and offices from nine different government departments under the direction and control of the new organization (Ransdell 2004). The newly formed department consists of the Coast Guard, Customs Service, Federal Emergency Management Agency, Immigration and Naturalization Service, Secret Service, Transportation Security Administration, and a number of other smaller entities (White 2006). Each agency plays some role in homeland security while FEMA and Coast Guard play the largest role in domestic emergency response.

Prior to the creation of DHS, these twenty-two agencies were spread out among the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Justice, Transportation, and Treasury. There was much debate as to whether the Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), and National Security Agency (NSA) should be part of the new Department of Homeland Security. Ultimately, they were not incorporated into DHS but instead are part of the intelligence community (IC) and report to the director of national intelligence (DNI), another newly formed office as the result of 9/11. Still, this reorganization was the

⁴¹ Customs Service, Treasury; Coast Guard, Transportation; Secret Service, Treasury; United States Citizenship and Immigration Services, Justice; United States Border Patrol, Justice; U.S. Immigration and Customs Enforcement, Justice; United States Federal Protective Service (part of ICE); Transportation Security Administration, Transportation; Federal Law Enforcement Training Center, Treasury; Animal and Plant Health Inspection Service, Agriculture; Office for Domestic Preparedness, Justice; Federal Emergency Management Agency; Strategic National Stockpile and the National Disaster Medical System, HHS; Nuclear Incident Response Team, Energy; Domestic Emergency Support Teams, Justice; National Domestic Preparedness Office, FBI; CBRN Countermeasures Programs, Energy; Environmental Measurements Laboratory, Energy; National BW Defense Analysis Center – Defense; Plum Island Animal Disease Center, Agriculture; Federal Computer Incident Response Center, GSA; National Communications System, Defense; National Infrastructure Protection Center, FBI; Energy Security and Assurance Program, Energy.

largest restructuring of the federal government since the creation of the Department of Defense (Seiple 2002).

The mission statement of the DHS changed slightly from the mission statement of the OHS and now reads, “We will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce” (U.S. Department of Homeland Security 2006, 5). From the new mission statement it is clear that the DHS has assumed much more responsibility than the original mission of simply securing the United States from terrorist attacks. DHS is now responsible for operating aviation security, controlling the nation’s borders, securing the coastline, protecting the president, apprehending fugitives, investigating counterfeit currency, responding to natural disasters, and many other tasks. With regards to emergency management, the Federal Emergency Management Agency is DHS’s primary lead agency.

The Federal Government—The Federal Emergency Management Agency

Within the Department of Homeland Security lies a key subordinate agency charged with disaster mitigation, preparedness, response, and recovery planning—the Federal Emergency Management Agency. FEMA was created by President Jimmy Carter in 1979 through presidential executive order (U.S. President 1979). Before its creation, FEMA’s responsibilities were fragmented among several different federal agencies. Numerous major disasters in the 1960s and 1970s that required federal assistance, mostly hurricanes and earthquakes, were the catalyst for FEMA’s creation

(U.S. Federal Emergency Management Agency 2008a). Just as DHS absorbed several federal agencies with related missions, FEMA absorbed the Federal Insurance Administration, the National Fire Prevention and Control Administration, the National Weather Service Community Preparedness Program, the Federal Preparedness Agency of the General Services Administration, and the Federal Disaster Assistance Administration activities from HUD (U.S. Federal Emergency Management Agency 2008a).

The original intention of FEMA was to strengthen federal leadership during emergencies, especially to avert disaster loss (May 1985). Today, the mission of FEMA remains similar: “To reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation” (U.S. Federal Emergency Management Agency 2008b, n.p.). According to the *National Response Plan*, FEMA has the *primary* federal role for emergency response and recovery coordination, often referred to as *consequence management*.

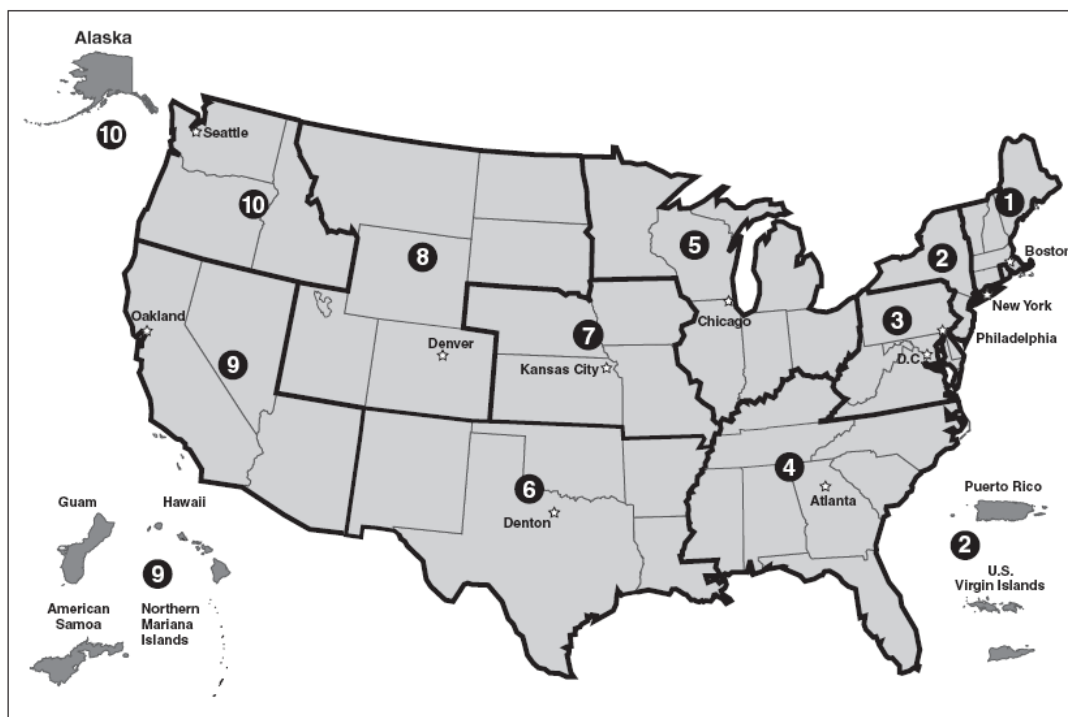
Acts of terrorism and man-made disasters have recently challenged FEMA, guiding it towards an “all hazards” approach that will be expounded in subsequent sections. Additionally, President Bush made significant changes to FEMA in 2006 with the enactment of the *Post-Katrina Emergency Reform Act of 2006* in an effort to “remedy gaps that became apparent in the response to Hurricane Katrina in August 2005” (U.S. Federal Emergency Management Agency 2008a, 1). The act establishes new leadership positions, brings additional functions into FEMA, and creates and reallocates functions to other components within DHS (U.S. Department of Homeland Security 2007a). This is

aimed to ameliorate some of the department's glaring weaknesses that were exposed during Hurricane Katrina.

One of these weaknesses is the department's inability to coordinate among governments. Mushkatel and Weschler opine that "the major challenge to any management approach adopted by FEMA has been, and continues to be, the intergovernmental system" (1985, 49). Addressing this weakness is especially important, as intergovernmental relations is FEMA's primary means of carrying out its mission. Derthick states that the theory of FEMA's disaster function is to receive "requests for assistance from state and local governments and [transmit] them to the appropriate federal departments — such as the Departments of Health and Human Services, Defense, Transportation — or to private organizations such as the American Red Cross, which has a quasigovernmental character" (2007, 36). Building relationships is a critical element in multiorganizational operations and is an essential element to FEMA's success (Waugh 2007a).

In order to foster and cultivate better working relationships with state and local governments and to become more familiar with the unique characteristics of the local geography, FEMA operations are divided into ten regions and are run by regional directors. The geographical assignment of each region is depicted in Figure 10. In addition to having FEMA offices and support capabilities in each of the ten regions, FEMA has a network of partners that include thousands of NGOs, private companies, individual firms, and public safety agencies (Wise 2006). However, they are "loosely structured, organizationally diverse, motivated by a broad range of interests, and in part ad hoc" (Waugh and Sylves 2002, 148). Since FEMA has very little direct authority,

FEMA and state emergency managers coordinate through various inauthoritative means, such as financial incentives, technical assistance, and personal support (Waugh 2002).



Sources: FEMA; Map Resources (maps).

Figure 10. The 10 FEMA regions (U.S. Government Accountability Office 2007).⁴²

Popular misconception among citizens is that FEMA is a large standing force of federal rescuers who are on standby waiting for an emergency to occur. The tagline that still resonates from Hurricane Katrina is “Where is FEMA?”; the perceived expectation, even among some government officials, was that an army of federal fire and rescue personnel wearing FEMA jackets would rush to the scene to provide support. The U.S. House of Representative’s *Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina* notes that despite common

⁴² The FEMA territories identified on this map do not match the four territories with National Guard organizations.

perception “FEMA is **not** a first responder agency with the resources to assume principal responsibility for overwhelmed state and local governments during a disaster” (2006b, 13). Conversely, FEMA is more of a headquarters element that coordinates a federal response working between the states and all of the other federal agencies (Wise 2006). FEMA only has approximately 2,600 full time employees and has very few organic assets (U.S. Federal Emergency Management Agency 2008b).

FEMA has a history of assisting and coordinating during emergencies, but it also has a stigma for mismanagement, neglect, and poor performance (Derthick 2007). In 1988, then Representative Tom Ridge, who would later preside over the agency, castigated FEMA saying they were “more concerned with scoring well on agency performance reviews than in meeting the needs of suffering individuals,” following a tornado in Pennsylvania that killed 65 people (Congressional Quarterly 1990, 495). FEMA’s criticisms are sharp and incessant—most recently with the agency’s response to Hurricane Katrina.

However, criticism and scrutiny are not unexpected for an agency that has a primary mission of coordinating consequence management activities: it is easy to criticize in times of crisis, for some it is cathartic. Additionally, given the political implications of the American style of overlapping governance and the misconceptions about emergency response, political leaders often push blame to other agencies or higher levels of government. FEMA also has a history of neglect—some administrations worse than others. For example, in the early 2000s, FEMA averaged a personnel vacancy rate between 15-20 percent (U.S. Senate 2006). During this time, FEMA lost staff, money,

and morale and was in a weakened state when Hurricane Katrina hit (Cooper and Block 2006).

A contemporary debate over FEMA revolves around whether to keep FEMA as part of DHS or to remove it. FEMA originally became a cabinet-level agency during the Clinton Administration, but it was removed with the creation of DHS. In Michael Chertoff's newest book, *Homeland Security: Accessing the First Five Years*, Secretary Chertoff (2009) makes an argument for keeping FEMA under DHA stating that it "strengthens the nation's incident preparedness by facilitating cooperation among organizations that share preparedness and response missions" and that "once an incident occurs, responding to it are easier if these agencies are under the same umbrella" (146-47). While some of these benefits from the integration on FEMA into DHS have been applied, such as FEMA's ability to work with the Coast Guard during Hurricane Katrina (Chertoff 2005), some experts question whether or not FEMA is best served being a part of DHS or a standalone agency reporting direct to the White House.

Critics site that even when FEMA is supported by the authority of the Secretary of Homeland Security, who can direct intra-DHS agencies to provide resources, FEMA's coordination and response is often complicated by "constitutional, legal, organizational, and historical strictures" (Wise 2006, 307). With the reorganization, FEMA lost direct access to the White House, which could delay FEMA's response during times of crisis, and is now in a department that places a heavy emphasis on protection against terrorism (Derthick 2007). Moreover, as part of DHS, FEMA is more likely to be weakened in jurisdiction and funding because other agencies are larger and have more political influence (Haddow and Bullock 2003).

Removing FEMA from DHS was championed by many members of Congress after Hurricane Katrina, but ultimately did not pass the Senate (U.S. House 2006a). Most recently, a report from the DHS Inspector General “concludes FEMA should stay in DHS” and the Obama Administration confirmed that FEMA will remain part of DHS under his new administration (Cacas 2009, n.p.). Despite this, the FEMA Administrator remains “the principal advisor to the President, the Secretary of Homeland Security, and the Homeland Security Council regarding emergency management” (National Response Framework 2008, 55). Additionally, the FEMA Administrator leads the administration with the fundamental role and challenging task of coordinating the federal response with state and local governments.

The Role of Government—State and Local Governments

While the previous sections focused on federal agencies, it is valuable to understand the role of state and local governments in emergency management. This is important for two key reasons: 1) most emergencies are handled at the state or local level; and 2) the National Guard, the main unit of analysis for this study, is a state asset under the control of the governor for most emergencies. This section briefly discusses the importance of state and local governments during emergencies, examines the leadership and organization of state and local level emergency management offices and agencies, and finally it discusses the implications of state and local governments on the United States National Guard.

The U.S. Federal Emergency Management Agency defines a *state* as “any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam,

American Samoa, and the Commonwealth of the Northern Mariana Islands” (2007, 2). It defines a *local government* as “a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments. . . , regional or interstate government entity, or agency or instrumentality of a local government” and “an Indian tribe or authorized tribal organization, or Alaska Native village or organization” and “a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State” (U.S. Federal Emergency Management Agency 2007, 2). States are sovereign entities where the governor has responsibility for public safety and welfare of his or her constituents. Conversely, local governments are creations of the states and do not have sovereignty like the states, but nonetheless local leaders are delegated responsibility for public safety and welfare of the constituents within their jurisdiction.

Autonomous state and local governments are a defining characteristic of American Federalism. As noted earlier, all but fifty-one of the 89,527 governments in the United States are local governments (U.S. Bureau of the Census 2007). In the context of emergency management, the local government generally has the lead responsibility for every phase—especially response—unless during special circumstances where certain responsibilities are entrusted to a higher authority. Typically, state and local governments request assistance from a higher government when their resources are insufficient or depleted, or when they lack certain capabilities. Regardless, the *NRF* acknowledges that while the federal government has “a wide array of capabilities and resources that can be made available upon request of the Governor State and local governments are closest to those impacted by incidents, and have always had the lead in

response and recovery” (2008, 5-6). Damon Coppola agrees and goes further to conclude, “The most successful emergency management systems are those in which local emergency management agencies maintain operational control of all phases of emergency management, with regional and national authorities only intervening in a supportive role and never assuming any leadership control” (2007, 350).

There is a common saying in the emergency management community that “all emergencies are local.” Local governments and responders are often the first on site of an emergency or disaster and the last to leave. Additionally, they are more directly connected to the community, more aware of the peoples’ needs, more knowledgeable on the issues, and more vested in the outcomes of decisions. William Waugh and Kathleen Tierney emphasize, “Collectively, local governments are the backbone of the national emergency management system” (2007, xiv). This is not only the case for local emergencies and natural disasters, but for many incidents of national significance, such as national security and homeland security events. Homeland Security expert Don Kettl writes, “All homeland security events, whether caused by terrorists or by natural disasters or by public health issues, begin as local events” (2007, 78).

Given the critical roles and responsibilities of local and state governments in emergency management, all states and many local governments have an established office of emergency management. Before 2001, many state’s emergency management offices were housed in the adjutant general’s office and were commonly called something similar to *civil defense offices*; this is a legacy of the Cold War (Waugh 2000). However, the attacks of 2001 were the impetuses for the reorganization of many state offices and the reorganization or creation of many local offices. Many of these offices now take

different forms, but there is a growing trend for these offices to mimic the FEMA name and function (Waugh 2000). Still, each of the “thousands of emergency response organizations throughout the country are each unique. They have separate budgets, different levels of training and expertise, varying levels of interaction with state and federal officials and different threat environments in which they must work” (Defense Science Board 2003, 8). Each of these unique state and local offices of emergency management have one thing in common: the responsibility to coordinate all four phases of emergency management within their respective jurisdictions. The following two paragraphs will highlight the structure and organization of state emergency management offices and local emergency management offices, respectively.

In most states, the lead emergency management official holds the title of *emergency management director*. A 2007 survey by the National Emergency Management Association (2007) of state emergency management directors and their agencies revealed that nearly all of the emergency management directors are appointed (non-merit)—most by the governor but some by other officials like the Public Safety Secretary or the Adjutant General. In some states the emergency management director is still the adjutant general, but there is a trend away from this. In most states the emergency management director is not the adjutant general, but he or she reports to the adjutant general. Additionally, in most states the state office of emergency management reports to the Office of the Adjutant General for non-emergency day-to-day operations. The combined number of full time personnel in all of the state emergency management offices (excluding local) is 4,675, and the offices have a combined annual budget of \$225,134,020 (National Emergency Management Association 2007a). Additionally, the

NEMA survey revealed that most states also have a separate office of homeland security, which is *not* part of the office of emergency management. These offices are typically led by a state director of homeland security that report directly to the governor's office for day-to-day operations. The role of the state government is to supplement local efforts before, during, and after incidents (National Response Framework 2008, 6).

Many of the local emergency management offices are located within county or city governments. A recent survey by Wes Clarke (2006) for the National Association of Counties revealed that many of the characteristics of these offices including personnel, resources, funding, organization, and structure vary significantly; however, some trends can still be established. The survey found that while the emergency management function in local governments has traditionally been assigned to public safety units, more than three-fourths of counties have now established an emergency management agency that either reports directly to the central county authority or is separate from other units, like public safety. Despite this, the survey revealed with a low standard deviation that most local emergency management agencies have very small budgets. This means that most of the functions are being performed within other public safety units and the office itself is providing "only a small coordination function" (Clarke 2006, 4). The true value of these offices is the ability to coordinate local first responders, such as police, fire, and rescue, to emergencies within their jurisdiction.

As stressed earlier, emergency management is typically a function of local government. When local resources are insufficient or depleted, or when they lack certain capabilities, local governments get assistance from their state government. States have significant resources, "including State emergency management and homeland security

agencies, State police, health agencies, transportation agencies, incident management teams, specialized teams, and the National Guard” (National Response Framework 2008, 6). Likewise, the state’s call for federal assistance elicits even more capabilities and resources—including federal military forces. The implications of the structure and organization of state and local emergency management offices has a negligible effect on the National Guard—especially at the local level. However, what is more important is how the National Guard is called into service during emergencies, including how they are activated, who they report to, and how they interact and coordinate with other agencies, departments, and governments. The National Guard is explored in more detail in the following sections of this chapter.

The Role of the U.S. Military

The United States military plays an increasingly critical role in federal expeditionary missions *and* domestic missions. Military forces can generally be categorized into two distinct groups: federal military forces and state military forces. However, a series of events and policies over the past two centuries, such as the Total Force Policy, has blurred this line between federal and state forces. Furthermore, there is consensus that the trend is leaning more toward centralization and stronger federal control of the military, while the states seem to be losing power and control over what was once called the “state militia.” In order to gain a better understanding of the intricacies of U.S. military and National Guard organizations and missions—specifically with regards to emergency management—this section provides a comprehensive review of the role of the U.S. military. Since the military is vast and complex, this report divides

the role of the U.S. military organization into several categories: the U.S. Department of Defense, emergency management and homeland defense, the Reserves and the Total Force Policy, the militia and State Defense Forces, and the U.S. National Guard.

The Role of the U.S. Military—The U.S. Department of Defense

Understanding the relationship between the Department of Defense and the U.S. National Guard and comprehending how the military is structured and operates is also vital to appreciating the crux of the problem presented in this study. For purposes of this study, the term *military* refers to the collective forces, including all branches, all services, whether active duty or Reserve, and the U.S. National Guard. The term *federal forces* is inclusive of military forces with the exception of the non-federalized U.S. National Guard, sometimes simply called *the Guard*, which fall under command and control of their respective state. The terms *active*, *active duty*, and *active component* refer to those full-time, regular forces under federal control, not Reserves called to active duty or federalized National Guard troops. The term ***R*eserve** refers to the part time federal forces, which have a solely national status. Finally, the terms ***r*eserve** and *reserve component* include both the U.S. National Guard and Reserve forces—essentially the military forces that are predominately in a part-time status.

The United States military plays an important role in defending the country from enemies, both foreign and domestic. In addition, the military serves in a variety of other capacities around the world or at home that require the use of military force in support of some national objective or vital national interest. The mission of the DoD “is to provide the military forces needed to deter war and to protect the security of our country” (U.S.

Department of Defense 2007a). With a 2008 annual budget of over \$481 billion (not including nearly \$142 billion in supplemental war funding for combat operations in Iraq and Afghanistan), approximately 700,000 civilian employees, and approximately 2.4 million uniform personnel, the DoD is the largest and most powerful organization within the U.S. government (U.S. Department of Defense 2007b; U.S. Office of Management and Budget 2008). Its current organizational force structure is the result of the *National Security Act of 1947*, while the operational chain of command is clarified in the *Goldwater-Nichols Department of Defense Reorganization Act of 1986*. The military has a hierarchical command and control structure that clearly articulates the chain of command from the President of the United States down to the lowest ranking military member.

The President of the United States is the commander in chief of the armed forces, having the ultimate authority and responsibility for national defense. This foundation was laid in Federalist No. 69 when Alexander Hamilton wrote that the president should be empowered with “the supreme command and direction of the military and naval forces.” These powers were later conferred by article II, section 2 of the U.S. Constitution: “The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual service of the United States.” The president commands the armed forces, both active duty and Reserve, at all times: during peace time and during time of war. In some cases, the president may federalize state National Guard units and put them under federal command and control for domestic or expeditionary missions; cases examining when this can occur is elaborated in the section of this report titled “The U.S. National Guard.” The president

must be a natural born citizen and is elected into his position indirectly through Electoral College. Although the president is the chief of the armed forces, prior military service is not a prerequisite to serve as the chief military commander. However, about three-fourths of previous presidents had some sort of military service during his career.

Although the president is granted vast powers in the scope of his authority, he is limited by certain constitutional, legal, organizational, and historical strictures. For example, the power to declare war is reserved to Congress by article I, section 8 of the U.S. Constitution. This includes formal declarations of war as well as authorizations of military force that do not constitute a formal declaration of war. Congress has enacted eleven formal declarations of war relating to five different conflicts—the War of 1812, the Mexican-American War in 1846, the Spanish-American War in 1898, World War I, and World War II (U.S. Library of Congress 2005b). Congress has also enacted numerous authorizations for the use of military force that have not constituted declarations of war, such as the 1991 *Authorization for Use of Military Force Against Iraq Resolution* and the 2001 *Authorization for Use of Military Force Against Terrorists*.

Likewise, with few exceptions, the president cannot order federal military forces to engage in law enforcement activities within the United States. The *Posse Comitatus Act of 1878* removed the army from conducting local policing operations during the Reconstruction era.⁴³ The *Posse Comitatus Act* was later applied to all branches of the military, with the exception of the Coast Guard that now falls under DHS and with the exception of the non-federalized National Guard. Additionally, the *War Powers Act of 1973* limits the president's powers by prohibiting the use of military combat action for more than sixty days without getting Congressional approval, unless

⁴³ With some exceptions, which are explained later in this dissertation.

under certain conditions such as “specific statutory authorization . . . or a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.” This act was the result of congressional concern from two intense, protracted, and unpopular conflicts, the Vietnam War and the Korean War, which occurred without Congress’ approval (U.S. Library of Congress 2004b).

Reporting directly to the president is the secretary of defense. The secretary of defense runs the Department of Defense, which is the controlling organization for federal military forces and is headquartered at the Pentagon near Washington D.C. The secretary of defense is appointed by the president and is a civilian cabinet-level secretary. He is “the principal defense policy advisor to the President and is responsible for the formulation of general defense policy and policy related to all matters of direct and primary concern to the DoD, and for the execution of approved policy” (U.S. Department of Defense 2008b, n.p.). The secretary has “statutory authority, direction, and control over the military departments and is responsible for the effective, efficient, and economical operation of the DoD” (U.S. Department of the Army 1995, 3-1). The secretary of defense also has a number of assistant secretaries that report to him, including the assistant secretary of defense for homeland defense. This position was created in 2003 and is responsible for the DoD’s activities in homeland defense and security (U.S. Library of Congress 2003).

Federal military forces consist of three departments under DoD control: the Department of the Army, the Department of the Navy, and the Department of the Air Force. The Marine Corps is part of the Department of the Navy and as of 2003 the Coast Guard is part of the Department of Homeland Security (U.S. Library of Congress 2005a).

Figure 11 illustrates the Department of Defense organizational structure. The three departments total approximately 1.4 million active duty forces, while the remaining service members are in some type of reserve status (Commission on the National Guard and Reserves 2008). The professional and all-volunteer U.S. military forces support the roles and responsibilities of the federal government. The DoD’s budget is funded by the federal government through federal tax collection—mostly via the federal income tax (U.S. Congressional Budget Office 2008). These soldiers, sailors, airmen, and marines take the time honored oath to “support and defend the Constitution of the United States . . . [and to] obey the orders of the President of the United States” (U.S. Department of Defense 2007c, n.p.).

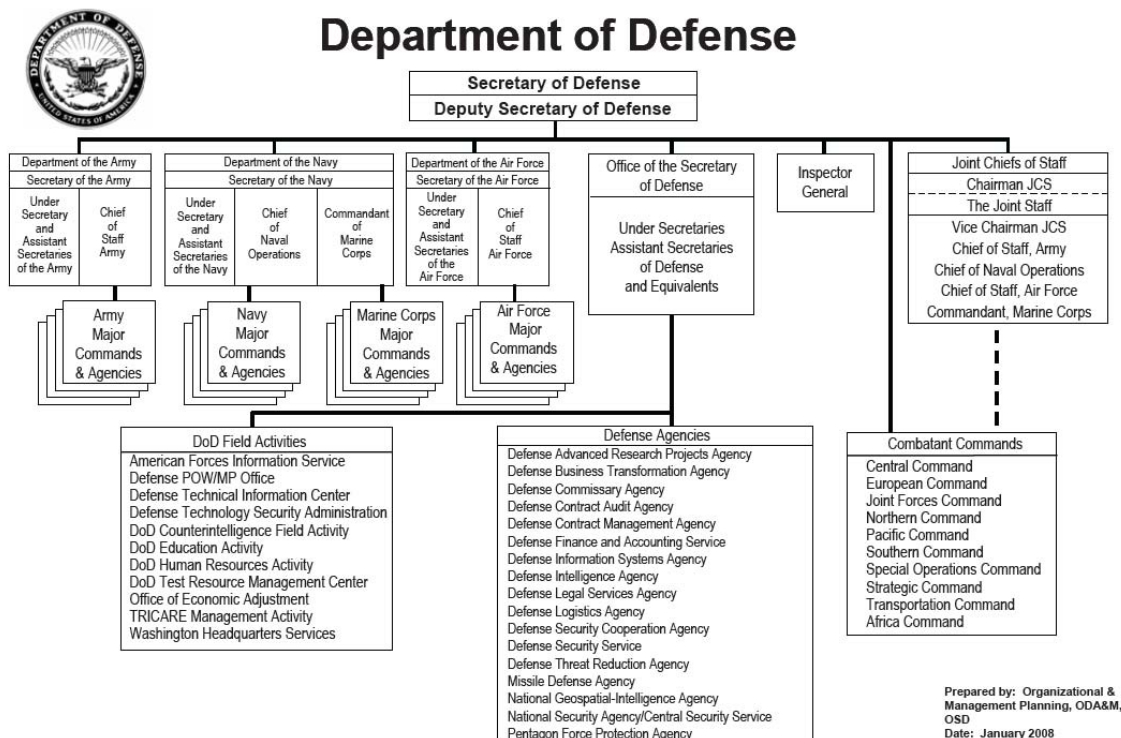


Figure 11. Department of Defense organizational structure (U.S. Department of Defense 2008a).

Some key military officials report through the operational chain of command and others report outside of it. The *Goldwater-Nichols DoD Reorganization Act* prescribes that the operational chain of command runs from the president and secretary of defense directly to the combatant commanders. This chain of command preserves and protects civilian control of the military. Combatant commanders are senior military officers responsible for “organizing and employing commands and forces, assigning tasks, designating objectives, and giving authoritative direction over all aspects of military operations, joint training, and logistics necessary to accomplish the missions assigned to the command” (U.S. Department of Defense 2001, 97). This responsibility of the combatant commanders is exercised through their command authority, authorized by U.S. Code, and cannot be delegated (U.S. Department of Defense 2001).

There are ten combatant commanders: six of these combatant commanders have geographic responsibilities and the other four commanders have functional responsibilities. The geographical combatant commanders are assigned an area of operation by the Unified Command Plan (UCP) and they are responsible for all military operations and personnel within their designated areas. The six geographical commands are U.S. Northern Command (USNORTHCOM), U.S. Central Command (USCENTCOM), U.S. European Command (USEUCOM), U.S. Pacific Command (USPACOM), U.S. Southern Command (USSOUTHCOM), and most recently formed U.S. Africa Command (USAFRICOM)⁴⁴ (U.S. Department of Defense [2008?]). The commanders of the remaining combatant commands have worldwide functional responsibilities and are not bounded by any single area of operation; these are U.S. Joint

⁴⁴ U.S. Africa Command was formed in 2007 and assumed control in 2008. Its creation is the result of the “emerging strategic importance of Africa, and recognizing that peace and stability on the continent impacts not only Africans, but the interests of the U.S.” (U.S. Africa Command [2008?], “U.S. Africa Command”).

Forces Command (USJFCOM), U.S. Special Operations Command (USSOCOM), U.S. Strategic Command (USSTRATCOM), and U.S. Transportation Command (USTRANSCOM).

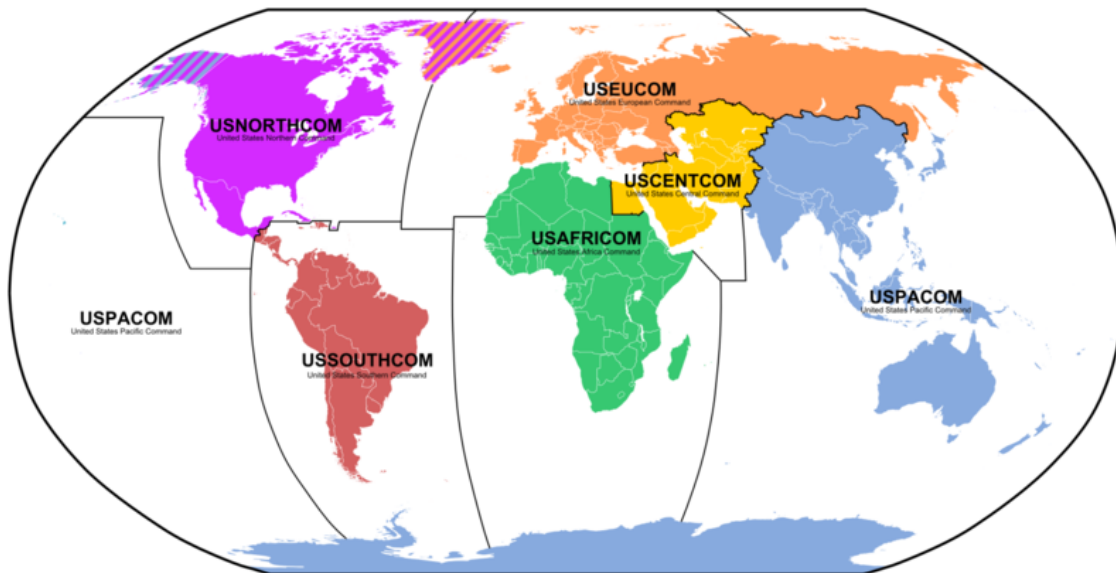


Figure 12. Unified Combatant Commands (Lencer 2008).

Reporting to the secretary of defense outside of the operational chain of command, nevertheless in a significant capacity, are the civilian secretaries and the senior military branch officers in the Joint Chiefs of Staff (JCS). Each of the three military departments has a civilian secretary who is appointed by the president and reports to the secretary of defense. The department secretaries are responsible for and have authority to conduct the affairs committed to their departments; however, they are not in the operational chain of command. Likewise, the *Goldwater-Nichols DoD Reorganization Act* puts the Joint Chiefs of Staff in an advisory role and places the chairman in the communications chain. Four senior four-star ranking officers make up the JCS: the Army Chief of Staff, the Air Force Chief of Staff, the Chief of Naval Operations, and the

Commandant of the Marine Corps. There is currently a U.S. Senate bill that would add the Chief of the NGB to the Joint Chiefs of Staff, but at this time of this dissertation the bill is still in the Committee on Armed Services (GovTrack 2009).⁴⁵

The Joint Chiefs of Staff normally report to the secretary of defense; however, during time of war or conflict they may report directly to the president. The JCS is led by a presidential appointed chairman, titled Chairman of the Joint Chiefs of Staff (CJCS), who is *the* senior ranking member of the military. The CJCS is the principal military adviser to the president, the National Security Council, and the secretary of defense. The CJCS may transmit communications from the president and secretary of defense to the combatant commanders, but he does not exercise military command over the combatant commanders' forces (U.S. Joint Chiefs of Staff 2008). The ten combatant commanders report *through* the chairman of the Joint Chiefs of Staff directly to the secretary of defense and the president (U.S. Joint Chiefs of Staff 2008). It is important to understand the Department of Defense because since 2001 it has played an increasingly participatory role in domestic operations—including emergency management and homeland defense. The following section will review the DoD's domestic roles of emergency management and homeland defense.

The Role of the U.S. Military—Emergency Management and Homeland Defense

The National Guard has two primary domestic missions: emergency management and homeland defense. The Guard's homeland defense mission has become an increasing priority in the post-9/11 era. Despite this, it is proclaimed that emergency

⁴⁵ Jun 25, 2009: Read twice and referred to the Committee on Armed Services (GovTrack 2009).

response still remains the National Guard's most important responsibility when under state control (Commission on the National Guard and Reserves 2008). However, the affinities between the Guard's emergency management missions and its homeland defense mission cannot be discounted and must sometimes be examined mutually. Likewise, the role that other components of the U.S. military play in these operations must be examined. U.S. federal forces, particularly the U.S. Army and the U.S. Air Force, play a particularly and increasingly important role with respect to emergency management and homeland defense, often working along side, supporting their National Guard counterparts. Therefore, this section will review the role of the U.S. Military, focusing on federal forces, for emergency management and homeland defense operations. Subsequent sections of this chapter will examine the National Guard exclusively.

Henderson (2004) notes that disasters vary in type, time frames, intensity, locus, and human impacts. These disasters can be the result of both natural and man-made causes. Additionally, aspects of emergency management vary in a similar fashion to disaster. Which governments, departments, and agencies partake in the emergency management and homeland defense process is often a product of what function of government is being called upon to perform, the cause of the emergency or disaster, and the scale of the emergency or disaster (Burton 2008). In general, the greater the scope and scale of the disaster or threat, the more likely the use of the military (Burton 2008). However, it is important to emphasize that most emergencies can and should be handled at the local or state level with no military intervention.

The Department of Defense is the primary federal agency charged with homeland defense and is a significant contributor to the federal government's emergency

management support efforts. The DoD has fully embraced its homeland defense mission as a core mission and it trains and equips its force accordingly (Punaro, Sherrard, and Stump 2008). U.S. Department of Defense Joint Publication 3-27, states: “DOD is responsible for the [homeland defense] mission, and therefore leads the [homeland defense] response, with other departments and agencies in support of DOD efforts” (2007d, vii).

In contrast however, the DoD has not yet fully embraced its civil support mission. Actually, the Guard’s civil support mission has long been viewed as a “drain on forces needed for more important overseas missions and as a threat to the defense budget” (Wormuth et al. 2006, 64). Punaro, Sherrard, and Stump state that “the Department of Defense historically has viewed civil support as a ‘lesser included’ mission and a lower priority” (2008, 12). They go on to suggest that the Department of Defense has relied on its “dual-capable forces” and point to evidence in the U.S. DoD’s Joint Publication 3-28, which states that DoD’s civil support “capabilities are derived from Department of Defense (DOD) *warfighting* [emphasis added] capabilities that could be applied to foreign/domestic assistance or law enforcement support missions” (2007f, vii).

At the Department of Defense, the assistant secretary of defense for homeland defense leads the DoD’s homeland defense and security efforts. This position was established in 2002 in response to the changing security situation in the U.S., and is responsible for the DoD’s activities in homeland defense and security (U.S. Library of Congress 2003). Within the Department of Defense, USNORTHCOM is the combatant command responsible for commanding and coordinating this effort (U.S. Department of Defense 2007d). In 2002, the Unified Command Plan was revised to add

USNORTHCOM. Before this, there was no designated lead defense agency for homeland defense and support to civil authorities; instead, several commands and military agencies overlapped in their responsibilities. As Master Sergeant Austin Carter of U.S. Air Force Space Command noted, “There was a clearer chain of command for the Indian Ocean than for America” (2003, n.p.).

Headquartered in Colorado Springs, Colorado, the new command was established to “provide command and control of Department of Defense (DoD) homeland defense efforts and to coordinate defense support of civil authorities” (U.S. Northern Command [2008?], n.p.). This new command is the result of the 9/11 attacks as the DoD realized the need for a more integrated civilian and military response capability for domestic emergencies (U.S. Government Accountability Office 2008). USNORTHCOM’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. It also includes the Gulf of Mexico and the Straits of Florida” (U.S. Northern Command [2008?], n.p.).

USNORTHCOM and FEMA have many similarities in their missions and structure. Just as FEMA coordinates the federal government response to an incident, USNORTHCOM coordinates the military response. USNORTHCOM, also like FEMA, has very few assigned personnel and assets (U.S. Government Accountability Office 2008). In the event of an incident that requires DoD support, USNORTHCOM requests forces from the Joint Staff (U.S. Government Accountability Office 2008). The Joint Staff will then request that U.S. Joint Forces Command provide the requested federal forces to USNORTHCOM. Also, just as FEMA is divided into ten regions,

USNORTHCOM is divided into subordinate commands: Joint Forces Headquarters National Capital Region, Joint Task Force Alaska, Joint Task Force Civil Support, Joint Task Force North, Standing Joint Force Headquarters North, Army North, and Air Force North (U.S. Northern Command [2008?]). Also similar to FEMA, USNORTHCOM only gets involved with domestic emergencies under certain circumstances; for example, when local and state authorities are overwhelmed and request support through the proper channels.

As previously noted, USNORTHCOM has two primary missions: homeland defense and civil support. Its homeland defense mission includes the “protection of US sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression, or other threats as directed by the President” (U.S. Department of Defense 2005, 5). It does this by conducting various military operations to “deter, prevent, and defeat threats and aggression aimed at the United States” (U.S. Government Accountability Office 2008, 9). USNORTHCOM’s civil support missions include domestic disaster aid operations for incidents such as fires, severe storms, floods, and earthquakes; response to man-made disasters, such as terrorist attacks; law enforcement activities during times of insurrection; and it also includes counter drug operations and WMD consequence management (U.S. Government Accountability Office 2008).

Aside from USNORTHCOM’s ability to provide homeland defense and to coordinate defense support of civil authorities, the DoD has a number of other capabilities that contribute to emergency management and homeland defense. These include intelligence, personnel augmentation, and response assets (U.S. Library of

Congress 2003). The intelligence community (IC) plays an invaluable role in homeland security and to a much lesser degree emergency management. The mission of the intelligence agencies, in general, is to collect, analyze, and disseminate information in an accurate, timely, and objective manner (U.S. Office of the Director of National Intelligence [2008?b]). The 9/11 attacks exposed many weaknesses in the IC, which were highlighted by the *9/11 Commission Report* as contributing factors to the attacks. These weaknesses led to the reorganization of the IC from a fragmented group of organizations to a more cohesive, unified community under the direction of the director of national intelligence (DNI).

The IC consists of sixteen organizations in total from seven different departments (U.S. Office of the Director of National Intelligence [2008a?]). Of these sixteen, half are part of the Department of Defense: Army Intelligence, Air Force Intelligence, Navy Intelligence, Marine Corps Intelligence, National Security Agency (NSA), Defense Intelligence Agency (DIA), National Geospatial Intelligence Agency (NGA), and the National Reconnaissance Office (NRO). These agencies work with other members of the IC, including DHS Intelligence, to help deter terrorist attacks and sometimes provide information for emergency management efforts. Intelligence has become such an important part of DoD that a new position of under secretary of defense for intelligence was created in 2003 to “serve as the conduit for information/intelligence sharing with DHS and will oversee personnel detailing agreements” (U.S. Library of Congress 2003, 3). The importance of intelligence cannot be overstated—is a deciding factor in winning or losing the nation’s wars and it will keep us safe at home or facilitate the next attack.

The DoD also has the capability to provide personnel augmentation and response assets. DoD's forces are very flexible and adaptable—they can fight wars, perform overseas peacekeeping missions, conduct domestic law enforcement and homeland defense missions, and assist with emergency management operations. Shortly after returning from Iraq, units from the 82nd Airborne Division (active federal forces) assisted with recovery efforts in New Orleans. After 9/11, the military “augmented the border patrol, customs agencies, and airport security personnel, flew air patrols, and provided site security in Washington, DC and New York City” (U.S. Library of Congress 2003, 3). Yet, while some active and Reserve forces provide personnel for homeland defense and emergency management missions, most domestic augmentations come from the National Guard.

The DoD also has response assets that are critical for homeland defense and emergency management operations—especially WMD response and consequence management. “The Department of Defense remains the greatest federal repository of resources for responding to a chemical, biological, radiological, or Nuclear (CBRN) incident” (U.S. Library of Congress 2003, 5). These assets include the 20th CBRNE Support Command, U.S. Army Technical Escort Units (TEU), U.S. Marine Corps Chemical-Biological Incident Response Force (CBIRF), U.S. Army Medical Research Institute for Infectious Diseases (USAMRIID), U.S. Navy Environmental Health Center, 52nd Ordnance Group, CBRNE Consequence Management Response Force (CCMRF), and U.S. Special Operations Command. The National Guard Weapons of Mass Destruction-Civil Support Teams (CSTs); National Guard Reaction Forces; and National Guard Chemical, Biological, Radiological/Nuclear, and Explosive (CBRNE) - Enhanced

Response Force Package (CERFP) also play a key role in WMD response and civil support. Other response assets include medical, military police, logistics, engineering, communications, and aviation—any of which are part of the National Guard. However, most of these organizations, with the exception of CSTs and CERFPs,⁴⁶ are not exclusively focused on civil support and can be deployed on expeditionary missions (Wormuth et al. 2006).

Just as the federal government has mechanisms in place to provide federal assistance to the states during time need, the military also has similar means. Following an emergency or disaster, the aforementioned military assistance can be requested by state emergency management offices (ordinarily through a governor's office) or by a lead federal agency, typically FEMA, through a process called *Defense Support to Civil Authorities* (DSCA)⁴⁷ (Lawlor 2000). Of course, the request must comply with the previously mentioned constitutional and legal limitations, such as the *Stafford Act*, which identifies the type of civil emergencies that the military can respond to, and the *Posse Comitatus Act*, which prevents military personnel from engaging in law enforcement activities. Despite that fact that this mechanism exists and has provided a value avenue for support in the past, a survey of local emergency managers by Milliman, Grosskopf, and Paez (2006) indicated that a majority of the emergency managers did not have a strong understating of how the DSCA process works.

⁴⁶ Although entire units cannot be deployed, individuals from these units may be temporarily deployed as an augmentee with other National Guard or active duty units. Additionally, there has been debate over whether CSTs should be utilized on expeditionary Title 10 missions, but at the time of this study no CSTs have been deployed on these types of missions.

⁴⁷ Prior to 2005, DSCA was known as *Military Assistance to Civil Authorities* (MACA) (Milliman, Grosskopf, and Paez 2006).

Aaron Weiss (2002) observes that the use of the military for domestic operations, such as law enforcement, emergency response, and WMD consequence management, is increasing and unprecedented. He goes on to suggest that this increase in domestic involvement may actually “increase the threat to the United States by decreasing the military’s ability to perform its primary role” (Weiss 2002, 11). This hypothesis is based on a premise that is the direct converse of the direction of this study and would make an interesting research project subsequent to this study.

Nevertheless, there is little disagreement that military has an impressive amount of capabilities and resources to be able to provide assistance to civil authorities in times of need. Although active and Reserve forces provide some support, the National Guard is the primary organization tasked with providing this assistance to civil authorities and has the ability to be both a federal and state resource, depending on the circumstances of the emergency or disaster. However, before examining the National Guard in detail, it is germane to review the Guard’s roots, which are traced back to the militia.

The Role of the U.S. Military—The Militia and State Defense Forces

The modern-day military traces its roots back to the ancient Anglo-American tradition of the militia. The founding fathers never defined *militia*; however, it is commonly understood to be a group of able-bodied citizens with some military training that can be armed, organized, and mustered into temporary military service for common defense or emergencies. Essentially, it is a part-time, non-professional fighting force. The concept is derived from a long-standing English tradition that required every able-bodied white male to participate in the defense of his town. In the United States, the term

militia is historically associated with the colonial militia, whom protected their fellow citizens from Indian attack, foreign invaders, and later helped to win the Revolutionary War.

In the beginning of the republic, the colonies struggled to agree on the best system of government: confederate or federal. There was also a serious debate over the need for a national army. Initially, the colony's powers were strong and the individual colonies each maintained a militia. Before the Revolutionary War, there were attempts to form a national army; for example, Richard Henry Lee of Virginia proposed the idea during the First Continental Congress, but the congress rejected the idea in favor of existing compulsory colonial militias (R. Wright 1983). In lieu of a national army, the First Continental Congress called for the colonies to bolster their militias (Doubler 2003). However, after the start of the Revolutionary War, the need for a national army was quickly reexamined.

At the meeting of the Second Continental Congress, less than a month after the battles of Lexington and Concord in 1775, the Congress formed the Continental Army in order to establish a more powerful, coordinated effort against the Kingdom of Great Britain. The new army did not replace colonial militias, but it worked along side them. The Continental Army was commanded by General George Washington, who remained the top general for the duration of the war. Shortly after the war ended in 1783, most of the Continental Army was disbanded.

The need for a more permanent national army was reexamined only a few years later as the result of an insurrection that the militia was incapable of suppressing. In 1786, an uprising of farmers and merchants over debt and taxes in Massachusetts led by

Daniel Shays, commonly called *Shay's Rebellion*, demonstrated that a group of citizens was nearly capable of overpowering the colonial militia. The colonial militia was not able to effectively or quickly enforce the laws and repel the insurgency. This event highlighted a weakness of a loose confederation and lack of a professional army at a time when many citizens were becoming frustrated with the Articles of Confederation. Shay's Rebellion helped empower the supporters of a strong national government, tipping the scales in favor of a federal system of government and reviving the Continental Army.

The event had great influence over public opinion, helped lead to the Constitutional Convention, created a national army, expanded federal control over the militia, and expedited the ratification of the Constitution. In a similar type of insurrection in 1795, during the Whiskey Rebellion George Washington was able to muster and federalize nearly 13,000 militiamen from several states⁴⁸ to put down a rebellion over paying a federal tax on whiskey (Hoover n.d.). Invoking the *Militia Act*, this was the first time the militia was used to fulfill its constitutional duty to "execute the laws of the Union" (U.S. National Guard 2008). Unlike Shay's Rebellion, the federalized militia was able to effectively quell the insurrection with little violence (U.S. National Guard 2008).

State militias exist not only through tradition, but through constitutional and statutory status as well. The founding fathers expressly guaranteed legal and political status to the militia in the Articles of Confederation and later the Constitution. Originally, the Articles of Confederation stipulated that each state "*shall always keep [emphasis added] a well-regulated and disciplined militia*" (1777, art. 6). This clause represented a compromise between the Federalists and the Anti-Federalist in an effort to counterbalance the power given to the federal government to maintain a standing national

⁴⁸ Maryland, New Jersey, Pennsylvania, and Virginia.

army⁴⁹ (Kates 1983). Later, similar wording was included in the U.S. Constitution; however, the exact wording transitioned from a *requirement* to a *right* that could not be infringed upon. The 2nd Amendment of the U.S. Constitution reads, “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” Current statutory authority for State Defense Forces extends from section 61 of the *National Defense Act*, as amended in 1956 and 1958. It states, “In addition to its National Guard, . . . a State or Territory . . . may, as provided by its laws, organize and maintain defense forces” (U.S. Code 2003, sec. 109).

The founding father’s intentions were to keep the control of the militia with the states. In Federalist No. 29, Alexander Hamilton argued that states always will have “a preponderating influence over the militia.” Furthermore, Hamilton identified three situations of a national exigency where federal command of the militia was warranted: insurrection, invasion, and for the public defense. Overtime, the colonial militias eventually transitioned into state militias, and eventually to the National Guard.

The current concept of the militia is often perceived to be the National Guard. Yet, from the viewpoint of American political leaders during the Revolutionary Era, the modern National Guard would not be viewed as a militia, but a standing army (Fields and Hardy 1992). Today, there is some debate over whether the National Guard is considered part of the militia referred to in article I, section 8, clauses 15-16 of the Constitution. Some claim that today’s National Guard is “a purely national armed force subject to unlimited federal control” (Somin 2006, n.p.). However, as Somin (2006) reiterates, it is important to note that in *Perpich v. Department of Defense*, the Supreme Court recognized that the National Guard maintains “an identity as . . . part of the militia

⁴⁹ Found in the U.S. Constitution Article I, Section 8, Clauses 15 and 16.

described in Art. I, § 8, of the Constitution” (1990, 334). Regardless, over the centuries the concept of the militia has changed significantly as a result of the American experience.

Several key pieces of legislation had an effect on transforming and redefining militias. The *Militia Act of 1792* outlined the authority of the president to call up the militia. There were two *Militia Acts* passed by the U.S. Congress in 1792. The first *Militia Act* granted presidential authority to call up the militias of the several states, “whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe” (art. 1, sec. 1). The second *Militia Act* “clarified the role of the militia; required all able men to serve, be armed, and be equipped at their own expense; standardized unit structure,” and set standards to ensure the efficacy of the military when called for national emergency (U.S. Army National Guard [2008c?], n.p.). However, the passage of the Acts had no impact on the state’s ability to appoint officers (U.S. Constitution, art. 1, sec. 8, cl. 16).

The *Militia Act of 1792* was subsequently modified throughout the decades, mostly in response to specific domestic incidences, gradually shifting power over the militia to the president and the federal government. For example, just a few years later in 1795, the *Militia Act of 1792* was amended, removing notification requirement of “associate justice or the district judge,” which was a requirement in the original *Militia Act of 1792*. Stephen I. Vladeck, Professor of Law at American University Washington College of Law, goes into more details and writes,

Thus, whereas section 2 of the 1792 Act envisioned a multistage process (as during the Whiskey Rebellion) in which the President first had to receive judicial acknowledgment of a crisis requiring the militia, then

could issue a proclamation ordering the insurgents to disperse, and then could call out the militia only after such a proclamation had gone unheeded, section 2 of the 1795 Act authorized the President to act decisively, expeditiously, and, of most significance, unilaterally. (2004, 163)

Additionally, the 1795 version “removed the 1792 Act’s requirement that militiamen from other states could be used only when Congress was not in session” (Vladeck 2004, 162). It also removed the advanced notice requirement of the dispersal proclamation, effectively allowing a contemporaneous proclamation (Vladeck 2004). These changes accreted power toward the federal government and strengthened the powers of the president.

The *Militia Act* also went through major revisions in 1807, 1861, and 1871. The 1807 and 1861 changes mostly affected the president’s emergency power over federal military forces, allowing the president to also use federal troops were he was already authorized to use the militia (Vladeck 2004). The 1871 changes also extended the time period the president could use the militia, it “expressly committed to the President’s sole discretion the determination that it was ‘impracticable’ to execute the laws,” and it added “‘rebellion against the authority of the Government of the United States’ to the list of instances under which the power to use the militia to ‘execute the laws’ could be invoked” (Vladeck 2004, 167). The revisions in 1871, specifically targeted to the Ku Klux Klan, again increased the president’s powers by allowing the activation of the militia to enforce civil rights (Vladeck 2004). Resultantly, by 1871 the president had “unfettered statutory discretion to employ the militias or the (now-powerful) federal army when certain conditions were met” (Vladeck 2004, 168).

Later, the *Militia Act of 1903*, better known as the *Dick Act*, named after then Representative Charles W. F. Dick, replaced the previous *Militia Acts*, “affirmed the National Guard as the primary organized reserve force,” and strengthened the National Guard as a “component of the national defense force” (U.S. Army National Guard [2008?c], n.p.). The Act defined age limits, terms of service, and training requirements (Kirkland 1992). The *Dick Act* also divided the militia into two parts: the organized militia and the reserve militia, which is commonly referred to as the *unorganized militia* in contemporary vernacular. The organized militia consists of today’s National Guard, State Defense Forces, and Naval Militias, and the unorganized militia is essentially all able-bodied male citizens between seventeen and fourth-five years of age (U.S. Code 2000a). The *Dick Act* was amended in 1908 allowed the President to mobilize the National Guard in support of national emergencies, removed the eighteen month limit of federalized service, and allowed the National Guard to be used outside of the United States (Wiener 1940; Huguelet 2002; Cooper 1991).

The *Militia Acts* remained the primary framework for military affairs until the passage of the *National Defense Act of 1916*. The *National Defense Act* represented “the most comprehensive military legislation yet enacted by the U.S. Congress” (Stewart 2005, 382). The Act quadrupled the size of the National Guard to over 400,000 members and provided for federal funds (Chambers 2000). In return, it mandated federal organization of the Guard, imposed federal training standards, and obligated the Guard to the presidential federalization (Stewart 2005). The Act also “guaranteed the State militias as the primary reserve force; gave the President the authority to mobilize the Guard during war or national emergency; made use of the term ‘National Guard’

mandatory; [and] authorized drill pay for the first time” (U.S. National Guard Bureau 2009b, n.p.). However, the *National Defense Act* did not completely eliminate the militia as some “regulars” and nationalists had hoped (Chambers 2000). The *National Defense Act* was later amended in 1920 to establish that “the chief of the Militia Bureau (later the National Guard Bureau) would be a National Guard officer, that National Guard officers would be assigned to the general staff and that the divisions, as used by the Guard in World War I, would be reorganized” (U.S. National Guard Bureau 2009b, n.p.).

While the *Dick Act* and the *National Defense Act* strengthened and transitioned most of the former state militias into the present-day National Guard, some states still maintain active state militias in a traditional sense, typically called *State Defense Forces*.⁵⁰ The U.S. Constitution and federal law authorize the states to maintain a militia, including both the National Guard and State Defense Forces. However, State Defense Forces are *not* the National Guard—significant differences exist. The National Guard has a dual reporting structure to the governor and the president, receive federal funds, are paid state or federal⁵¹ employees, and can be called into federal service. Conversely, SDFs operate solely in a state status under the control of the governor, cannot receive federal funds, are mostly unpaid volunteers, and cannot be called in federal service. Their members are not exempt from federal military conscription, and members cannot serve in both the state militia and the U.S. Armed Forces (U.S. Code 2000c). Although federal law authorizes the existence of State Defense Forces, the state must officially charter and recognize the SDF, which only about half do.

⁵⁰ For purposes of this dissertation, State Defense Forces includes Naval Militias.

⁵¹ When called into federal service.

According to the State Guard Association of the United States (2008), twenty-seven states have active State Defense Forces. Private militias, sometimes referred to as *paramilitary groups*, also exist and are proliferating in size and activity, but are not SDFs and have no constitutional, legal, or fiduciary status, and they play no substantial role in homeland defense, national security, or emergency management (Polesky 1996). For those states with State Defense Forces, almost every aspect of their existence varies, such as funding, strength, jurisdiction, standards, training, uniform, mission, qualifications, pay and benefits, and command structure (Brinkerhoff 2007). For example, the Alaska SDF provides a well-trained, deputized, and armed force that may augment the Alaska National Guard and state law enforcement, and it has a budget of up to \$1M annually (State of Alaska 2008).

Conversely, the Maryland SDF only provides medical support and receives no funding (Stone 2007). While a set of recommended national State Defense Force standards does exist, it is unofficial and its adherence is strictly voluntary (Brinkerhoff, Bankus, and Peterson 2006). Most of the State Defense Forces are organized as army units and have taken a homeland security focus in the post-9/11 epoch (Bankus 2006). Finally, State Defense Forces are overseen by the National Guard Bureau, and the Chief of the NGB is the DOD executive agent and the “channel of communication between the States and the Federal Government on all matters pertaining to the State Defense Forces” (U.S. National Guard Bureau 1987, 1). However, the Chief’s role is limited and the NGB has no authority over State Defense Forces.

Throughout the past few decades, State Defense forces have played a part in many disaster recovery and homeland defense missions⁵² (Tulak, Kraft, and Silbaugh 2003; Hunter 2005). The potential importance of the State Defense Forces has again been highlighted in the recent years with the extremely high operational tempo placed on U.S. National Guard units, and with an increased emphasis on homeland defense. Legislation introduced into the U.S. House in 2007 by Representative Joe Wilson of South Carolina attempted to provide federal recognition and support to State Defense Forces, including DoD and DHS training and coordination (U.S. House 2007).

However, the bill never made it out of the House Subcommittee on Military Personnel (GovTrack 2007). Representative Wilson states on his website that he will include language from the original *State Defense Force Improvement Act* in the *National Defense Authorization Act of 2009*; it states, “As our National Guard troops are fighting overseas, we must ensure that our states still have the resources and manpower to respond to emergencies here at home” (2008, n.p.). These are astute remarks considering State Defense Forces were used during the world wars to augment local authorities in the event of civil disturbance during a time when the National Guard was on active federal service overseas (Sheps and Pitcavage 1995).

Regardless, the overall strength of modern State Defense Forces remains relatively insignificant. Over time, the strength of the state militias weakened as the dual-role National Guard strengthened. Additionally, the significance of the militia

⁵² For example, the Exxon Valdez oil spill recovery operation in 1989; tornados in Tennessee in 1993; the TWA Flight 800 crash into New York Harbor in 1996; winter storms in New York, Virginia Oregon and Maryland in 1996; the 2001 terrorist attack on the World Trade Center; and as part of Operation Noble Eagle, the coastal patrol and maritime homeland security operation around the United States, including critical infrastructure protection of the Alaskan oil pipeline; security at the Republican National Convention in 2004 (Tulak, Kraft, and Silbaugh 2003; Hunter 2005).

precipitously diminished because of the emerging belief that the people's interests "could be protected effectively by the establishment of democratic governments, offering legal guarantees of individual rights" (Fields and Hardy 1992, 31). Of the twenty-seven states with SDFs, the average personnel strength per state is only 532 members and the average budget is \$64,000,⁵³ with about half of the states having a budget of zero dollars (Bankus 2006). Furthermore, the NGB and DoD have little interest in State Defense Forces, and there are few advocates of the SDFs, especially at the federal level (Brinkerhoff 2007). Many scholars believe that not fully embracing SDFs is a mistake and that there exists untapped potential (Carafano 2006; Brinkerhoff 2007; Bankus 2006).

In light of these facts, State Defense Forces' current overall impact on relevant emergency management and homeland defense issues is relatively negligible, but possesses certain potential. Moreover, State Defense Forces are outside the immediate scope of the primary research questions, but are not inconsequential to the crux of this research problem. Examining solutions holistically requires considering the implications for possible amelioration of the research problem by embracing the use of State Defense Forces—especially given their existing legal framework and their members' unyielding sense of duty and sheer allegiance to civil service and volunteerism.

As demonstrated, the militia has transitioned into the modern day National Guard. However, before examining the modern National Guard, the following section will review the Guard's sub-organization, the reserve component, as well as its other part-time counterpart—the Reserves. The following section also examines a policy that had a

⁵³ Data used from Bankus (2006) to perform calculations. Calculation uses an average of the Alaska SDF budget, as that budget varies from \$26,500 to \$1,000,000. Even when averaged, the Alaska SDF budget is an outlier; removing this outlier yields a new average of \$43,000 and a median of zero.

significant impact on the infinite redefining the role of the National Guard—the Total Force Policy.

The Role of the U.S. Military—The Reserves and the Total Force Policy

Some of the military unit types that may assist with the DoD's mission of national defense and civil support are in the active component, but others are in the reserve component. The reserve component of the military consists of two distinct groups: the federally-controlled Reserves and the National Guard. This section focuses on the federally-controlled Reserves and the Total Force Policy, which integrates the active and reserve components together. The two-reserve concept is deeply rooted in history and tradition. The federally controlled Reserves consist of the Army Reserves, the Navy Reserves, the Air Force Reserves, and the Marine Corps Reserves.⁵⁴ These soldiers, sailors, airmen, and marines are part time citizen-soldiers who lead civilian lives, but are trained and able to be called into action in support of the active component. Figure 13 depicts force allocation among branch and status.

⁵⁴ The United States Coast Guard also has a reserve component and is considered a military organization; however, they technically fall under the Department of Homeland Security.

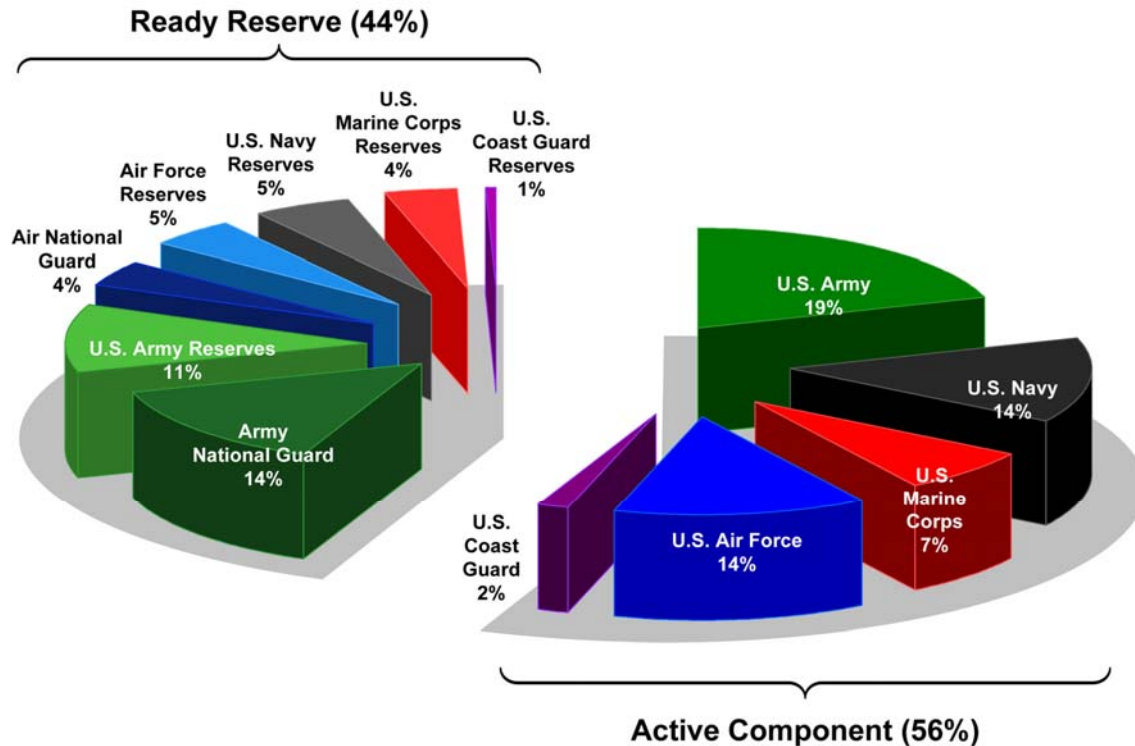


Figure 13. Total force allocation—2.4 million (Office of Assistant Secretary of Defense for Reserve Affairs 2006).

The current force structure relies heavily on the reserve component to accomplish nearly any military objective. In the early 1970s the DoD adopted the *Total Force Policy*, sometimes referred to as the *Abrams Doctrine*, which sought to integrate the reserve component with the active forces to form a singular, more cohesive military. The Total Force Policy “requires all active and reserve military organizations be treated as a single integrated force” (U.S. National Guard 2009, n.p.). The concept was initiated by then Secretary of Defense Melvin Laird in an attempt “to provide sufficient troops for the nation’s security needs without the costly burden of maintaining a large standing army,” since reserve forces cost substantially less to maintain (Carafano 2005, 1; U.S. Congressional Budget Office 1992).

This effort was championed by then Army Chief of Staff Creighton Abrams as he believed the United States lost the Vietnam War because it failed to mobilize its full military potential—the reserves (Carter 2007). During the Vietnam War, the reserves were rarely used, mostly for political reasons, and were often considered a hiding place for the privileged and wealthy (Kearns 1976; Levantrosser 1967). Additionally, considering that the Vietnam War had low public support, it is widely interpreted that Abrams' intent of incorporating the citizen-soldier into the total force was to maintain a clear linkage between the employment of the military and the engagement of public support for military operations (Carafano 2005).

The Total Force Policy reorganized the military by putting key units that are needed for war in the reserves. For example, over 60 percent of the army's medical units are in the reserves (Cecchine et al. 2004). Many of the army's combat support (CS) and combat service support (CSS) functions lie in the Army Reserve and many of the army's combat arms capabilities lie in the Army National Guard (Davis et al. 2004). Figure 14 clearly shows that most of the army's combat, combat support, and combat service support elements are in the reserve component.

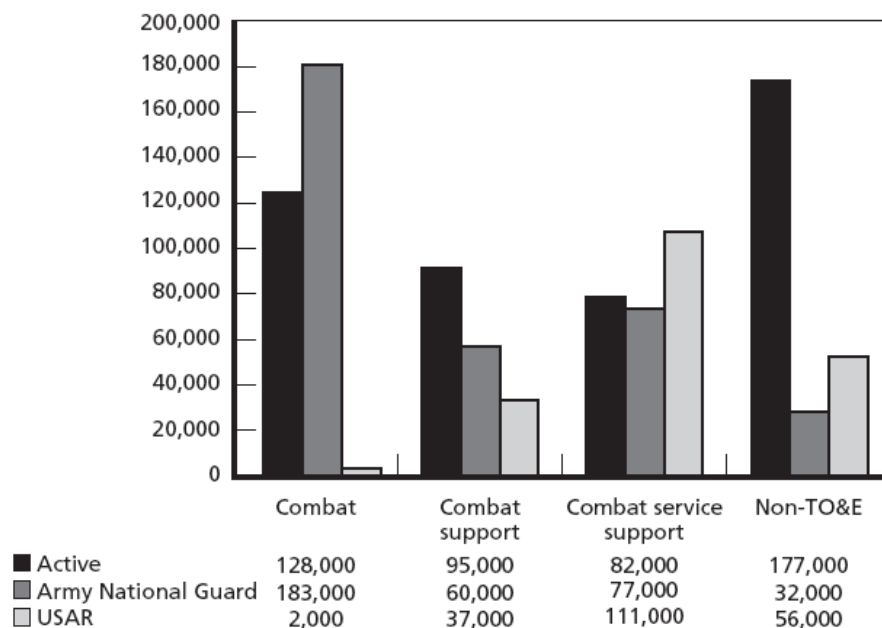


Figure 14. Makeup of each army component (Davis et al. 2004).

The Total Force Policy ensures that any future large-scale or protracted military operation requires a mix of active and reserve forces (Carafano 2005). The concept also allows for the rapid expansion of the military during times of war; in this role, the reserve component operates as a strategic reserve (Commission on the National Guard and Reserves 2008). For example, this was the case during the 1991 Gulf War, which relied heavily on reserve forces to round out the complete force. Since then, the reserves have been used increasingly for expeditionary missions, regularly serving along side the regular active forces and have played an integral role in nearly every military operation.

Over the decades the reserve component has shifted from a strategic reserve to an operational reserve. Except during time of war, members of the reserve component were originally expected to serve “one weekend a month and two weeks a year,” as coined by the popular recruiting slogan. However, with the downsizing of the military in the 1990s and the increased operational tempo as a result of the Global War on Terrorism,

especially combat operations in Iraq and Afghanistan, this slogan was abandoned in the mid 2000s as the reserves now function as an operational reserve instead of a strategic reserve.

A 2006 report by the Center for Strategic and International Studies, titled the *Future of the National Guard and Reserves*, found, “Employing the Reserve Component as part of the operational force is mandatory, not a choice. DoD cannot meet today’s operational requirements without drawing significantly on the Reserve Component” (Wormuth et al. 2006, ix). Although the DoD now relies on the reserve component as an operational reserve, it has not made the necessary changes to be able to support the change (Commission on the National Guard and Reserves 2008). Naturally, this leads to a number of challenges and poses a significant concern to readiness. Additionally, this shift from a strategic reserve to an operational reserve is a contributing factor to the research issue of this study.

While federal forces, both active and Reserve, play a role in homeland defense and civil support, the domestic mission is mostly executed by the National Guard. The Guard is a fully integrated partner of the military and is vital to the success of the military’s expeditionary missions. Guardsmen wear the same uniforms, have the same ranks and titles, and have been through the much of the same training as their solely federal counterparts. Many laymen cannot tell a National Guard member from an active federal or Reserve member. While there are many similarities between the National Guard and the federal forces, their history, mission, funding, reporting, employment, and command structure differs significantly. The U.S. National Guard will be examined thoroughly in a subsequent section. Having a better understanding on the National

Guard's counterparts, the following section will examine the National Guard—the main unit of analysis for this study.

The Role of the U.S. Military—The U.S. National Guard

The U.S. National Guard is the oldest component of the military and, as described in the previous section, is a descendant of the colonial militias. Deriving their powers from the Second Amendment of the U.S. Constitution, the Guard plays a vital role in protecting the United States from foreign invaders, protecting life and property, preparing for and responding to domestic emergencies, securing the homeland, protecting the borders, quelling violence and conducting law enforcement operations, promoting democracy, conducting peacekeeping missions, and engaging enemies on foreign soil. Some examples of the diverse missions of the National Guard include serving combat missions in Iraq, guarding airports and subway stations post 9/11, conducting search and rescue operations after Hurricane Katrina, dispelling severe civil disturbance during the Los Angeles riots, and providing security during President Barack Obama's inauguration. Clearly the National Guard has proved to be a valuable asset to governments of all levels.

However, the Guard is different from its federal counterparts because it has a unique dual-mission with both state and federal responsibilities and is both a state and federal asset. The oath of the National Guard requires Guardsmen to pledge allegiance to both the state and federal governments. This simultaneous dual enlistment was implemented in 1933 to avoid the limitations of the militia clause and to broaden the powers of Congress; it represents part of the transition from the original militia to the modern National Guard. The *National Guard Mobilization Act of 1933* “made the

National Guard of the United States a component of the Army at all times, which could be ordered into active federal service by the President whenever Congress declared a national emergency” (U.S. National Guard Bureau 2009b, n.p.).

Additionally, the Act “defined the difference between the ‘National Guard of the United States’, the federally mobilized status and the ‘National Guard of the several States’, the state active duty status” (Kirkland 1992, 23). In part, the oath states that Guardsmen will “support and defend the Constitution of the United States *and the State of* ___ [emphasis added] against all enemies, foreign and domestic... [and to] obey the orders of the President of the United States *and the Governor of* ___ [emphasis added]” (U.S. National Guard Bureau 2000, 1).

Normally, the National Guard is an asset of their respective state, under the command and control of the state governor and the adjutant general. In this capacity the Guard can perform a variety of state missions as determined by the governor. However, in certain cases the National Guard may be federalized, usually for expeditionary missions or training. While federalized, the National Guard is controlled by the Combatant Commander of the respective theater and ultimately by the president (U.S. Army National Guard [2008?a]).

Unlike the Reserves, the National Guard only consists of the Air National Guard (ANG) and the Army National Guard (ARNG). There is no federally recognized Naval National Guard⁵⁵ due to a constitutional provision against states having ships of war, and resultantly no Marine National Guard either (U.S. Constitution, art. 1, sec. 10, cl. 3).

⁵⁵ Through a unique Memorandum of Understanding, New York has a standing, federally recognized naval militia, which may be called into the service of the Union (Garamone 1996). Other states have had non-federally recognized state naval or marine militias in the past; however, most are dormant or defunct (Garamone 1996; Hunter 2005).

Similar to the Reserves, most of the approximately 457,000 Guardsmen are citizen-soldiers and only serve in a part time capability. There are fifty-four individual National Guard organizations: one for each state in the Union plus the Commonwealth of Puerto Rico, Guam, the U.S. Virgin Islands, and the District of Columbia. Each state's National Guard is commanded by the state's adjutant general. TAGs primarily report to the governors, not to any federal agency—not even the Department of Defense.⁵⁶ See Figure 15 for a depiction of the integrated command structure.

Most adjutant generals are appointed by state governors, with the exception of Vermont, where the TAG is elected by state legislature; South Carolina, where the TAG is elected by the citizens; and Washington D.C., where the senior National Guard military officer is appointed by the president and called the *Commanding General* (CG) (Moniz and Drinkard 2002). Like high ranking federal military officers, many states also require TAGs to go through some confirmation process, such as a state legislative confirmation. Adjutant generals are not required to meet the military service or education requirements of active duty generals, and governors usually have more flexibility in their appointments compared to active duty generals. However, adjutant generals are usually ranking, experienced, and educated officers, like their federal counterparts. In all states, adjutant generals have primary responsibility over the National Guard, but in many states TAG also serve as the Director of Emergency Management and/or the Director of Homeland Security.

Although TAGs are mostly autonomous and independent from the federal government in their reporting structure, there is a federal headquarters component of the National Guard. The National Guard Bureau (NGB) is a joint Army-Air Force command,

⁵⁶ Except when federalized.

which is part of the Department of Defense. The NGB allocates missions and resources for the federal missions of the National Guard and conducts all the Guard's administrative matters. Specifically, the NGB has statutory responsibilities to allocate unit structure, strength authorizations, and resources to the National Guard; to prescribe the training discipline and requirements; to monitor and assist the states in the organization, maintenance, and operation of National Guard units; to plan and administer the National Guard budget; to supervise the acquisition, supply, and accounting of federal property issued to the National Guard; as well as several other responsibilities (U.S. Code 2000a).

The chief of the National Guard Bureau holds the rank of lieutenant general and is appointed by the president. The chief of the NGB is the senior uniformed National Guard officer and is responsible for developing all policies; advising the secretary of defense, through the chairman of the Joint Chiefs of Staff, on all matters involving non-federalized National Guard forces; and advising the secretaries of the army and air force on all National Guard matters (U.S. Code 2000a). Figure 15 illustrates the chain of command of the National Guard in context to other Department of Defense organizations.



Figure 15. The integrated command structure (U.S. Army National Guard [2008?b]).

There are three ways that the National Guard can be called into active service: 1) through state active duty, 2) Title 32 authority, or 3) Title 10 authority. Except when state forces are federalized, the National Guard remains an asset of their respective state or territory under the control of the governor.⁵⁷ The governor can call his or her state Guard into action during local or state emergencies, such as natural or manmade disasters or civil disturbances, often when civil authorities are overwhelmed or need specialized support. There are two primary ways a governor can call upon the National Guard for service within the: state active duty and Title 32.

State active duty refers to when the governor activates members of the state's National Guard to a full time status, usually to support civil authorities in time of crisis, disaster, or severe civil disturbance. These activated Guardsmen remain under the command and control of the governor and TAG. Likewise, they are paid by the state in

⁵⁷ With the exception of Washington D.C., which is a federal asset under the control of the president at all times.

accordance with state law. The National Guard, under state control, have full law enforcement powers, including investigation, arrest, and incarceration, when authorized by the governor (Sylves 2008). If the National Guard is activated into federal service, they may lose their law enforcement powers as they become subject to the *Posse Comitatus Act*, which will be explored in more detail below. Resultantly, the non-federalized National Guard is the primary augmentation force to state and local law enforcement, while federal DoD forces play more of a supporting role, such as providing resources and logistical support (Carafano 2006).

Another possible method of activation of the National Guard is Title 32 activation. U.S. Code, Title 32, section 502(f) states that “a member of the National Guard may . . . without his consent, but with the pay and allowances provided by law . . . be ordered to perform training or other duty in addition to [inactive duty for training or annual training].” Title 32 activation allows the governor to retain control of his or her Guardsmen, like state active duty, but it authorizes federal pay, allowances, and entitlement to certain legal protections. Title 32 activation is requested by the governor and requires presidential approval through declaration of a national emergency.

Lastly, in certain cases the National Guard may be also activated and federalized by Title 10 authority. Article I, section 8 of the U.S. Constitution allows the federal government to call the National Guard into federal service in order to execute the laws of the Union, to suppress insurrection, and to repel invasion. Under U.S. Code, Title 10, section 12304, the president can call up to 200,000 reserve troops, including the National Guard, into federal service in order to “augment active forces for any operational mission.” While federalized, the National Guard is controlled by the

combatant commander of the respective theatre and ultimately to the president (U.S. Army National Guard [2008?a]). Serving under the president in a federal status, these forces can perform domestic or expeditionary missions. However, even when not federalized the National Guard still has a federal mission to maintain properly trained and equipped units, available for prompt mobilization (U.S. Army National Guard [2008?b]).

Table 2 summarizes the three National Guard activation methods.

	State Active Duty	Title 32	Title 10
Civilian Command and Control (C2)	Governor	Governor	President
Military C2	Adjutant General	Adjutant General	Combatant Commander
Duty Assignments	IAW State Law	U.S.A.	Worldwide
Pay	State	Federal	Federal
Domestic Law Enforcement Powers	Yes	Yes	No ⁵⁸
Mission Examples	Civil Support; Law Enforcement; Others as Determined by Governor	Training; Civil Support; Law Enforcement; Counter Drug; WMD Response;	Overseas Training; Expeditionary Missions; Civil Support and Law Enforcement ⁵⁹
Activation Examples	Kent State Riots; Oklahoma City Bombing; Kansas Tornados; California Wildfires	Border Security; Post 9/11 Airport Security; SLC Olympics; Hurricane Katrina	Bosnia; Afghanistan; Cuba; Iraq; L.A. Riots ⁶⁰

Table 2. National Guard activation matrix.

In a purely federal status under Title 10, National Guard members are stripped from their domestic policing powers and are subject to the *Posse Comitatus Act*. The *Posse Comitatus Act* was passed during the Reconstruction Era to prevent the Army from engaging in civil law enforcement activities; specifically its intent was to end the use of

⁵⁸ Unless the *Insurrection Act* is invoked.

⁵⁹ Title 10 is rarely used for domestic operations.

⁶⁰ The *Insurrection Act* was invoked.

the Army to police elections in former Confederate states (Sylves 2008). As amended, the Act reads:

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 not more than \$10,000 or imprisoned not more than two years, or both.

One of the few exceptions to the restrictions of the *Posse Comitatus Act* is the invocation of the rarely used *Insurrection Act of 1807*. The *Insurrection Act* empowers the president to suspend *Posse Comitatus* and deploy federal forces within the U.S. to “suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy” or during “natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition” (U.S. Code 2000a, art. 331). A full list of exceptions is provided below:

- National Guard forces operating under the state authority of Title 32 (i.e., under state rather than federal service) are exempt from *Posse Comitatus Act* restrictions.
- Pursuant to the presidential power to quell domestic violence, federal troops are expressly exempt from the prohibitions of *Posse Comitatus Act*, and this exemption applies equally to active-duty military and federalized National Guard troops.
- Aerial photographic and visual search and surveillance by military personnel were found not to violate the *Posse Comitatus Act*.
- Congress created a “drug exception” to the *Posse Comitatus Act*. Under recent legislation, the Congress authorized the Secretary of Defense to make available any military equipment and personnel necessary for operation of said equipment for law enforcement purposes. Thus, the Army can provide equipment, training, and expert military advice to civilian law enforcement agencies as part of the total effort in the “war on drugs.”
- Use of a member of the Judge Advocate Corps as a special assistant prosecutor, while retaining his dual role in participating in the investigation, presentation to the grand jury, and prosecution, did not violate *Posse Comitatus Act*.

- The Coast Guard is exempt from Posse Comitatus Act during peacetime.
- Although brought under the Act through DoD regulation, described above, the Navy may assist the Coast Guard in pursuit, search, and seizure. (Larson and Peters 2001, 243)

In order to gain a better understanding of the different National Guard mobilization types, this section will briefly examine four actual, relevant National Guard activations. The first example describes a state active duty call up that quickly turned into a Title 10 federalization during the Los Angeles riots. The next example is an activation that started as a state active duty call up that transitioned into a Title 32 federalization during 9/11. The following example is one of Title 10 activations for an expeditionary combat mission in Iraq. Finally, the last example is one of a state active duty call up where additionally forces were activated under EMAC and then changed to Title 32 status; these National Guard forces reported to the Governor but worked aside federal forces under a separate command to assist with the Hurricane Katrina response.

Los Angeles, California erupted in riots on April 29, 1992, when a jury acquitted four white police officers accused in the videotaped beating of black motorist Rodney King. Tens of thousands of rioters, mainly young black and Latino men, joined in what is often described as a race riot. Rioters committed mass looting, arson, assault, and even murder in protest of the jury's verdict. Local law enforcement quickly lost control of the streets. Initial assessments by local and state government leaders suggested that any violence following the verdict—even if acquitted—could be handled at the local and state law enforcement level. Because of this, the California National Guard was not on alert and much of their riot equipment had been loaned out to other local law enforcement agencies. Violence quickly escalated and local authorities became overwhelmed as

rioters and gangs took to the streets. Not long after the riots began, Governor Pete Wilson authorized the use of the California National Guard to help quell the violence. These troops were called to state active duty under the command and control of the governor and TAG. Not being subject to the *Posse Comitatus Act* allowed the California National Guard to assume full law enforcement powers. Despite the fact that California National Guard had not been prepared for a deployment, initial military police companies responded relatively quickly.

However, by the end of the second day over 6,000 California Army National Guard soldiers had been requested by local authorities and approved by Governor Wilson, but only 1,000 National Guard soldiers were on the streets (Schnaubelt 1997). Because of this, the governor requested that active duty military forces be sent to Los Angeles to assist the local civil authorities and the California National Guard in their law enforcement efforts. President George H. W. Bush approved the request and sent approximately 4,000 active duty Army and Marine forces to the area. In an effort to have a unified command structure, and at the request of Governor Wilson, President Bush federalized of all military forces in California—including the California National Guard.

President Bush invoked the *Insurrection Act*, thus suspending *Posse Comitatus* restrictions, to put down violence that the local authorities and the California National Guard alone were incapable of handling. This effectively took the California National Guard from a state active duty posture to a federal Title 10 activation. By May 9, 1992, there was strong law enforcement and military presence and most of the violence had subsided. The California National Guard returned to state active duty and federal forces began redeploying to their home bases. Later, between 13 and 27 May, California

National Guardsmen were released from state active duty and civil authorities resumed full control (Schnaubelt 1997).

The next example is one of multiple activation types, mostly Title 32. On September 11, 2001, terrorists struck the U.S. homeland by perpetrating massive, coordinated attacks aimed at New York and Washington, D.C. Within twenty-four hours of the attacks over 8,500 members of the New York National Guard were activated by the state and patrolling the streets, subways, and airports of New York. Other National Guard troops around the country were activated in a similar way to help with rescue efforts and to thwart any pending attacks. This rapid activation of the National Guard expanded the resources needed by the states in a critical time, and it provides a testimony to the agility and flexibility of the National Guard. The need for these resources extended for a prolonged period of time. In order to relieve the states from the financial burden, the federal government stepped in with much needed assistance.

One of the primary tasks of the National Guard was to secure critical infrastructure from further attack. Because of the unique vulnerability to airports, and to restore public confidence in the precarious aviation security system, the National Guard was deployed to provide a security presence at domestic airports. Almost immediately President Bush called upon the governors to activate the National Guard to protect the nation's airports at the federal government's expense—a Title 32 activation. Over 11,000 National Guard forces were activated to secure more than 440 of America's commercial airports (Commission on the National Guard and Reserves 2007). Under this Title 32 activation, the governors remained in command and control of their forces, but they were

funded by the federal government. Many of these same National Guard troops would also later be activated under Title 10 to support the expeditionary aspect of this effort.

The next example is of a Title 10 activation. The invasion of Iraq, named *Operation Iraqi Freedom*, began on March 20, 2003 and lasted only for weeks. Since the Total Force Policy integrates the National Guard as a full partner in the military, Guard forces partook in the initial invasion under Title 10 orders. Major invasion related combat operations ended relatively quickly, but sustaining the peace in Iraq is proving to be a difficult mission for the military. Because of this, troop levels in Iraq have remained relatively constant since the invasion, even increasing as part of a surge to quell violence in 2007-2008. Resultantly, this requires the National Guard to be activated for lengthy periods of time and on a reoccurring basis.

While the National Guard has played an important and integral role in major combat operations in the past, in no time in recent history have they been activated for such sustained periods. "Never before have we supported so many . . . federal missions" said Lieutenant Colonel Robert Horton of the Alabama National Guard. He estimates that 90 percent of the Guard has been called to federal combat since 9/11. At its peak, approximately 41 percent of the total troop level in Iraq came from the National Guard (Yaukey 2005). Additionally, National Guard troops were already engaged and serving in high numbers in Afghanistan since 2001. This level of involvement has transitioned what is traditionally a state militia force into a more active federal force.

The last example describes a state active duty call up that quickly turned into a Title 32 federalization. On August 29, 2005, Hurricane Katrina plowed into the U.S. gulf coast. The category three hurricane ended up being the costliest hurricane in American

history causing an estimated \$81 billion in damage (Knabb, Rhome, and Brown 2005). The storm caused devastation over one-hundred miles from its center and caused catastrophic damage to the coastlines of Louisiana, Mississippi, and Alabama. Most devastating, levees separating Lake Pontchartrain from New Orleans, Louisiana were breached by the storm surge and flooded roughly 80 percent of New Orleans. This prompted one of the largest domestic rescue efforts in American history.

As a result of this natural disaster, the state's resources, including the respective state National Guard, were clearly overwhelmed despite the advanced warning of the storm. Initially, state military forces were called into state active duty to assist in the rescue and relief operation. However, on August 30, 2005, there were only 5,804 Louisiana National guard personnel in theater. Many of the state's National Guard and the bulk of their equipment were deployed in federal missions overseas, like described above, and therefore not available for this domestic mission. In the days that followed, the number of National Guard soldiers in Louisiana reached 23,476—an overwhelming majority, 16,697 members, coming from other states. This cooperation was possible because of interstate agreements under the Emergency Management Assistance Compact, which allowed National Guard personnel from states outside of the hurricane affected area to deploy into the affected area to assist with disaster relief. This level of cooperation was unprecedented in American history as nearly all fifty-four states and territories assisted in the relief effort by providing National Guard forces.

Originally, these National Guard forces were called into state active service. On September 7, 2005, at the request of the chief of the National Guard Bureau, Lieutenant General Blum, the secretary of defense approved transfer of all deployed National Guard

members to a Title 32 status (U.S. Library of Congress 2005a). Under this transfer, National Guard forces still remained under the command of the governor but were authorized to be paid from federal funds. While the National Guard proceeded with their rescue efforts, so did federal forces. It appears that DoD, through USNORTHCOM, began planning and deploying federal assets, what was to be named JTF-Katrina (Joint Task Force-Katrina), prior to receiving specific requests from the lead federal agency, as required by the National Response Plan (U.S. Library of Congress 2005a). The total federal rescue assets ended up being approximately 17,417 active duty personnel, 20 U.S. ships, 360 helicopters, and ninety-three fixed wing aircraft (U.S. Library of Congress 2005a).

Federal forces remained under federal control, while the National Guard remained under Louisiana Governor Kathleen Blanco's control in a Title 32 status despite pressure from Washington for her to relinquish military control and request federalization. Purportedly, a hybrid command and control model with an active duty officer being sworn into the Louisiana Guard, rather than a Louisiana National Guard officer being called to active duty, was advanced by the Bush Administration but rejected by Governor Blanco (Lipton, Schmitt, and Shanker 2005). Because of this, federal officials considered invoking the *Insurrection Act* and putting the state National Guard troops into federal service but decided against it for several reasons (Lipton, Schmitt, and Shanker 2005). Therefore, a non-unified military command and control structure existed during the operation.

Congress is investigating whether or not this command structure and National Guard overseas deployments affected the speed of rescue operations. On the surface, this

also appears to be a variable of the National Guard's duality that may impact its domestic emergency response mission—despite the fact that the U.S. Government claims that the extensive use of the National Guard on expeditionary missions in summer 2005 had a negligible impact on Hurricane Katrina's rescue and recovery efforts (U.S. House 2006b). Next, this chapter reviews the literature on affined existing studies not addressed in the previous sections.

Existing Studies

While the review of the literature did not reveal any existing studies with a primary focus on examining how the National Guard's dual federal-state nature impacts its domestic emergency response mission, many studies have been conducted on the general topics of the National Guard, emergency management, and homeland security—especially after 9/11. Some of these studies have even examined the dual status of the National Guard, but few have studied the impact of the dual status of the National Guard on domestic *emergency response*. Many of the related studies are primarily unpublished recapitulations and analyses of open source data, and there appears to be little original academic research. This may be because public administration scholars have traditionally left this topic up to military professionals at the War Colleges, which typically produces work at the master's level and does not necessarily require an original contribution to knowledge or practice in a final thesis. Additionally, much of the literature either falls into one of two categories: 1) historical literature or 2) government reports.

However, there is a renewed effort for public administration scholars to conduct more research into national security topics to include national defense policy, U.S. military organization and employment policy, terrorism, and homeland security policy (De Arrigunaga 2008). The purpose of this section is to present a high level overview and review the types of existing studies that have been conducted and highlight the findings of these closely related studies to demonstrate how this study begins to fill a gap within the relevant literature. Since over 300 documents were reviewed, much of the literature was incorporated into the previous sections within the appropriate theme, or the literature will be used in subsequent sections of this dissertation as part of the mixed methods research strategy.

One of the closest studies to this research is *The Role of the National Guard in Emergency Preparedness and Response* (1997), by the National Academy of Public Administration (NAPA). However, before this study is discussed, there are three key studies that were the leaping off point for the NAPA study. Each of the previous studies was developed under different mandates to address different concerns. All of these studies had difficulty “recognizing the problem, categorizing it, and framing helpful questions” (National Academy of Public Administration 1997, 91).

First, a 1993 study by the Advisory Committee on Intergovernmental Relations (ACIR) titled *The National Guard: Defending the Nation and the States*, defined the problem as one of intergovernmental relations. This was a very broad definition of the problem that led to a lack of research focus and resultantly vague and broad findings and recommendations. Additionally, this study did not focus exclusively on the Guard’s domestic emergency response missions. Next, a 1994 study by Science Applications

International Corporation (SAIC) titled *Disasters Preparedness Studies Report* examined the problem but focused on preparedness. Although the study was brief and lacked rigorous analysis, it did manage to uncover essential points and was able to define the problem of the National Guard's state mission capacities and made several sensible recommendations (National Academy of Public Administration 1997). Nevertheless, the study was not widely distributed and had overly optimistic conclusions (National Academy of Public Administration 1997).

Finally, the following year, the RAND Corporation published a study titled *Assessing State and Federal Missions of the National Guard*. This study was the result of concerns that a "smaller National Guard would be unable to meet both state and federal mission requirements" (RAND 1995, 1). The study found that the most pressing concern was over the future *size* of the National Guard. The methods of data collection were similar to both this study and the later 1997 NAPA study: researchers conducted interviews at fifteen states and then sent out a survey to fifty-four TAGS. However, rather than a concurrent data collection method, the RAND conducted a sequential design, basing the substance of the surveys on the results of the interviews. The RAND study addressed "the issue of the Guard's ability to meet its state mission *solely* from the perspective of Total Force downsizing" and accepts the prevalent assumption that "state emergency response mission can be done on the margins of the national defense mission" (National Academy of Public Administration 1997, 82). This assumption is based on the belief that the National Guard emergency response mission "does not generate any additional demand at the federal level for National Guard force structure" (RAND 1995,

25). This was an assumption that the NAPA study did not accept as a foregone conclusion.

These previous studies were used as a platform of previous research for a 1997 publication titled *The Role of the National Guard in Emergency Preparedness and Response* by the National Academy of Public Administration (NAPA). While this study recognizes the inherent problems associated with the duality of the National Guard, the main purpose of this study is to “determine the *proper role* [emphasis added] of the National Guard in preparing for and responding to natural disasters and domestic emergencies” and not necessarily the impact of the National Guard’s dual role on emergency response (National Academy of Public Administration 1997, 1). The problem examined by NAPA is not a new one—uncertainty over the proper role of the militia dates back to the colonial era (Stentiford 2002).

Some of the relevant key findings from this study include: 1) there is no simple and permanent solution to enhancing the Guard’s capability to fulfill its state mission—it is replete with complexity, discontinuity, and ambiguity; 2) the Guard is not always efficiently utilized in emergency and disaster response; 3) because the Guard gets its funding from DoD, it gives priority to its defense mission; 4) there is no single best way to structure the relationship between the Guard its counterparts; and 5) mutual aid agreements enhance the Guard’s state emergency management role. The report goes on to make several recommendations, including its main recommendation: DoD should modify its budget and force structure to support a higher priority to the state mission capability of Guard units.

The methods used in *The Role of the National Guard in Emergency Preparedness and Response* (1997) are similar to the methods used in this dissertation—surveys and interviews. Researchers based some of their findings on the results of their survey as it “clarified issues surrounding organizational relations, the use of interstate compacts, and relations between the National Guard and Reserve forces; the results supported the findings of the full project panel” (National Academy of Public Administration 1997, 3). The results of this survey, and the findings in general, from the NAPA study will be compared against the findings and survey results from this dissertation. This will be explained in more detail in the “Methods” chapter of this study.

In 2006, current assistant secretary of defense for homeland defense and America’s security affairs, Christine E. Wormuth, authored a report published through the Center for Strategic and International Studies titled, *The Future of the National Guard and Reserves: Beyond the Goldwater-Nichols Phase III Report*. This comprehensive report examined several aspects of the Guard, including its current and future roles in civil support. Similar to this dissertation, the research team gathered its data through open sources and personal interviews. The report does discuss aspects of the National Guard’s dual status and makes several recommendations to improve the Guard’s civil support mission. The report opines that the DoD continues to hold its civil support mission “at arm’s length,” and recommends that the DoD embrace this mission as a top priority and plan, program, and budget accordingly (Wormuth et al. 2006, x).

One of the most substantial and specific recommendations is forming a regional based Civil Support Force (CSF). This concept would place a CSF in each of the ten

FEMA regions with specific operational organizations and assets⁶¹ placed throughout the various states within the region, under the control of the respective state governor. The Civil Support Forces would be dedicated to domestic civil support and would be “‘copped’ to the adjutant general and governor of the hardest hit state using the Emergency Management Assistant Compact or a similar mechanism” (Wormuth et al. 2006, 75). However, at this time there are no indications that this was ever given consideration in official DoD/NGB channels. Moreover, little emphasis was placed on the Guard’s specific mission of emergency response.

The following year in 2007, the *USA Today* conducted an informal survey with governors, National Guard commanders, and public affairs officers to determine each state’s equipment and preparedness levels for dealing with national disasters. This survey found that many states were not prepared and had significant equipment shortages for domestic emergencies. Eighteen states had 50 percent or less of their equipment on hand and thirty-one states had less than 60 percent. The survey attributed most of the shortages to missions in Iraq and Afghanistan as well as aging equipment. Nevertheless, the major flaw in this survey is that the surveyors did not distinguish between equipment on hand and equipment actually needed to respond to a disaster in their state. Still, like the NAPA survey the results from this survey will be compared against the findings and survey results from this dissertation.

There are several other relevant previous studies worth noting. The most recent and comprehensive report is the *Commission on the National Guard and Reserves* (2008), by the Federal Research Division of the Library of Congress. The main purpose

⁶¹ Joint Forces HQ, medical, CBRNE, maintenance, communication/signals, transportation, military police, and engineering.

of the report is to “assess the reserve component of the U.S. military and to recommend changes to ensure that the National Guard and other reserve components are organized, trained, equipped, compensated, and supported to best meet the needs of U.S. national security” (2008, n.p.). The report underscores several interesting points with respect to the National Guard’s emergency response missions, such as the Guard’s emergency response role is not specified anywhere or written into any law. It goes on to make recommendations, such as the use of dual-hatted military commanders and procuring more critical dual-use equipment “needed for both warfighting and domestic emergency response” (2008, 32). However, the report comes short of examining and describing the impact of the National Guard’s dual status on emergency response.

A number of other government reports provide useful context to the problem of this study, but they are more focused on homeland defense rather than emergency management. Reports from the U.S. Government Accountability Office and the Congressional Research Service (CRS), the investigative and research arms of the government and Congress, respectively, serve as rich sources of non-partisan, detailed, accurate, objective, and timely data. Numerous GAO reports were reviewed, including: *Reserve Forces: Actions Needed to Identify National Guard Domestic Equipment Requirements and Readiness* (2007); *Homeland Defense: DOD Needs to Assess the Structure of U.S. Forces for Domestic Military Missions* (2003); *Homeland Defense Preliminary Observations on How Overseas and Domestic Missions Impact DOD Forces* (2003); *Reserve Forces: Observations on Recent National Guard Use in Overseas*; and *Homeland Missions and Future Challenges* (2004). Information from these reports will be used in conjunction with other methods to help answer the research questions.

Other non-government, academic reports come from the War Colleges, journals, and published books. First, this section reviews the War Colleges. A number of papers from military colleges examine the dual nature of the National Guard or aspects of the Guard's domestic mission. Some of the literature examines the greater dual status of the National Guard. For example, a paper from Air University briefly examines the general impact of the dual status of the National Guard: *The Dual Status of the National Guard and the Total Force*, by Charles T. Huguelet. However, it does not discuss the impact of the National Guard's dual status on its domestic emergency response mission. The paper focuses mostly on the historical background that leads to the dual status and the "impact of the National Guard's legal status on the Total Force" (Huguelet 2002, 2).

However, much of the literature from the War Colleges tends to focus specifically on homeland defense. Moreover, there appears to have been a flurry of academic reports from the War Colleges on the National Guard and homeland defense in the years after 9/11. Such papers include *Homeland Security: Primary Role of the National Guard and the National Security Strategy* (2004), by Mark A. Russo; *Mission Impossible—The Army National Guard and the Global War on Terrorism* (2005) by Scott Thompson; *When Terror Strikes, Who Should Respond* (2001) by Aaron Weiss; *Unity of Command for Homeland Security: Title 32, Title 10, or a Combination* (2006) by John Ebbighausen; *Active Duty and Reserve Component Roles in America's Homeland Defense* (2000) by Michael Jackson; *The Evolving Role of the National Guard for Homeland Security* (2005) by Steve Mahoney; *Securing the Homeland—How Should the Army Fulfill its Role* (2005) by Gerald Ketchum; and *The Army National Guard: Operational Reserve or Homeland Security Force* (1994), by Kristian J. Kirkland. However, none of the

aforementioned papers have original research focusing exclusively on the topic of this dissertation—emergency response.

Next, several journals also examine aspects of the National Guard and emergency management. After 9/11 several journals emerged such as the *Journal of Homeland Security and Emergency Management*, the *Homeland Defense Journal*, the *Journal of Emergency Management*, the *Journal of Homeland Security*, and *Homeland Security Affairs*. Additionally, traditional journals such as the *Public Administration Review* have increasingly been publishing more homeland security and emergency management papers. Some of these papers include original research from university scholars. Some of these include *Business “Not” as Usual: The National Incident Management System, Federalism, and Leadership* (2007) by William Lester; *Changing of the Guard* (2007) by Matthew Jones; *Emergency Management and the Intergovernmental System* (1985) by Mushkatel and Weschler; and *Imperfect Federalism: The Intergovernmental Partnership for Homeland Security* (2006) by Peter Eisinger. Although some public administration studies have been conducted on emergency management and homeland security, they have focused mainly on emergency institutions or governmental systems, such as federalism, and not on the National Guard and its emergency response mission.

Finally, several published books and reports contribute to the existing studies. *Army Forces for Homeland Security* by the RAND Corporation “explores whether the Army should do more to hedge against the risks of being inadequately prepared for HLS [Homeland Security] tasks” (Davis 2004, xi). It makes several recommendations that could strengthen the National Guard’s ability to conduct its domestic missions, including

increased funding for homeland security and domestic emergencies and the dedicating of military forces to homeland security and emergencies exclusively.

Next, *Military Organizations for Homeland Defense and Smaller-Scale Contingencies* (2006) by Kevin Stringer is a comparative study that examines the use of the military for military operations other than war. Stringer compares organizational models of the Swiss, Israeli, British, and Norwegian Armies with possible organizations for the U.S. military. Using this logic, he recommends creating several homeland defense and emergency management military units focused exclusively on civil support, border operations and civil support, disaster relief, and critical infrastructure protection. In summary, Stringer advocated separating the military's domestic and expeditionary missions into two unique functions.

Finally, one book that emphasizes the impact of the dual status of the National Guard, but has more of a historic focus is *The American Home Guard: The State Militia in the Twentieth Century* (2002) by Barry M. Stentiford. Stentiford analyzes the challenges of the Guard, including aspects of the dual status, and he examines the role of the National Guard. Recognizing the implications of the dual mission, Stentiford writes on the very first page of his book, "when militiamen depart their homes on expeditionary missions, they leave their communities unprotected" (2002, 5). However, the intent of his books is primarily to provide historical context and not new findings.

The aforementioned literature is only intended to provide a sample of some of the key pieces of literature that were examined as part of this literature review but not necessarily addressed in the previous sections. Again, while there is plenty written on the National Guard, emergency management, and homeland security, few papers examine the

impact the Guard's dual status has on its domestic emergency response role. Additionally, Cannon (1993) writes that studies of disasters and response systems are incomplete and anecdotal. Jerry Cooper (1993) found that literature on the Guard's duties to provide assistance to civil authorities is limited and incomplete. Similarly, Waugh found similar findings but specific to public administration and he states, "The need for public administration research in emergency management is clear" (2005, 3). Until more research is conducted and we can begin to fully understand the problem and all of its variables, the citizens of the United States are at danger and the public administrators remain uninformed.

CHAPTER THREE

PROCEDURES

Characteristics of Mixed Methods Research

While traditional research has used either strictly quantitative or qualitative methods, “today most political studies employ a research design that *combines* elements of both approaches” (McNabb 2004, 4). Creswell asserts that using either or quantitative or qualitative exclusively “falls short of the major approaches being used today in social and human sciences” (2004, 4). This mixture of research methods has been coined *mixed methods* and has recently developed into an independent and distinct research approach, which is described as the “third methodological movement” (Teddlie and Tashakkori 2009, 4). Teddlie and Creswell define mixed methods research as a method in which “the investigator collects and analyzes data, integrates the findings, and draws inferences using both qualitative and quantitative approaches or methods in a single study or program of inquiry” (2007, 4). The goal of mixed methods research is not to replace quantitative or qualitative methods “but rather draw from the strengths and minimize the weakness” (Johnson and Onwuegbuzie 2004, 14-15).

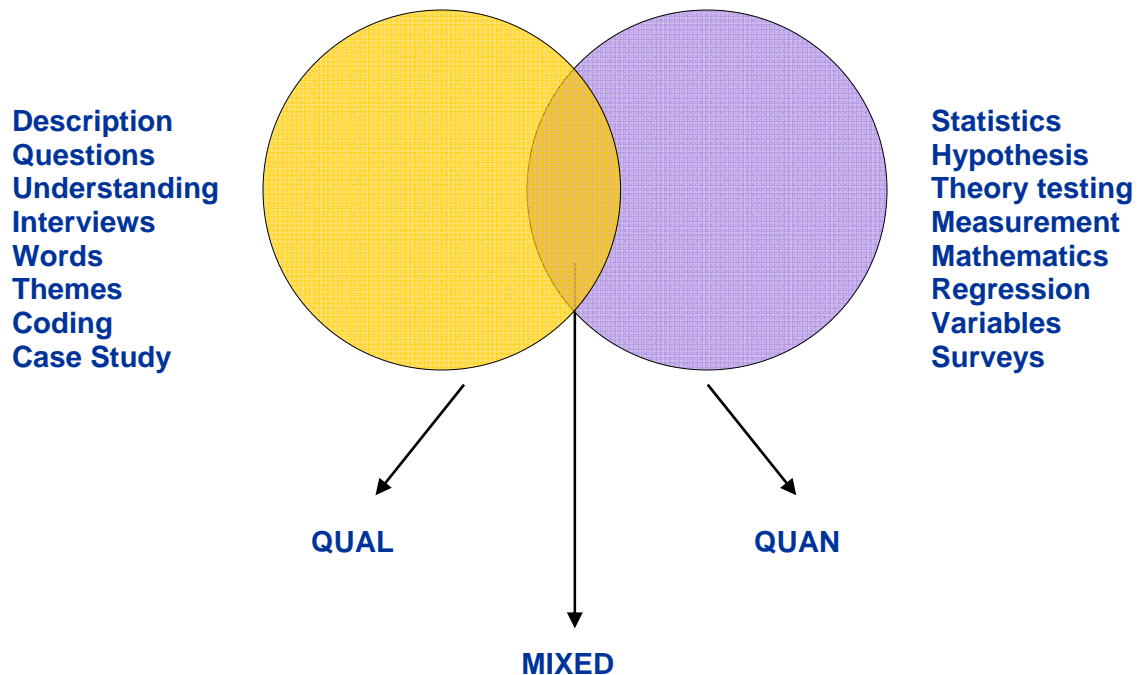


Figure 16. Characteristics of mixed methods research illustration.

Mixed methods research got its start in 1959 when Campbell and Fisk used a mixed method data collection approach to conduct a physiological study (Creswell 2009). Over the decades, researchers progressed from mixed methods data collection to mixed methods data integration (Creswell 2009). Despite the fact that mixed methods research is relatively new and “still in its adolescent,” it has become an accepted research method and its core is grounded in the legitimacy of quantitative and qualitative methods (Teddlie and Tashakkori 2009, 4). Over the past two decades the mixed methods approach has progressively developed and is now a frequent method used in published articles and journals of the social and human sciences. Furthermore, similar to its more traditional counterparts, several handbooks and manuals now exist and are expanding. For example, in Creswell’s 1st edition of *Research Design* (1994) he did not address mixed methods—only quantitative and qualitative methods. However, in Creswell’s 2nd

edition (2003) he dedicated one third of the book toward mixed methods research. Trends are similar with other authors of research design literature. Additionally, in 2007 SAGE Publications launched the *Journal of Mixed Methods Research*, a quarterly publication, to add to the literature of mixed methods research.

Several types of mixed methods strategies exist and are expounded by Creswell (2003 and 2009). First, the researcher must determine how the data will be implemented: that is, whether the quantitative and qualitative data is collected in phases, a sequential strategy, or whether the data will be collected at the same time, a concurrent strategy (Creswell 2003). Next, the researcher should decide on a research priority: whether to weight the quantitative and qualitative aspects evenly or give a greater priority to one over the other (Creswell 2003). Many studies are likely to have some sort of predominance and “*tend* to be more quantitative or qualitative in nature” (Creswell 2003, 4).

Then, the researcher should determine how the data will be integrated: particularly, at what stage or stages of research should the data be mixed (Creswell 2003). Finally, the researcher should give consideration on whether or not a theory or theoretical lens or perspective will guide the study (Creswell 2009). While many research experts believe that the use of theory or a guiding theoretical lens is optional and depends on the type of design, others like Sharan Merriam argue its importance and believe “it would be difficult to imagine a study *without* a theoretical or conceptual framework” (1998, 45). However, more contemporary literature suggests that the use of theory in mixed methods research is optional (Creswell 2009).

Mixed methods research has several advantages and disadvantages. The main advantage is that mixed methods harnesses the advantages of both quantitative and qualitative research. Sechrest and Sidani note that qualitative and quantitative methods are complementary and mixed methods research is “good science” (1995, 77). They go further to state that using both methods give a “closer approximation to the truth” than one method alone (Sechrest and Sidani 1995, 77). Johnson and Onwuegbuzie emphasize the details of these characteristics, but noting the following strengths on mixed methods research:

- Words, pictures, and narrative can be used to add meaning to numbers.
- Numbers can be used to add precision to words, pictures, and narrative.
- Can provide quantitative and qualitative research strengths . . .
- Researcher can generate and test a grounded theory.
- Can answer a broader and more complete range of research questions because the researcher is not confined to a single method or approach.
- The specific mixed *research designs* discussed in this article have specific strengths and weaknesses that should be considered . . .
- A researcher can use the strengths of an additional method to overcome the weaknesses in another method by using both in a research study.
- Can provide stronger evidence for a conclusion through convergence and corroboration of findings.
- Can add insights and understanding that might be missed when only a single method is used.
- Can be used to increase the generalizability of the results.
- Qualitative and quantitative research used together produce more complete knowledge necessary to inform theory and practice. (2004, 20)

Although mixed methods research has many strengths, it also has some weaknesses and challenges. Specifically, with regard to conducting the research itself mixed methods requires more extensive, time-consuming data collection and

interpretation, and it requires the researcher to be intimately familiar with both quantitative and qualitative forms (Creswell 2003). Johnson and Onwuegbuzie emphasize the following weaknesses:

- Can be difficult for a single researcher to carry out both qualitative and quantitative research, especially if two or more approaches are expected to be used concurrently; it may require a research team.
- Researcher has to learn about multiple methods and approaches and understand how to mix them appropriately.
- Methodological purists contend that one should always work within either a qualitative or a quantitative paradigm.
- More expensive.
- More time consuming.
- Some of the details of mixed research remain to be worked out fully by research methodologists (e.g., problems of paradigm mixing, how to qualitatively analyze quantitative data, how to interpret conflicting results). (2004, 21)

Despite the fact that mixed methods research has these weaknesses, the advantages generally outweigh the disadvantages. Moreover, *all* research methods have weaknesses (Johnson and Onwuegbuzie 2004); it is the responsibility of the researcher to choose a method that best fits his research strategy and can best address the research problem, capitalize the personal experiences of the researcher, and be presented and written in a way that best serves the intended audience (Creswell 2003). The following section will identify and expound the type of mixed methods research design chosen for this study.

Type of Mixed Methods Design

The dissertation is an applied research study with direct relevance to a practical and contemporary problem affecting policy makers and administrators at all levels of

government. Applied research is intended “solve *practical problems* of the modern world, rather than to acquired knowledge for knowledge’s sake” (U.S. Department of Energy 2009, n.p.). This type of research is appropriate for the discipline and is inline with expectations as “the bulk of public administration research is applied research” (McNabb 2004, 151). Additionally, the results of this study may be of more interest to public administrators as applied research generally receives more attention than basic research because it produces “more immediate and practical results” (Johnson and Onwuegbuzie 2004, 19). Using a mixed methods design offers several advantages for applied research (Sng and Gribovskaya 2008).

A mixed methods procedure is the best method for conducting this study because of the relative advantages of mixed methods research over independent methods, as described above. Specifically, mixed method was chosen because it allows “a researcher to measure trends, prevalences, and outcomes and at the same time examine meaning, context, and process” (Creswell and Plano Clark 2007, 175). As touched on earlier, there are several different mixed methods designs to choose from and there are four key decisions that do into selecting a mixed methods design: implementation, priority, integration, and theory (Creswell 2003).

This study uses a mixed methods concurrent nested strategy with qualitative predominance as described by Creswell (2003). The strategy collects both qualitative and quantitative data during one data collection phase. The concurrent nested strategy is similar to the more traditional concurrent triangulation model, but a nested approach “has a predominant method that guides the project” (Creswell 2003, 218). Still important, but given less priority in this study, the quantitative method is embedded, or nested, within

the qualitative method. Both types of data are collected and then mixed during the analysis phase of the study. Finally, since this is an applied research exploratory study, the principles of American federalism and intergovernmental relations are the implicit guiding theoretical lens throughout the study, rather than an explicit use, such as theory testing and verification. Figure 17 in the following section has been adopted from Creswell et al. (2003) and modified to illustrate and summarize that strategy chosen for this study.

The purpose of selecting a mixed methods concurrent nested strategy is to gain a broader perspective by using both types of data as opposed to using qualitative data alone. This strategy will also allow the researcher to answer a diverse set of research questions more thoroughly by using different types of data. Creswell and Plano Clark corroborate this statement by affirming that the premise of the nested design is that a “single data set alone is not sufficient, that different questions need to be answered, and that each type of question requires different type of data” (2007, 67).

Additionally, while some of the qualitative data being analyzed is secondary data, the quantitative aspect of this research, a questionnaire, gives this research an additional element of originality and a way to benchmark, compare, and contrast the qualitative data. Furthermore, Tashakkori and Teddlie (1998) note that a concurrent nested strategy of mixed methods research project allows multilevel approach of gathering data, using qualitative or quantitative approaches as appropriate. For example, while some semi-structured qualitative style personal interviews will be used for senior level administrators who have a panoramic view of their organization (such as the NGB, FEMA, USNORTHCOM, etc), a quantitative style survey instrument will be

administered to the fifty-four state adjutant generals to summarize their trends, attitudes, and opinions and to gather other relevant information—where fifty-four personal interviews would not be an efficient or productive method.

The qualitative predominance aspect of this strategy seems to be appropriate match between the research problem and the approach as the research is exploratory. Creswell writes this is appropriate when “a concept or phenomenon that needs to be understood as little research has been done on it” and when “the researcher does not know the important variables to examine” (2003, 22). Janice Morse (1991) agrees and believes that a more qualitative approach is best when the topic is new, has never been addressed with a certain sample or group of people, or when existing theories do not apply. Qualitative research assumes that “reality is a social and subjective construct” and that “variables are too interwoven to measure, especially without a contextual framework” (Studentvoice 2009, n.p.). Therefore, qualitative research first aims to investigate and understand a phenomenon through an “inductive scientific method which begins with specific observations and moves toward general conclusions” (Studentvoice 2009, n.p.). David McNabb (2004) notes that this style of qualitative oriented research tends to be a more flexible research process and researchers often follow where the data leaves them.

Using a mixed methods research has many strengths. Primarily, the concurrent nested strategy harnesses the advantages of both quantitative and qualitative research methods. The premise of the nested design is that a “single data set alone is not sufficient, that different questions need to be answered, and that each type of question requires different type of data” (Creswell and Plano Clark 2007, 67). This allows a more

diverse set of research questions and allows the researcher to view the questions more holistically and respond more thoroughly. The concurrent nested strategy also allows the researcher to “gain perspectives from the different types of data or from different levels within the study” (Creswell 2003, 218). Additionally, Morse (1991) noted that a qualitative design with embedded quantitative data, such as the method proposed in this study, could enrich the description of the participants. The following section provides a visual model and procedures for the strategy discussed above.

Visual Models and Procedures of the Design

Research proposals should not only contain a description of the research design but also a visual model of the design and basic procedures for implementing the strategy (Creswell 2003). As previously detailed, this design uses a mixed methods concurrent nested strategy. In this strategy, there is a qualitative predominance, both types of data are collected concurrently and then integrated during the analysis phase of the study, and the principles of American federalism and intergovernmental relations are the implicit guiding theoretical lens throughout the study. Figure 17 below is adopted from Creswell et al (2003) and modified to illustrate and summarize the strategy chosen for this study among the full decision choices. Finally, figure 18 below is modified from Creswell (2009) to illustrate the basic concept of a mixed methods concurrent nested strategy with a qualitative predominance.

Implementation	Priority	Integration	Theoretical Perspective
<u>No Sequence (Concurrent)</u>	Equal	At Data Collection	Explicit
Sequential Qualitative First	<u>Qualitative</u>	<u>At Data Analysis</u>	
Sequential Quantitative First	Quantitative	At Data Interpretation	<u>Implicit</u>
		With Some Combination	

Figure 17. Decision choices for determining a mixed methods strategy of inquiry.

Concurrent Nested Strategy with Qualitative Predominance

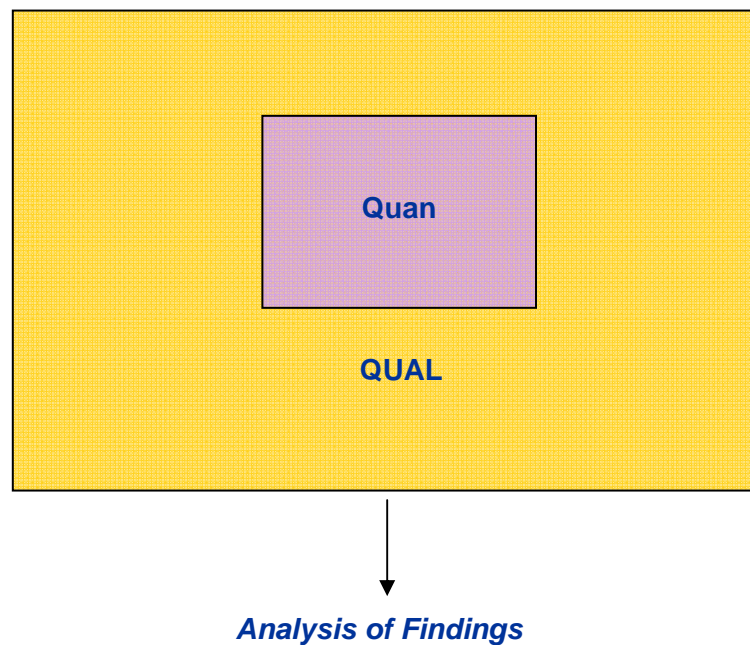


Figure 18. Basic concept of proposed strategy.

Data Collection Procedures

This section identifies the sampling strategies used in collecting the data. McNabb (2004) writes, “The primary building block of all research is *data*” (2004, 433). Therefore, in order for a researcher to make tenable conclusions on the research, the data must be identified and collected in a methodical and appropriate manner. In accordance with the most suitable strategy identified for this study, both quantitative and qualitative data will be collected. Figure 19 illustrates the data collection methods used in this study. Additionally, this study will use both primary and secondary data and this is indicated in figure 19 as “P” for *primary* and “S” for *secondary*. All data will be collected concurrently between July 2009 and December 2009 and then subsequently analyzed. The following section reviews the qualitative and quantitative data collection procedures.

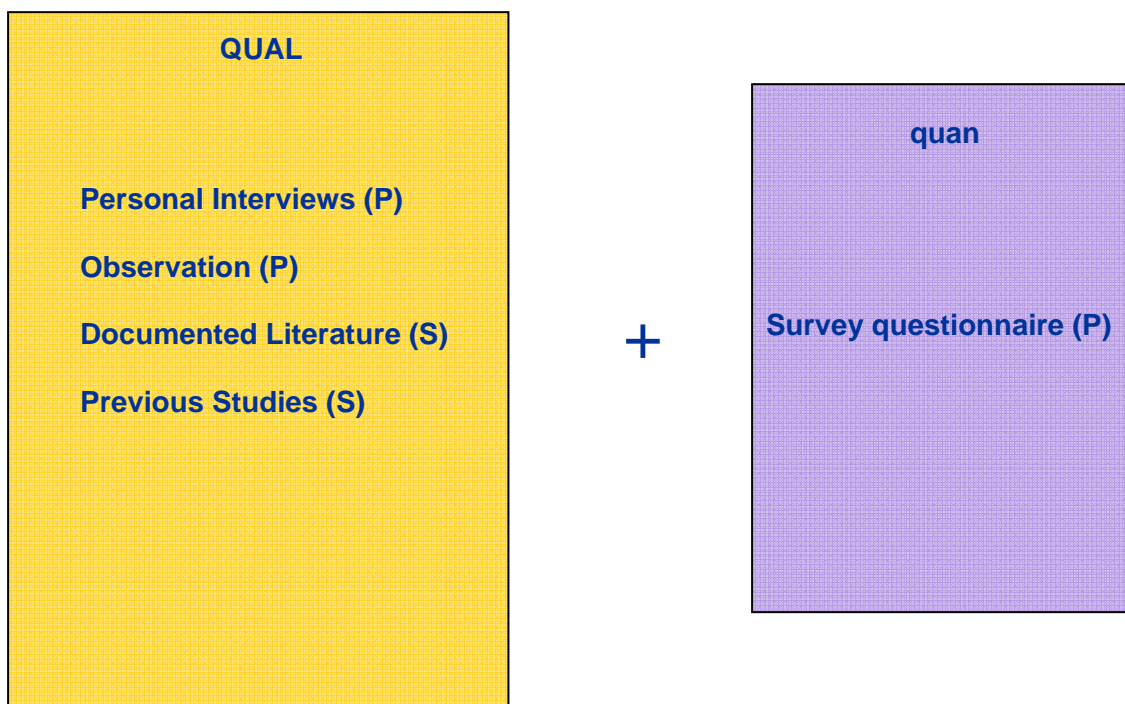


Figure 19. Data collection methods.

Creswell writes, “Qualitative data uses multiple methods that are interactive and humanistic” (2007, 181). The qualitative data collected for this study are personal interviews and observation, which are primary empirical data; and documented literature and previous studies, which are secondary data. Much of qualitative data collection relies on the *researcher* as the primary instrument of data collection and analysis (Masucci 2009). Qualitative data collection can be much more time consuming and is more deliberate than quantitative data collection. Additionally, the interpersonal skills of the researcher—the ability to listen, understand, and ask poignant questions—are of paramount importance with qualitative data collection. However, the results can be detailed, thick descriptions that provide a more holistic and comprehensive understanding of the problem, which is best to understand problems of complex interdependencies—such as the National Guard.

The main qualitative source of data comes from personal interview and observations, which are empirical primary data. Personal interviews will be conducted with a number of senior level administrators who possess omniscient and panoramic views on their organizations. When possible, the interviews will be conducted in a personal face-to-face manner; however, telephone interviews are an acceptable substitute and may need to be used due to time constraints or geographical limitations. Interviews will be conducted between July and December, allowing time for follow-up, if necessary, in early January. No group interviews will be conducted. With permission from the interviewee, interviews will be recorded by electronic means for future reference. Additionally, interview notes will be taken manually. Full, recorded interviews and

interview notes will not be transcribed as part of the data collection process but will remain on file with the researcher.

Interviews will be conducted in a semi-structured manner, using open ended questions. Many of the interview topics will be similar to those found in the survey in appendix E. An outline to the interviews is found in appendix F. An outline to the interviews is found in appendix F. This semi-structured interview will allow the researcher to have “some established general topics for investigation” and will allow for “comparison between answers,” but it will also allow “for the exploration of emergent themes and ideas rather than relying only on concepts and questions defined in advance of the interview” (Universities of Essex and Manchester 2007, 5). However, potential interviewee biases and the interviewees’ inability to articulate their thoughts are potential disadvantages to interviewing (Creswell 2003).

Below is a list of the proposed interviewees. Some of the interviewees have already agreed to participate in an interview for this research project and others have not yet been approached at the prospectus stage. These interviewees were selected because their organization is pivotal to examining the research problem at hand. Additionally, the proposed interviewees are believed to have omniscient and panoramic views of their organizations and the greater landscape surrounding the related issues. The proposed interviewees also represent a diverse range of stakeholders in order to provide a broader and more comprehensive picture.

In some cases, the interviewees may choose to send a representative to the interview, rather than participating in the interview himself. If this occurs, the proposed substitute will be interviewed; however the interview may not yield as quality data. Also,

interviewing all of the proposed participations or substitutes from their organization is not a criterion for success. Actually, despite best efforts it may not be possible to actually interview all of the proposed interviewees or even a viable substitute from their respective organization due to unforeseen obstacles or the participations or organization's unwillingness to participate. A list of actual persons interviewed is presented in chapter four of this dissertation. Proposed interviewees include:

- Major General Retired Harold Sykora, retired Adjutant General of South Dakota and Chairman of the National Guard Association United States (NGAUS) Joint Task Force on Homeland Security.
- Major General Greg Wayt, Adjutant General of Ohio and President of the Adjutant Generals Association.
- Brigadier General (NY) Ferg Foley, Current Commander of the New York State Defense Forces, former Commander in the New York National Guard, former Chief of Staff and Acting Commander for the Joint Task Force Operation World Trade Center (9/11 attacks), and current member of the Joint Task Force on Homeland Security.
- Honorable Tom Ridge, former Secretary of Homeland Security and former Governor of Pennsylvania and Commander in Chief of the PA National Guard.
- Honorable Michael Chertoff, former Secretary of Homeland Security.
- Major General (VA) John Taylor, President, The State Guard Association of the United States (State Defense Forces) and Commander of the Virginia State Defense Forces.

- Deborah Lee James, Senior Vice President SAIC and former Assistant Secretary of Defense for Reserve Affairs.
- General Craig R. McKinley is Chief, National Guard Bureau.
- Nancy Dragani, Director of Ohio Emergency Management and President of the National Emergency Management Association.
- Russel L. Honoré. Retired Lieutenant General and former commander of Joint Task Force Katrina.
- Hon. Christine E. Wormuth, Principal Deputy Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.
- Lieutenant General H Steven Blum, Deputy Commander of USNORTHCOM.
- Timothy Manning, Deputy Administrator of FEMA, National Preparedness.
- Dennis Schrader, Former Deputy Administrator of FEMA, National Preparedness and President of DRS, LLC.
- Juliette Kayyem, DHS Assistant Secretary, Office of Intergovernmental Programs.
- Edmund M. Sexton, Sr., DHS Assistant Secretary, State and Local Law Enforcement.

In addition to interviews, observations will also be conducted and will provide another source of primary data. The observation method will be “complete observation” where the “researcher observes without participation” (Creswell 2003, 186). Observations, sometimes referred to “time in the field,” allows the researcher to gain firsthand experience while exploring the topic. Observations include studying the

participants in their natural setting, taking “fieldnotes on behaviors and activities of the individuals at the research site” (Creswell 2007, 185). Additionally, observations allow for the determination of “participant perspectives, attitudes, attributions,” do “not limit outcomes,” and allow for “direct quotes capturing participant perspectives and experience” (Masucci 2009, 2). The researcher plans on observing several relevant events, some of which are described below. A list of actual events attended is presented in chapter four of this dissertation.

- NGAUS Joint Homeland Defense/Homeland Security Task Force Meeting; National Guard Association of the United States.
- National Guard Association of the United States Annual Meeting; U.S. National Guard.
- The National Guard in the Era of Persistent Conflict; The Heritage Foundation.
- Emergency Management: United We Stand; International Association of Emergency Managers.
- Homeland Defense and Security in Transition: Threats. Priorities. Initiatives; National Homeland Defense Foundation.

Next, secondary qualitative data from documented literature and previous studies will supplement the primary qualitative data. In addition to the reasons addressed in the previous section, another factor used in determining qualitative predominate nature of this study, verses an equal priority or quantitative predominance, is due to the sheer amount of documented literature available from which to draw analysis upon. While this

study is unique in its own way and a review of the literature has revealed that no other exact studies exist to this proposed study, the literature is replete on affined topics. The documented literature will be transformed from text data into information and analyzed to answer the research questions and present recommendations and conclusions.

The documented literature include books, periodicals, published reports, films, unpublished literature; local, state, and federal government documents; professional associations papers and reports; college and university documents; consultants' research reports; meeting minutes; commercial databases; and internal documents, such as e-mails, policy papers, and memorandums (McNabb 2004). Since the documented literature is secondary data, keen awareness will be placed on the source of the data and the reason it was originally collected. Most of this secondary data, while plentiful and beneficial, was collected and intended for research with aims other than those proposed in this study. Additionally, the legitimacy of the source and potential conflicts of interest will have to be taken into consideration. For example, knowing whether the literature was authored from a knowingly bias organization or whether the literature or study was funded by an advocacy group is all helpful information when determining the legitimacy of the source or potential conflicts of interest. To ensure the data is sound, the secondary data will be checked for accuracy, age, and quality.

While most of the data will come from qualitative sources, some primary quantitative data will be obtained from survey questionnaires. The survey is found in appendix E of this document. In appendix E, each of the questions is marked indicating how the question relates to the research questions and previous studies. The

questionnaire will be sent to each of the fifty-four National Guard adjutant generals.⁶² All of the participants will be surveyed through an online questionnaire administered through SurveyMonkey, a private company that enables web-based surveys. The survey will be available for approximately two weeks beginning in December. The SurveyMonkey survey link has been pretested for workability on a U.S. government computer; the link worked and there is little risk of firewall or other technical blocks. The questionnaire uses a number of different types of questions in its design—including open format, closed format, likert, ordinal, dichotomous, important, bipolar, and rating. The survey will also have a section for participants to qualitatively express or clarify positions through the use of open remarks, which may not be best expressed through the survey questions.

Response rates vary significantly depending on several factors including length, respondent contacts, design, research affiliation, and compensation (Sheehan 2001). Since there are only fifty-four states and territories, the population is small and maximum participation is paramount. To ensure a maximum response rate, the support has been gained of Major General Greg Wayt, President of the Adjutant Generals Association; he vowed to assist with the administration of the surveys by distributing them via the Adjutants General Association of the United States (AGAUS) web site and supporting the research effort. Additionally, Major General Harold Sykora, retired Adjutant General of South Dakota and Chairman of the National Guard Association United States

⁶² During the prospectus stage, consideration was given to conducting two simultaneous surveys—one for the TAGs and the other for the state emergency management directors. The analysis could then have compared the two surveys between the population groups. However, for a number of reasons, including the fact that many TAGs are the state's emergency management director, this additional survey was withdrawn. Instead, the data from the survey will be compared against previous studies, and if the findings from this study warrant a survey of state emergency management directors to help clarify the problem, then that will be recommended as a follow-on study.

(NGAUS) Joint Task Force on Homeland Security, has also vowed his support for the research.

On average, over half of the survey responses are likely to be received within the first 24 hours and seven out of eight surveys are received within the first week (Hamilton 2003). If there is a low response rate within the first week, additional reminders will be sent out in accordance with the proposed schedule found in appendix G. Kim Sheehan (2001) notes that a post follow-up contact increases the response rate of e-mail surveys by 25 percent on average. If necessary the availability of the survey will be extended. For this study a successful response rate for a census survey of fifty-four is considered seventeen or higher from the population group (Callahan 2009). A response rate of seventeen equates to 31 percent, which is about the average response rate for online surveys (Sheehan 2001). However, in the field of public administration, “there appears to be no agreed upon standard for a minimum acceptable response rate” (Majumdar 2007, 250). After best efforts to increase the response rate, if less than seventeen participants respond, the data collected will still be reported and analyzed. Research in the field of political science shows that even surveys with very low response rates can be just as accurate, and sometimes more accurate, than surveys with high response rates (Visser et al. 1996).

Once gathered, this quantitative data will be simultaneously analyzed with qualitative data gathered from interviews, open source government data, documented literature, and previous studies—particularly it will compare the results against similar questions that were asked in the 1997 study from the National Academy of Public Administration titled *The Role of the National Guard in Emergency Preparedness and*

Response and a 2007 survey on National Guard readiness conducted by *USA Today*. The new data collected from the survey can be benchmarked against the data collected in these two reports. How all of this qualitative and quantitative data will be analyzed and verified is expounded in the following section.

Data Analysis and Validity Procedures

It is important to note that mixed methods research not only mixes data collection techniques, but also mixes analysis of that data (Tashakkori and Teddlie 1998). Regardless of how data is gathered, in its raw state data has “little or no intrinsic meaning” (McNabb 2004, 433). *Data* must be transformed into *information* and interpreted to relate “to the original study question and research objectives” (McNabb 2004, 75). Essentially, the data must be analyzed to make sense of it and to make an interpretation of its larger meaning (Creswell 2003). Tashakkori and Teddlie describe mixed methods data analysis as a process whereby quantitative and qualitative data analysis strategies are “combined, connected, or integrated in research studies” (2009, 263). Additionally, validating the accuracy of the data and mitigating threats to validity are key to providing defensible findings. This section first discusses data analysis procedures and then it discusses validity procedures employed during this study.

Although this is a mixed methods research design, the preponderance of the data will be qualitative. Since this research has a qualitative predominance, the data collected and subsequently analyzed will be largely qualitative and the quantitative data will be used to reinforce the qualitative data. This means that much of the analysis will be “fundamentally interpretative developing a description of an individual or setting,

analyzing data for themes or categories, and finally making an interpretation or drawing conclusions about its meaning personally or theoretically, stating the lessons learned, and offering further questions to be asked” (Creswell 2003, 182). Additionally, the data analysis is inductive, where the research is built from the “ground up” rather than “handed down entirely from a theory or from the perspectives from the inquirer” (Creswell 2007, 19). Despite the qualitative predominance, some quantitative data will also be integrated in at data analysis in a mixed methods fashion.

Using mixed methods research, several approaches exist for analyzing the data. Analysis can occur *within* the quantitative approach, *within* the qualitative approach but most often *between* the two approaches (Creswell 2003). In accordance with the mixed methods concurrent nested strategy, the data is integrated between the two approaches and at time of analysis. Creswell suggests that in a concurrent mixed methods study “analysis and interpretation combines the two forms of data [quantitative and qualitative] to seek convergence among the results” (2003, 222). However, the analysis “does not clearly make a distinction between the quantitative and qualitative phases,” essentially it is seamless (Creswell 2003, 222). While the mixed methods approach takes advantage of data triangulation, the concurrent nested strategy “results in unequal evidence within a study” because the two methods are unequal in their priority, “which may be a disadvantage when interpreting the final results” (Creswell 2003, 219).

This study will use *data transformation* and *multilevel analysis* as the two main data analysis approaches—both are appropriate approaches for a concurrent nested strategy (Caracelli and Greene 1993; Tashakkori and Teddlie 1998). Since the data collected will be primarily qualitative in nature and this strategy has a qualitative

predominance, data transformation from some quantitative data to qualitative information will occur during the analysis phase. Creswell explains that using quantitative “data from a scale on an instrument, the researcher may create factors or themes that can then be compared with the themes from the qualitative database” (2003, 221). This approach allows researcher to compare quantitative data with qualitative results. Consistent with a qualitative predominance, the generation of emergent themes that evolve from the study will be identified and addressed. Additionally, because qualitative dominate research is fundamentally interpretative, much of the findings will be based on the researcher’s interpretations of the data and will tend to have “broad, panoramic views rather than micro-analyses” (Creswell 2003, 182).

Also, the results of this survey will be compared and contrasted not only against the other data collected in this study, but also against the results of similar studies and surveys that were conducted, such as the 1997 report from the National Academy of Public Administration titled *The Role of the National Guard in Emergency Preparedness and Response* and a 2007 survey conducted by *USA Today*. Actually, some of the questions from the survey in this study will be the same questions asked in the NAPA study. This gives the ability to compare and contrast the differences between results in a time series style analysis to see if responses have changes, how they have changed, and attempt to derive cause or meaning of this change. As Stringer wrote, “Through comparative studies, political scientists can compensate for the lack of laboratory experiments” (2006, 4).

Next, a method proposed by Tashakkori and Teddlie (1998) later endorsed by Creswell (2003 and 2009) involves a multilevel approach to examining the data. The

multilevel approach involves simultaneously examining data gathered from different levels within an organization. Tashakkori and Teddlie (1998) go on to affirm that the multilevel approach is even appropriate when different data collection methods (i.e. quantitative and qualitative) are used at different levels of the organization, such as the case with the National Guard (e.g. examining the Guard at the state level through the Adjutant General and the National Guard Bureau at the federal level through interviews). This approach is a commonly used in concurrent nested strategies and allows the researcher to analyze the data to reach “more comprehensive inferences” (Creswell 2003; Tashakkori and Teddlie 1998, 48). The multilevel approach will be secondary and complementary, used within the data transformation approach as the primary approach guiding the integration and analysis. Figure 20 illustrates the data analysis.

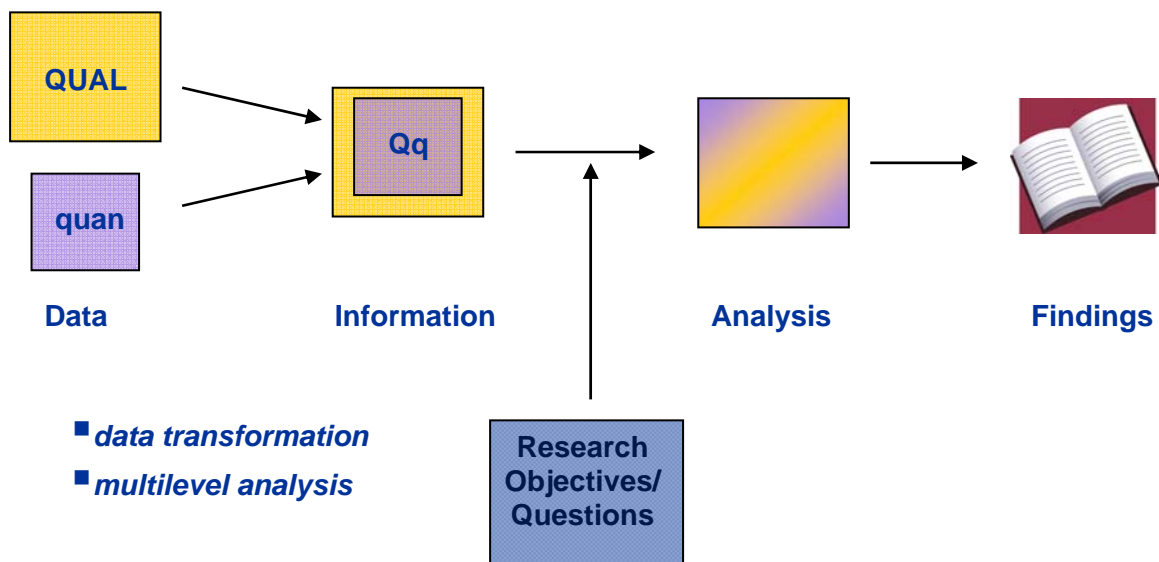


Figure 20. Illustration of data analysis.

In addition to sound data analysis procedures, validating the accuracy of the data and mitigating threats to validity are key to providing defensible findings. If not properly

addressed, both aspects—validation and validity—could potentially raise issues on the researcher's ability to make conclusions and recommendations, consequently jeopardizing the entire study. Threats to validity should be addressed primarily before the study begins and validating the accuracy of the data should occur throughout every step in the research (Creswell 2003). In general, threats to validity are associated with quantitative methods and validating the accuracy of the data is associated with qualitative methods (Creswell 2003). Since this mixed methods study employs both quantitative and qualitative methods, it is necessary to review both.

Threats to validity can include external threats, internal threats, statistical conclusion, and construct validity (Creswell 2003). Research expert David Gray identifies external validity as “one of the most problematic issues” (2004, 136). External threats arise when researchers “draw incorrect inferences from the sample data to other persons, other settings, and past or future situations” (Creswell 2003, 171). However, this study embarks with the presumption that many aspects of the findings will have little generalizability to other groups or events outside the immediate scope of this study. Threats to internal validity include a number of weaknesses or changes in the procedures of the research; Campbell (1969) identifies nine different possible threats to internal validity: selection, history, maturation, repeated testing, instrumentation, regression to the mean, experimental mortality, selection-maturation interaction, and experimenter bias.

After reviewing these potential threats, they all have an extremely low probability of actually producing an internal threat or are not applicable. Next, problems with statistical conclusions arise when researchers fail to use adequate statistical power or fail to adhere to statistical assumptions (Creswell 2003). However, since the data obtained

from surveys will mostly be transformed into qualitative information, there is a negligible risk of this occurring. Finally, threats to construct validity occur when “investigators use inadequate definitions and measurements of variables” (Creswell 2003, 171). To avoid this, terms and variables will be clearly defined at the start of the research and will be consistent throughout the data collection process. Moreover, each of the data collection methods will have a direct link to and explanation of the variable that is being measured or described.

For qualitative research, validity does not carry the same connotations as it does for quantitative research (Golafshani 2003). It does not relate to reliability or generalizability; instead, it refers to validation of the findings (Creswell 2003). Creswell defines validation procedures as a “series of steps taken to check the validity of both the quantitative data and the accuracy of the qualitative findings” (2003, 221). Tashakkori and Teddlie (1998) go on to specifically state that in mixed methods research the researcher *must* use validation procedures in *both* qualitative and quantitative phases of the study. Validation will occur throughout the process of research rather than as a specific step. Throughout this study, several countermeasures will be implemented in order to validate the accuracy of the data, as recommended by Creswell (2009).

While efforts will be made to use as many validation methods as possible, at a minimum the study will employ triangulation (a key concept in mixed methods research), member-checking, bias clarification, discrepant information, prolonged time, peer debriefing, and external auditor. Using the triangulation method, and consistent with the philosophy of mixed methods, multiple data sources (e.g. surveys, interviews, documented literature) will be used to examine the evidence in order to build a cohesive

justification for themes. Triangulation not only strengthens internal validity, but reliability as well (Merriam 1998). This study will also use member-checking with the participants, mostly those interviewed, to determine whether they feel that the findings are accurate. If they disagree with the findings, the researcher will examine their opinion and make notes or changes as appropriate. Bias clarification has already been conducted as part of the prospectus process and is discussed further in the section titled “The Role of the Researcher.”

The researcher has also gained and will continue to develop an in-depth understanding of the organization, procedures, and policies by having and continuing to spend time in “the field” conducting observations. This will also lead to more credibility during the final chapters of this dissertation when findings, conclusions, and recommendations are presented. A summary of field events are presented in chapter four of this dissertation. Additionally, information that does not coalesce to the themes presented in this study will also be presented in order to add to the research credibility. Finally, this research will use peer debriefing and an external auditor in an effort to validate findings. Although similar in execution, the focus of the peer debriefing is to review of the study to ensure that it resonates with “people other than the researcher”; while the purpose of the external auditor is to “provide an assessment of the project throughout the process of research or at the conclusion of the study” (Creswell 2003). This will be accomplished by use of professional and academic peers and University of Baltimore faculty members.

Role of the Researcher

One of the challenges of a practitioner-researcher is to remain objective despite an accumulation of formulated opinions as the result of considerable experience. As a researcher, one of the fundamental obligations is to ensure the integrity of the research. Locke, Spriduso, and Silverman write, “The foundation of scholarship as a collection human enterprise is neither intellect nor technical skill. It is simple honesty. If scholars did not have what Jacob Bronowski (1965) called ‘the habit of truth,’ there could be no accumulation of reliable knowledge, and thus no science” (2000, 25). In pursuit of this “habit of truth,” and for the sake of full disclosure and open and honest researcher, Creswell notes the researcher should identify “personal values, assumptions, and biases at the outset of the study” (2003, 200). In addition to identifying these potential validity issues, the author should make attempts to mitigate or nullify these potential weaknesses.

As a practitioner, the researcher has nearly fifteen year of experience working for or with the United States Department of Defense. Additionally, the researcher has personal experience working with various departments at all levels of government involved with emergency managements and defense matters. Research experts Brian Paltridge and Sue Starfield state that “the relationship between the researcher and the research participants is critical . . . , particularly in interview situations” (2007, 131). The researcher has acquainted personal and business relationship with former and current members of the National Guard and the Department of Homeland Security, including some interview participants. Additionally, the U.S. military, including the National Guard, is a customer of the researcher’s civilian employer and an account that the researcher oversees.

Crewell (2003) suggests that conducting qualitative research, the researcher must be aware of how the researcher's personal biography shapes the study and that the personal-self may be inseparable from the research-self. Mertens (2003) goes on suggest that all inquiry is laden with values. To mitigate this effect and remain objective, the researcher will emphasize the academic role as a doctoral researcher at the University of Baltimore and will attempt to separate himself from any other associations or affiliations when conducting this research project, particularly during interviews. Despite the researcher's associations and affiliations with participants or their organizations, measures will be taken to ensure there are no personal bias influences on the research or interpretations of the data.

Additionally, the researcher's professional experience is outside of arenas of policy and administration; they are more specific to security and science and technology. Therefore, issues associated with "backyard research" as described by Glesne and Peshkin (1992) are not relevant. Furthermore, the researcher does not believe he has any inherent qualities or characteristics that would lead this study or its results to become biased, incomplete, or otherwise compromised. Actually, Locke, Spriduso, and Silverman (1987) suggest that the researcher's experience in the research setting can be useful and positive rather than disadvantageous.

Finally, the researcher will not participate in any activities that may affect the results of this study and the researcher does not anticipate this study to be disruptive to any of the organizations or participants. The results from this study will be available at the University of Baltimore Lansdale Library, through ProQuest LLC, or by contacting the researcher directly. In addition, an electronic copy of the final report will be given to

all participants upon request. At this time, the researcher has taken no steps to approve this study through the Institutional Review Board (IRB), but will do so according to policy when permission is granted from the dissertation committee to begin this study. This study should qualify for an IRB waiver, which typically takes two weeks or less. The draft IRB request can be found in appendix B and appendix C.

Potential Ethical Issues

Political science research expert David McNabb defines *research ethics* as “the application of moral standards made in planning, conducting, and reporting the results of research studies” (2004, 55). Additionally, Jerry Mitchell (1998) identifies *truthfulness*, *thoroughness*, *objectivity*, and *relevance* as four primary ethical and moral principles that shape political science research. Given the qualitative predominance of this study, special attention is paid to potential ethical issues. Glenn A. Brown states “From an ethical standpoint, risks and concerns are greater in qualitative research than in quantitative research. This is mainly because of the close involvement of the researcher with the research process and with the participants” (2005, 214).

There are two primary documents that set the ethics guidelines. First, the American Society for Public Administration’s (ASPA) sets its own code of ethics and identifies five key pillars: serve the public interest, respect the Constitution and the law, demonstrate personal integrity, promote ethical organizations, and strive for professional excellence (American Society of Public Administration 2009). Additionally, the United States Code of Federal Regulations sets minimum standards for research

involving human participants and requires the approval of an Institutional Review Board to ensure statutory compliance.

Both of these ethics requirements have been thoroughly reviewed. This study will be conducted with the highest level of professionalism, morality, and ethics. Every aspect of this research project and every phase of research (research planning, gathering data, processing and interpreting data, and disseminating results) will be performed in accordance with the ethics guidelines set forth by the American Society for Public Administration and the U.S. administrative law for the protection of human subjects. The full code of ASPA ethics can be found in appendix A of this dissertation and a copy of the Code of Federal Regulations can be found at 45 CFR 46.

Despite the careful examination into ethics guidelines and the keen thoughtfulness of potential ethical issues that may occur as part of this research project, the researcher does not anticipate there to be any ethical issues in this study. Nevertheless, given the sensitive national security nature of topics such as homeland defense, emergency management, and military affairs, the researcher could discover or reveal potentially security sensitive information that may jeopardize U.S. national security or reveal the weaknesses in domestic readiness levels. With this in mind, the researcher will not put the participants at risk and will respect vulnerable populations, such as the American public. When conducting this study, the researcher will keep aware of the sensitive nature of the data and safeguard it appropriately. In the event that the researcher comes across data that is of a sensitive nature, it will be edited as necessary to reduce its impact to a negligible level. However, since most of the data collected will be from open or

unclassified sources, the researcher does not anticipate a large amount of sensitive security data and therefore do not anticipate this to be an issue.

In addition, when conducting surveys and interviews, the researcher will caveat sensitive security warnings as needed. The participants will clearly be told the purpose of the study, so that they may understand expected outcomes and understand their role in the research. All participation will be voluntary and participants may voluntarily withdraw their participation at any time. The terms of the survey or interviews will be agreed upon in writing in advance of any action. Also in advance of any contact, the researcher will attempt to seek permission from the subject's higher office for permission of contact, where applicable.

In general, the following recommended guidelines will be followed: participants of the research study will: 1) "be informed of the general nature of the investigation and, within reasonable limits, of their role in terms of time and effort"; 2) "be informed of procedures used to protect their anonymity"; 3) affirm that "they have been informed of the nature of the investigation and have consented to give their cooperation"; 4) "be explicitly instructed that they are free to withdraw their consent and to discontinue participation in the study at any time"; 5) "be provided with the name of the person responsible for the study, to whom they can direct questions related to their role or any consequence of their participation"; and 6) "be offered the opportunity to receive feedback about the results of the study" (Locke, Spriduso, and Silverman 2000, 31-32).

Prior to conducting data collection, the researcher will gain the proper authority from my doctoral committee and the University of Baltimore Institutional Review Board. The IRB request letter and form are found in appendix B and C, respectively. Once raw

data is analyzed, it will remain in the researcher's safeguarded possession for five years and then will be destroyed. Finally, there will be a clear understanding that the data and the results will be the intellectual property of the author.

Report Presentation Structure

Because mixed methods studies are relatively new, readers may be less familiar with its presentation structure. However, "the structure of the report, like the data analysis, follows the type of strategy chosen for the proposed study," which are usually better understood (Creswell 2003, 222). This overall research strategy follows the structure outlined by Strauss and Corbin (1998): 1) collection of data, 2) analysis and interpretation of the data, and 3) communication research findings in one or more communications media, such as producing a written report. Data collection and analysis procedures were explained in the previous sections; this section describes how the research findings will be communicated. The remaining presentation structure of this report will follow a standard dissertation formation with the final two chapters titled "Findings" and "Summary, Conclusions, and Recommendations."

Since this mixed methods design has a qualitative predominance, the structure of reporting the findings will follow a more qualitative format: it will primarily be written in a descriptive narrative form as opposed to a scientific report. McNabb states that "narratives are normally structured"; therefore a qualitative-style narrative will be structured around each of the research questions (2004, 472). Analysis will be written for the primary research question and each of the secondary research questions, integrating both qualitative and quantitative data. McNaabb (2004) believes that a *narrative analysis*

can be useful in interpreting qualitative data and augmenting a quantitative analysis of the content, which is the proposed data analysis strategy outlined in the “Data Analysis and Validity Procedures” section of this chapter. Despite the overarching qualitative write-up, analysis and findings will incorporate both descriptive data *and* quantitative data seamlessly.

The narrative structure will support the use of descriptive details obtained from the documented literature, interviews and observations, and quantitative data from the surveys. When examining the processes, the narrative will include participants’ perceptions and experiences in an effort to understand multiple realities (Lincoln and Guba 1985). Creswell writes that “the final written report or presentation includes the voices of participants, the reflexivity of the researcher, and a complex description and interpretation of the problem, and it extends the literature or signals a call for action” (Creswell 2007, 37). Some specific characteristics of the narrative structure will be various uses of quotations, using direct quotes and wording from participants, combining quotations with the researcher’s interpretations, description of how the different sources of data compare contrast, description on how the findings relate to theories and literature on the topic, and transformation of quantitative data into qualitative information to describe the attitudes, trends, and opinions of the surveyed participants. The focus of the narrative will not only be to answer the research questions as to the outcome but also the processes that are needed to get there.

While a qualitative-style narrative analysis will be written for each of the research questions, the final chapter will tie together the findings by presenting conclusions and recommendation based on the aforementioned findings. This final chapter will consist of

three main sections: summary, conclusions, and recommendations. The summary section will be a simple recapitulation of the research and its findings. The conclusions section will present the researcher's thoughts on the data and the findings in an editorial type format. It will consist of both conclusions based on the research questions and a discussion of those conclusions. This section will analyze, synthesize, and evaluate the research and the researcher's thoughts in an effort to bring the research full circle. The final section of the dissertation, titled "Recommendations," will present implications and practical suggestions for addressing the issues and problems that were raised through the research. Finally, it will suggest possible follow-on or additional research that researchers may consider as a result of this research.

Significance of the Study

The purpose of this study is to explore and describe how the United States National Guard's dual federal-state nature impacts its domestic emergency response role. Its practical aim is to provide insight, implications, and recommendations for public administrators of national security and emergency management matters. Its theoretical aim is to uncover and understand variables that may be used to explain a causal relationship. This study will add to the scholarly research and literature on the topic, improve policy, and help improve practice. Since emergency management as a profession and discipline is a subcategory in the field of public administration, this study makes a significant and original contribution to the greater field of public administration.

As detailed in the previous chapter, although many studies exist on the National Guard and emergency management, relatively few studies research how the dual status of

the Guard affects its domestic emergency response mission. A related review of the relevant literature by public administration scholar William Waugh found similar findings; he states, “The need for public administration research in emergency management is clear” (2005, 3). However, this study fills more than a simple literature gap—the practical implications of this gap may be profound. This scarcity of information and analysis leaves the citizens of the United States vulnerable and public administrators handicapped. This is critical since emergency management is a fundamental and fiduciary responsibility of government and the success or failure of policy or actions fall squarely on the shoulders of public administrators. A 2006 survey by Irwin Redlener et al. at Columbia University noted a decline in public confidence in the government’s ability to protect citizens. Additionally, military historian Michael Doubler notes that studies such as this dissertation are increasingly important because “more and more Americans, including elected officials, have less and less first hand knowledge of the military” (2003, 399). Yet, these public officials are charged with creating sound policy and making reasoned decisions in the administration of national security and emergency management matters.

The study’s practical aim is effectively to arm administrators with information to be able to make informed decisions through insight, implications, and recommendations provided from this study. The significance and implications of this study for researchers, practitioners, and policy makers are of paramount importance to the safety and security of the United States homeland in the 21st century. At a time when the United States is the sole superpower in the world and engaged in two simultaneous wars, and the United

States remains increasingly vulnerable to terrorism and other natural disasters, the timing and appropriateness of this study could not be more suitable.

Preliminary Studies

According to research design expert Joseph Maxwell (2005), in this section the researcher may discuss what has been learned so far about the practicality of the researcher's methods, supporting the value of the study. While a substantial amount of research has been conducted at the prospectus stage of this research, no comprehensive preliminary studies have been conducted by the author. However, this dissertation prospectus, including the survey, has been reviewed by Dr. Samuel Clovis, DPA, with Morningside University, and Dr. Charles L. Barry, DPA, with National Defense University. Additionally, the SurveyMonkey survey link has been pretested for workability on a U.S. government computer; the link worked and there is little risk of firewall or other technical blocks. Despite the fact that no comprehensive preliminary studies have been conducted by the author, research that has been conducted by other researchers, mostly data collection and analysis from open sources, has given the ability to define the problem, draft research questions, and work toward a sensible methodology.

As discussed, similar studies have been conducted in the past by other researchers. These studies touch on aspects of the impact of the National Guard's dual status on domestic emergency response, but none examine this issue comprehensively as the primary topic. One of the closest studies to this research is *The Role of the National Guard in Emergency Preparedness and Response* (1997), by the National Academy of Public Administration (NAPA). While this study recognizes the inherent problems

associated with the duality of the National Guard, the main purpose of this study is to “determine the *proper role* [emphasis added] of the National Guard in preparing for and responding to natural disasters and domestic emergencies” and not necessarily the impact of the National Guard’s dual role on emergency response (NAPA 1997, 1). The NAPA study takes a similar approach to the methods proposed in this dissertation by using open source data, conducting interviews, and administering a questionnaire. Because of this successful precedence, the practicality of the research methods for this research appears to be germane.

However, a great deal has changed in the decade since this report was issued and many of the issues require reexamining. Because of this, part of the data analysis includes comparing survey data collected from this dissertation with survey data collected from the NAPA study. Actually, some of the questions from the survey in this study will be the same questions from the NAPA study. This gives the ability to compare and contrast the differences between data in a time series style analysis to see if responses have changes, how they have changed, and attempt to derive cause or meaning of this change.

A more thorough discussion of existing literature, including affined past studies, can be found in the “Review of the Literature” chapter of this dissertation. However, based on the existing literature reviewed, there has not been a lot of research on impact of the dual status of the National Guard on domestic emergency response. This scarceness of information leaves the citizens of the United States at danger and the public administrators uninformed. Furthermore, many related studies are primarily unpublished recapitulations and analyses of prior work—little original work. This may be because

public administration scholars have traditionally left this topic up to military professionals at the War Colleges, which typically produces work at the master's level. However, there is a renewed effort for public administration scholars to conduct more research into national security topics to include national defense policy, U.S. military organization and employment policy, terrorism, and homeland security policy (De Arrigunaga 2008).

Expected Outcomes

Since this is an exploratory study, its purpose is to prove a theory or falsify a hypothesis, rather to collect and document data and to present the findings in an inductive manner in an effort to answer specific research questions and outline a path for future research. Lincoln and Guba (1985) suggest that exploratory research be conducted with little *a priori* expectations in an effort to develop explanations of social phenomena. The true value of the research will be in describing *how* the dual status of the National Guard affects domestic emergency response. Essentially, the importance of this study's outcome will be in the identification of qualitative variables and the development of a causal explanation "that can be explained as a *cause* of the consequence of interest" (McNabb 2004, 344). Identifying variables and suggesting causal relationships are not only necessary to understanding phenomena, "but they are also likely promote policies to remedy the situation" (McEntire 2004, 4).

However, based on a review of the documented literature at the prospectus stage, the researcher expect to find that the dual status of the National Guard is increasingly reducing the full potential capability of the National Guard to respond to traditional state

and local emergencies. The research expects the data to indicate the impact is significant on large and national scale emergencies, moderate medium scale emergencies, and insignificant on smaller emergencies. The researcher anticipates finding that while the role of the National Guard as a federal fighting force is clearly defined, ambiguity exists over the proper role of the National Guard for domestic emergency response. The ambiguity over the Guard's role in domestic emergency response may be a major contributing factor in the lack of defined requirements for the National Guard's domestic emergency response mission.

Additionally, the researcher expects the data to indicate that priority is given to the Guard's federal mission and the state missions are being met at the margin of the federal missions. This may be because of political and funding reasons. Because of this, the research is likely to confirm that the National Guard is organized, administered, equipped, and trained primarily around its federal mission. Furthermore, the researcher believes the data will demonstrate that the National Guard is increasingly an extension of the federal force and is incrementally losing its characteristic as a state controlled militia. If true, this trend toward centralization appears to be consistent with other aspects of government outside of military affairs. The researcher expects to conclude that this trend will continue throughout the foreseeable future.

In addition to being focused to support the federal mission, the researcher believes the data will show that the extensive federalization of National Guard units leaves unaddressed voids in the Guard's domestic emergency response mission. For example, personnel and equipment shortages leave the Guard effectively hollow with respect to the needs of its domestic mission and unable and to adequately perform the mission as

expected by the state leadership. The protracted nature of the Global War on Terrorism is serving as a litmus test for the effectiveness of the Total Force Policy and the current dual-mission of the Guard. The current policy changes allowing no more than 50 percent of a state's National Guard to be unavailable due to federal missions is a step in the right direction, but still no overarching plan for National Guard domestic response exists.

The researcher believes that the research will find that to a certain degree civilian public leaders and the public in general assumed that the National Guard had many of the resources to be able to respond adequately to domestic emergencies without properly conducting a capabilities assessment, giving the American people a false sense of security. Only after a series of contemporary domestic events have public leaders put more thought into response plans, resources, and the impact of intergovernmental relations. The researcher anticipates the research will find that the discrepancy between the National Guard's *expected* state response capability and their *actually* state response capability has led state and local leaders to devise more creative solutions for domestic emergency response, such as mutual aid agreements, like the Emergency Management Assistance Compact; State Defense Forces; and self-contained responses.

The researcher believes the research will find that a unified command structure possibly utilizing a dual-hatted commander will promote the most effective and efficient response to emergencies. The researcher also anticipates the data to show a reluctance of the National Guard leadership to embrace State Defense Forces because of their lack of standards and discipline—an issue of concern by regular, active duty military commanders about militia forces before the National Guard was integrated into the total force. However, the researcher expects the data will show that SDFs have certain

potential to assist in domestic emergency response missions when the National Guard is not available due to federal service, similar to the way they did during World War II. The research will also suggest several ways to reorganize the military to be able to better support both state and federal missions. A separate military dedicated to homeland defense and emergency management is unlikely to be practical. However, the researcher believes that more National Guard specialty teams focused on domestic emergency response, similar to the Civil Support Teams, may be a viable alternative.

CHAPTER FOUR

FINDINGS

Chapter four contains the findings from the research. Here, the research questions are answered using data collected from multiple sources by qualitative and quantitative means. This chapter is divided into several section and subsections. First, the process and the results of data collection are summarized by data type—qualitative and then quantitative. This section also compares the actual data collection procedures to what was proposed in the “Procedures” chapter of this dissertation. In general, the data collection was challenging and time consuming but ultimately a success.

Next, each of the research questions is analyzed using a narrative format, supported by the qualitative and quantitative findings. The primary research question is addressed first. This question is subdivided and examined by the relevant variables that emerged through the research process. The first subsection establishes, identifies, and defines the major variables that were uncovered during the research. It also establishes a basic framework to allow conceptualization of the research topic, which is complex. Then, each of these variables is examined in further detail through subsequent subsections, harnessing the data collected from the research and relating back to the original framework.

Finally, the findings related to secondary research questions of the Emergency Management Assistant Compact, military command and control during emergencies, National Guard organization and alternatives, and State Defense Forces are examined in independent sections of this chapter. The secondary questions do not contain any organic

subsections and are examined primarily in the context of the data collected from the research.

Many of these topics were already discussed thoroughly in previous chapters of this dissertation, so this chapter primarily addresses information that was uncovered during the research that add to the literature, emphasize points from the literature, or conflict with the literature. The research questions are addressed with the presumption that the reader is already intimate with the existing literature and therefore there is little need for recapitulation, with the exception of emphasis or reference. The point of this section is to reveal the new findings as they relate to the questions and integrate the findings into existing knowledge base.

Results of Qualitative Data

The bulk of data collected during this study was empirical and qualitative in nature. The four major types of qualitative data collected were personal interviews (P), observation (P), documented literature (S), and previous studies (S).⁶³ The qualitative predominant aspect of this research is an appropriate match between the research problem and the approach as the research is exploratory. Research experts such as Creswell and Morse believe that this is an appropriate approach when a concept or phenomenon needs to be understood and when important variables need to be identified. The primary qualitative data collected comes from interviews and observations. For qualitative research, data collection usually involves a smaller and more focused sample, analyzing the participants' in their natural and contextual environment (Studentvoice 2009). This

⁶³ "P" for *primary* data and "S" for *secondary* data.

section reviews the data collection results of each of the different types of qualitative data collected, beginning with personal interviews.

Of the four types of qualitative data collected, the personal interviews yielded substantial information and seemed to be an efficient use of the researcher's time. Semi-structured qualitative-style personal interviews were used for senior level administrators who have a panoramic view of their organization or who have substantial prior experience within their organization to speak knowledgeably on the research topic. This semi-structured interview allowed the researcher to have "some established general topics for investigation" and allowed for "comparison between answers," but it also allowed "for the exploration of emergent themes and ideas rather than relying only on concepts and questions defined in advance of the interview" (Universities of Essex and Manchester 2007, 5). The list of interviewees and their organizations provided in chapter three was the criteria for success on this project; the number and types of actual interviews met the expectations.

In some cases, equivalent substitutes were interviewed. For example, instead of the proposed interview of Major General Wayt, the Adjutant General of Ohio, Brigadier General (MD) Adkins, the Adjutant General of Maryland, was interviewed. These substitutes provided an equivalent means of data and were made mostly due to scheduling availability. Additionally, some interviewees and organizations were added during the data collection phase, which were not considered during the prospectus stage. Conversely, a few proposed interviews were subsequently deemed not necessary and removed from the list, such as the DHS Office of Intergovernmental Programs. Table 3 summarizes the formal interviews conducted.

Interviewee	Current Title	Notable Relevant Experience	Date of Interview	Method	Location
Brigadier General (NY) Ferg Foley	Commander of the New York State Defense Forces; Current member of the Joint Task Force on Homeland Security	Former Commander in the New York National Guard; Former Chief of Staff and Acting Commander for the Joint Task Force Operation World Trade Center (9/11 attacks)	October 6, 2009	In person	Washington, DC
Major General (VA) John Taylor, Ph.D.	President of the State Guard Association of the United States; Commander of the Virginia State Defense Forces; National Guard Bureau Senior Strategic Analysis	Former Chief Operations Officer, National Guard Readiness Center; Former Director Military Support, Maryland Army National Guard	October 26, 2009	In person	Arlington, VA
Ms. Nancy Dragani	Director of Ohio Emergency Management Agency	Former President of the National Emergency Management Association; Retired from the Ohio National Guard	October 29, 2009	Via phone	From Columbus, OH
Honorable Michael Chertoff	Co-founder and Managing Principal, The Chertoff Group	Former Secretary of Homeland Security	October 30, 2009	In person	Washington, DC
Honorable Tom Ridge	CEO, Ridge Global	Former and First Secretary of Homeland Security; Former Governor of Pennsylvania and Commander in Chief of the PA National Guard	November 2, 2009	In person	Washington, DC
Major General Donald E. Fick	Joint Staff Director for Force Structure Resources and Assessment, National Guard Bureau	Former Acting Director, Joint Staff, National Guard Bureau; Former Special Assistant, Manpower, Personnel and Programs, National Guard Bureau	November 2, 2009	In person	Arlington, VA
Mr. Friedrich L. Martin	Chief of Staff, Domestic Operations, National Guard Bureau	Former DSCA Planner/Program Manager at EWA/IIT; Former Director of Installations at State of Maryland Military Department	November 2, 2009	In person	Arlington, VA
Col Mark Bower	Chief, Resource Management and Oversight Division, National Guard Bureau	Air National Guard/ National Guard Bureau	November 2, 2009	In person	Arlington, VA
Mr. George Brock	Chief, Plans and Policy, National Guard Bureau	Retired Army Colonel	November 2, 2009	In person	Arlington, VA
Major General Retired Harold Sykora	Chairman of the National Guard Association United States (NGAUS) Joint Task Force on Homeland Defense/ Homeland Security Task Force	Retired Adjutant General, South Dakota	November 17, 2009	In person	Washington, DC

Brigadier General (MD) James Adkins	The Adjutant General, Maryland	Former Provost Marshal, Maryland Army National Guard	December 8, 2009	In person	Baltimore, MD
Colonel Ludwig. J. Schumacher	Director, Operations for Military Support (DOMS)	Army National Guard; Vermont Communications Operating Committee; Author of Several Papers/Studies on Emergency Management	December 14, 2009	Via phone	From Colchester, VT
Honorable Deborah Lee James	Senior Vice President, SAIC	Former Assistant Secretary of Defense for Reserve Affairs	December 18, 2009	In person/ Via phone ⁶⁴	Nashville, TN/From Charleston, SC
Major General Frank Grass	Director of Operations, Headquarters NORTHCOM	Former Director, Mobilization and Reserve Component Affairs, EUCOM; Former Deputy Director, Army National Guard, Army National Guard Readiness Center	December 23, 2009	In person/ Via phone	Colorado Springs, CO/From Colorado Springs, CO
Honorable Timothy Manning	Deputy Administrator of FEMA, National Preparedness	Former Secretary of the New Mexico Department of Homeland Security and Emergency Management; Former Homeland Security Advisor to the Governor of New Mexico	December 28, 2009	Via Phone	From Washington, DC

Table 3. Interviews conducted.

Upon initial contact, all of the potential interviewees were eager to assist in the research and participate in the interview. However, due to the busy schedules of the interviewees, some interviews had to be rescheduled several times; however, no interviews were foregone due to schedule conflicts. Before the interviews were conducted, a one page read-ahead summary was sent a few days in advance in order to give background information on the research topic and to allow for interviewee preparation in an effort to maximize the interview time. Interviews rely on the *researcher* as the primary instrument of data collection and analysis. Because of this, data collection through interviews was much more time consuming and deliberate than quantitative data collection. Additionally, the interpersonal skills of the researcher—the ability to listen, understand, and ask poignant questions—are of paramount importance

⁶⁴ In two cases, the initial meeting was conducted in person, but the more formal interview occurred at a later time after the interviewee had time to prepare.

when conducting personal interviews. Most of the interviews lasted between forty-five to sixty minutes in duration and were a fitting blend of structured open-ended questioning and open freeform discussion.

Unlike as originally proposed, the interviews were not recorded with an electronic voice recorder. The disadvantage of this was that the researcher had to take copious, clear notes and transcribe the notes electronically immediately after the interview. However, the advantages far outweighed the disadvantages. The primary advantage of not using an electronic voice recorder was that it allowed for a more natural and unguarded discussion of the issues. In addition, many of the interviewees also provided information that was considered “off the record,”⁶⁵ which would have been unlikely had the interview been recorded. The results yielded rich and substantive data, allowing the researcher to gain a more holistic and comprehensive understanding of the research issues. Some of the interviewees’ assistance went beyond the actual interview, assisting with additional introductions of personnel and additional data, such as supporting literature. All of the interviewees encouraged follow-on discussions if necessary, and in some cases this occurred. Only one potential interviewee did not respond to any communication, in effect declining participation.⁶⁶

Another productive source of qualitative data collection was also the collection of primary data through observation. The potential value of this data collection method was not fully recognized during the prospectus stage of the research. However, observations led to additional insight into the participant organization and ultimately contributed to a

⁶⁵ None of the information provided “off the record” will be attributed to any specific person or organization throughout the findings.

⁶⁶ This person is no longer in public office and this person’s name or former organization will not be disclosed.

better and in-depth understanding of the organization, including its procedures, policies, and interactions. The observation method used was “complete observation” where the “researcher observes without participation” (Creswell 2003, 186). Observations, sometimes referred to as *time in the field*, allowed the researcher to gain firsthand experience while exploring the topic. Observations included studying the participants in their natural setting, taking “fieldnotes on behaviors and activities of the individuals at the research site” (Creswell 2007, 185). Additionally, observations allowed for the determination of “participant perspectives, attitudes, attributions,” do “not limit outcomes,” and allowed for “direct quotes capturing participant perspectives and experience” (Masucci 2009, 2).

Observations were conducted during the same approximate time period in which the interviews were conducted. Despite the fact that observation was without participation, attending observation events provided for additional informal interviews, discussions, and points of contact as a result. The list of observations provided in chapter three was the criteria for success on this project; the number and types of actual observations exceeded the expectations. Observations included official participant meetings, social proceedings, conferences, and professional gatherings. Observation methods and duration varied; a complete list of observations conducted is found in table 4.

Event	Sponsoring Agency	Location	Event Date
The National Guard in the Era of Persistent Conflict	The Heritage Foundation	Washington, DC	Wednesday, May 13, 2009
Homeland Security and the States Series	The Heritage Foundation	Washington, DC	Thursday, May 14, 2009
Protect America	The Heritage Foundation	Washington, DC	Monday, June 01, 2009

NGAUS Joint Homeland Defense/Homeland Security Task Force Meeting	National Guard Association of the United States	Washington, DC	Wednesday, July 15, 2009
Department of Defense Emergency Services Conference	Fire Rescue International	Dallas, TX	Tuesday, August 25, 2009
National Guard Association of the United States Annual Meeting	U.S. National Guard	Nashville, TN	Wednesday, September 09, 2009
Association of the United States Army Annual Meeting	U.S. Army	Washington, DC	Monday, October 05, 2009
Homeland Security: Assessing the First Five Years	National Defense Industrial Association	Washington, DC	Tuesday, October 13, 2009
Emergency Management: United We Stand	International Association of Emergency Managers	Orlando, FL	Monday, November 02, 2009
Homeland Defense and Security in Transition: Threats. Priorities. Initiatives.	National Homeland Defense Foundation	Colorado Springs, CO	Monday, November 09, 2009
Homeland Security's Wicked Problems	The Consortium for Homeland Defense and Security in America	Washington, DC	Thursday, November 12, 2009
NGAUS Joint Homeland Defense/Homeland Security Task Force Meeting	National Guard Association of the United States	Washington, DC	Tuesday, December 01, 2009

Table 4. Observations conducted.

Finally, additional documented literature and a review of previous studies rounded out the qualitative data collection. The documented literature include books, periodicals, published reports, films, unpublished literature; local, state, and federal government documents; professional associations papers and reports; college and university documents; consultants' research reports; meeting minutes; commercial databases; and internal documents, such as e-mails, policy papers, and memorandums (McNabb 2004). Since the pre-prospectus phase of research included a comprehensive review of the literature with over 300 pieces of literature examined, there was little

additional documented literature or previous studies that was revealed upon further exploration.

Since the documented literature is secondary data, keen awareness was placed on the source of the data and the reason it was originally collected. Most of this secondary data, while plentiful and beneficial, was collected and intended for research with aims other than those proposed in this study. Additionally, the legitimacy of the source and potential conflicts of interest is taken into consideration. For example, knowing whether the literature was authored from a knowingly bias organization or whether the literature or study was funded by an advocacy group is all helpful information when determining the legitimacy of the source or potential conflicts of interest. To ensure the data is sound, the secondary data was checked for accuracy, age, and quality.

Despite the fact that a most of the literature was uncovered during the pre-prospectus phase, a small amount of valuable additional literature was uncovered during the research phase, such the National Guard Bureau's Annual Review, which was released upon request by the NGB Historical Services Division. Through the research process, it was discovered that some additional literature is forthcoming and not accessible to the public at the time of data collection or analysis. For example, the NGB has a final draft of its After Action Review (AAR) of the National Guard's response to Hurricane Katrina, which was in final review as of December 2009 and could not be released early. This report, and any new data, should be considered in future research.

Because of the relatively small amount of additional data that was obtained through post-prospective research, the literatures' value resided in its reexamination within new context after having collected new qualitative data from interviews and

observations. This allows for a more perspicacious view of the documented literature and a synthesis of the aggregate qualitative data. In summary, the qualitative data yielded rich, descriptive, and in-depth information. This helps to answer the research questions with a more comprehensive and holistic understanding of the complexities surrounding the research problem and the innumerable interwoven variables. Figure 21 provides an illustration of qualitative data collection procedures.

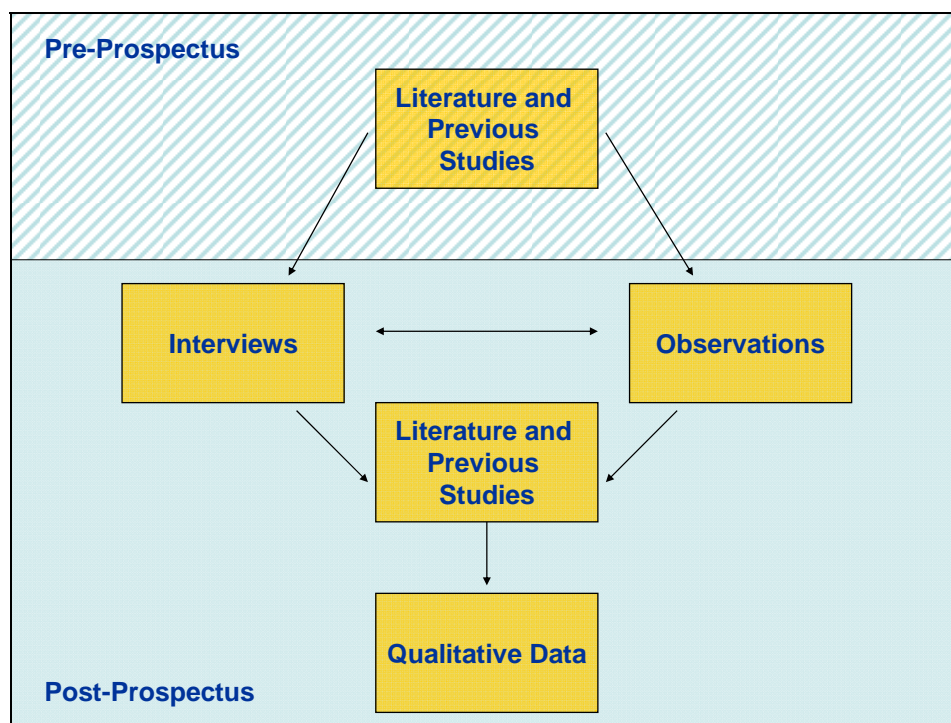


Figure 21. Qualitative data collection.

Results of Quantitative Data

In contrast to the qualitative data described in the previous section, primary quantitative data was collected through a survey questionnaire. The purpose of selecting a mixed methods concurrent nested strategy is to gain a broader perspective by using both types of data as opposed to using qualitative data alone. This strategy also allows the

researcher to answer a diverse set of research questions more thoroughly by using different types of data. Creswell and Plano Clark affirm the premise of the nested design in that a “single data set alone is not sufficient, that different questions need to be answered, and that each type of question requires different type of data” (2007, 67). Furthermore, Tashakkori and Teddlie (1998) note that a concurrent nested strategy of a mixed methods research project allows multilevel approach of gathering data, using qualitative or quantitative approaches as appropriate.

“Quantitative research is a mode of inquiry that attempts to systematically measure and predict phenomena through the use of standardized tools” (Studentvoice 2009, n.p.). The standardized measurement tool of this research was a survey questionnaire. A quantitative style survey instrument was administered to the fifty-four offices of the state adjutant generals to summarize their trends, attitudes, and opinions, and to gather other relevant information. This is an appropriate data collection method because fifty-four personal interviews would not be an efficient data collection method. While the survey does not provide as much “rich, thick description” compared to the interviews, it does allow for an efficient, standardized, and valid method of collecting data where results are tangible and can be summarized and generalized.

The survey questionnaire was developed and then revised several times in an effort to craft questions that were easy to understand and simple to answer, while providing valuable data for analysis. Some of the questions were unique to this study and some of the questions were repeated from previous studies in order to compare and contrast results between the studies over time. Additionally, the quantitative data gives this research an additional element of originality and a way to benchmark, compare, and

contrast the qualitative data. As Stringer wrote, “Through comparative studies, political scientists can compensate for the lack of laboratory experiments” (2006, 4). Before administering the survey, it was reviewed by several scholars and practitioners for its overall research value and ease of use. Based on the feedback, some changes were made before the survey was administered. Mostly, many of the questions were changes from dichotomous questions to likert-scale questions, and a few questions were presented in a clearer manner. After three iterations of changes, the survey was ready for distribution. Appendix E contains the final and full survey with additional information such as which questions relate to previous surveys and which questions correspond to specific research questions.

The survey was administered through SurveyMonkey, a private company that enables web-based surveys. Initially, the survey was to be distributed centrally through Adjutant Generals Association with support from the President of the Adjutant Generals Association website. However, this concept of administration was abandoned for several reasons. First, the IRB committee approved this prospectus pending the removal of any survey invitation language that would suggest coercive participation (see appendix J). The IRB committee suggested adding language and procedures that ensured the participants truly felt their participation was voluntary. Second, despite his initial pledge of support, the President of the Adjutant Generals Association had subsequent trepidation about using his leadership role to influence participation. And third, it was realized that sending individual and personal e-mails to the fifty-four offices of the adjutant general would be a better way to administer the survey than an impersonal mass e-mailing.

Additionally, since there were only fifty-four TAG offices, sending personal invitations was a realistic option.

The personal e-mail addresses of the fifty-four adjutant generals were provided through the Adjutant Generals Association website. A personal e-mail explaining the research goals and providing the survey link was sent to each of the TAGs on the morning of December 11, 2009 with a survey close date of December 24, 2009. The survey contained no more than thirty-one total questions⁶⁷ and was estimated to take approximately twenty minutes to complete. Despite the fact that the SurveyMonkey survey link was pretested for workability on a U.S. government computer and there were no major technical problems when pretested, an unexplained technical glitch prevented any of the original e-mails from being received.⁶⁸ Therefore, on December 14, 2009, the researcher personally contacted each of the fifty-four TAG offices by phone, providing an introduction and resending each of the fifty-four e-mails to the TAGs or a nominated representative in the TAG's office. Appendix L contains the contact information of each adjutant general's office. In most cases the task of survey completion was delegated by the TAG to the J3 (Joint Operations Officer) or the XO (Executive Officer).

While the survey was open, some of the participants made direct contact with the researcher for a variety of reasons, including acknowledgement of receipt, follow-up questions, and in two cases a personal note from the TAG directly indicating that his state was going to respectfully forego participation. One TAG cited concerns over the sensitive nature of the questions that were asked and the other did not cite a specific reason. These two specific declinations to participate are the only known cases of their type for this

⁶⁷ Built-in logic allowed some questions to be skipped if previous questions were answered a certain way.

⁶⁸ The problem was realized when no read receipts were issued.

study, but it is not uncommon when researching sensitive topics. Political scientist and emergency management expert William Waugh notes that the lack of transparency and openness of government agencies involved in emergency management “has created serious problems for those seeking to conduct rigorous research on organizational structures and processes” and this means “less access by public administration and other social science researchers With that lack of access, the critical examination that can improve organizational performance by challenging policy assumptions, developing good performance measures, and evaluating results is extremely difficult” (n.d., 1-4).

The 2007 *USA Today* inquiry into National Guard domestic readiness levels also experienced a few participant states that would not provide detailed information citing security concerns. The researcher believes that for this dissertation, reluctance to participate was primarily done out of an abundance of caution as the public officials have a fiduciary duty to safeguard sensitive information. Regardless, most of the participants who made contact with the researcher were willing to provide the information requested.

As noted above, personal contact was made with most of the adjutant general’s offices by December 14, 2009. Sheehan (2001) notes that a post follow-up contact increases the response rate of e-mail surveys by 25 percent on average. Therefore, a final follow-up e-mail was sent to all of the participants on Sunday, December 20, 2009, four days before the survey close. At the time this reminder e-mail was sent, thirteen participants had responded to the survey, equating to approximately a 24 percent response rate. The survey subsequently closed at midnight on December 24, 2009. When the survey closed, thirty participants had responded to the survey, equating to approximately a 56 percent final response rate. This represents a response rate increase

of 131 percent after sending out a post follow-up contact.⁶⁹ Of the thirty final respondents, twenty-four completed the entire survey while six completed only part of the survey, either skipping questions or finishing short.⁷⁰ Appendix K has the raw survey results.

Response rates vary significantly depending on several factors including length, respondent contacts, design, research affiliation, and compensation (Sheehan 2001). In the field of public administration, “there appears to be no agreed upon standard for a minimum acceptable response rate” (Majumdar 2007, 250). However, for this study a successful response rate for a census survey of fifty-four participants was considered seventeen responses or greater (Callahan 2009). A response rate of seventeen equates to 31 percent, which is also the average response rate for online surveys (Sheehan 2001). This survey total response rate was significantly higher than the average response rate for online surveys and exceeded the criteria for success on this project. Therefore, the data is acceptable to use for data analysis.⁷¹

The survey was open for a total of fourteen days. Consideration was given to extend the survey for an additional two weeks in order to increase the response rate. However, the response rate already exceeded the criterion for a successful response. Additionally, Michael Hamilton (2003) notes that on average over half of the survey responses are likely to be received within the first twenty-four hours and seven out of eight surveys are received within the first week. These statistics combined with the

⁶⁹ The increase cannot be attributed to the follow-up e-mail alone as some states may have needed more time to collect the data necessary for the survey.

⁷⁰ Not including questions that were skipped due to skip logic.

⁷¹ During the prospectus stage it was predetermined that if less than seventeen participants respond, the data collected would still be reported and analyzed. This is primarily because research in the field of political science shows that even surveys with low response rates can be just as accurate, and sometimes more accurate, than surveys with high response rates (Visser et al. 1996).

approaching holiday break predicted a very small increase in the response rate, or most likely no increase, yielding negligible additional value to the overall research and a delay in the data analysis.

While the quantitative data collected for this project was considered a success, O’Sullivan et al. (2003) suggests that public administrators are often inundated with survey requests from academic, professional, and government organizations and often fail to respond. For future research the best way to increase the response rate would be to gain official government research affiliation or endorsement. For example, had the research been funded, endorsed, or mandated by an official government entity, it is highly probable the response rate would have been higher—near 100 percent.

Major General Francis D. Vavala,⁷² then President of the Adjutant Generals Association, cautioned in an e-mail that the Adjutant Generals (TAGs) are “extremely busy executives . . . [and] not good survey takers” (2008, n.p.). This was an accurate assessment as most TAGS delegated survey completion to the J3 (Joint Operations Officer) or the XO (Executive Officer). Only four adjutant generals actually completed the survey (Q1). In hindsight, it would have been more efficient to send this survey directly to the J3s as they have the information more readily available that was being requested. However, by sending the survey to the TAGS first, the survey administration was more appropriate as it followed standard military protocol and respected the chain of command.

⁷² MG Vavala was replaced by MG Greg Wayt, Adjutant General of Ohio, as the new President of the Adjutant Generals Association as of June 2009.

Figure 22 provides an illustration of quantitative data collection procedures. Once gathered, this quantitative data was simultaneously analyzed with qualitative data gathered from interviews, observation, documented literature, and previous studies.

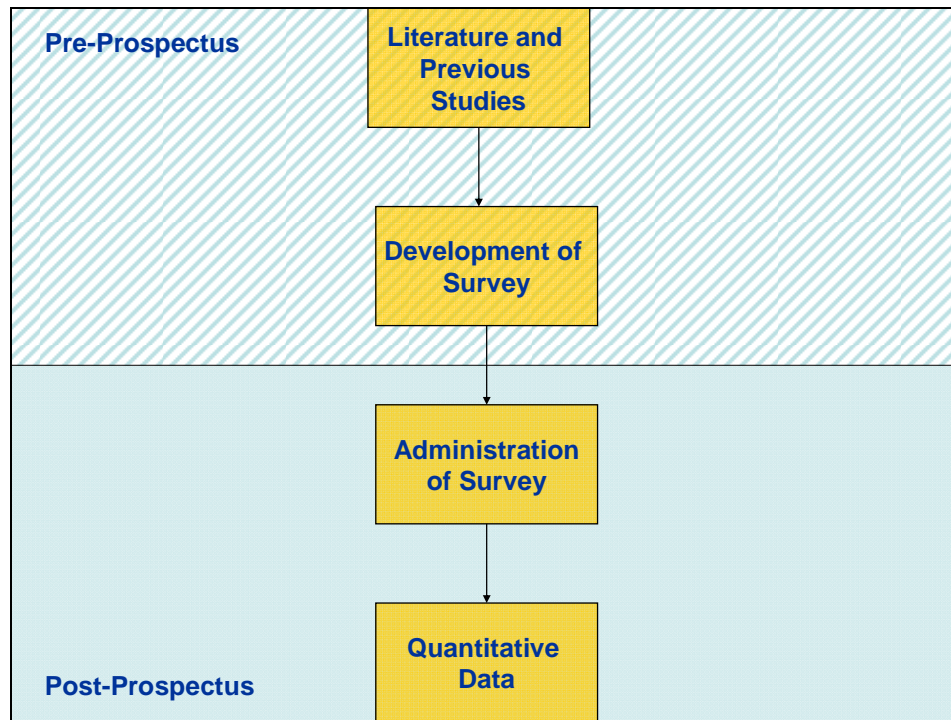


Figure 22. Quantitative data collection.

Primary Research Question (P1)

The primary research question is addressed in this section and is subdivided and examined by the relevant variables that emerged through the research process. The first subsection establishes, identifies, and defines the major variables that were uncovered during the research process. It also establishes a basic framework to allow conceptualization of the problem, which is complex. Then, each of these variables is examined in further detail, harnessing the data collected from the research.

The primary research question is, What impact does the dual federal-state nature of the United States National Guard have on the Guard's domestic emergency response mission? The review of the literature clearly demonstrates that the National Guard is unique in the sense that the Guard has a dual-mission and a dual-command-and-control structure, where power is shared between the states and the federal government, and there are two entirely separate and distinct Commander-in-Chiefs. As stated by Brigadier General (MD) Adkins, TAG of the Maryland National Guard, during an interview, "TAGs walk a fine line between serving two masters." It is this duality that is the fundamental quandary of the National Guard and the topic of this study.

The duality's existence is rooted in America's complex federal system of government and is backed by the Constitution in article 1 section 8 and elaborated in other federal law, which is addressed later in this chapter. The architecture of the National Guard traces its origins back to the colonial militia and the perpetual struggle for power between the state governments and the federal government. Through the interviews and observations, this research shows the struggle to exist today. Colonel Schumacher of the Vermont National Guard put it well when he stated during an interview that the issue still remains "highly charged." Likewise, at a field observation conducted at the National Homeland Defense Foundation conference on November 9, 2009 in Colorado Springs, Colorado, the Chief of the National Guard Bureau, General Craig McKinley, stated that the struggles of the Guard's duality are "very unlikely to ever be resolved completely."

Variables

One of the outcomes of this exploratory study is the identification of qualitative variables and the development of a causal explanation “that can be explained as a *cause* of the consequence of interest” (McNabb 2004, 344). An exploratory approach is best when the researcher “does not know the important variables to examine . . . because the topic is new . . . or existing theories do not apply” (Creswell 2003, 22). With exploratory research, the identification of variables is significant as a main philosophical assumption of qualitative oriented research is that many variables are unknown and “variables are too interwoven to measure, especially without a contextual framework” (Studentvoice 2009, n.p.). Identifying variables and suggesting causal relationships are not only necessary to understanding the phenomena, but it is “also likely promote policies to remedy the situation” (McEntire 2004, 4).

The intergovernmental system is complex. The Department of Defense is also complex. The NAPA study called the situation of the National Guard “complexity within complexity” (National Academy of Public Administration 1997, 19). The intent of this study is in no way intended to uncover all of the variables that exist and analyze them. McEntire (2004) advises that it is impossible and not practical to develop a theory that can capture every single variable and issue associated with disasters. Additionally, he warns that a theory that attempts to explain everything may in fact explain nothing at all. The variables are innumerable and entangled, and the scope of the problem is more complex than originally perceived.

However, Pine states, “The appropriate use of a management concept or theory is thus contingent or dependent on a set of variables that allow the user to fit the theory to

the situation and particular problems” (2007, 12). Therefore, it is feasible at this point to begin to make certain general and overarching connections. By starting to piece together the major variables and determining their logical relationship in a nomothetic manner, the research can identify causal factors that impact a wide class of conditions or events (Babbie 2004).

First, the research indicates that the duality of the National Guard is the result of the “opposite and rival interests” of state and federal governments, as put by James Madison in 1788. Madison laid the basic principles of federalism (and the problem) in Federalist No. 51 where he wrote, “In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments.” The American system of federalism facilitates influences from the state governments and the federal government. In the study of this topic, the sum of the state governments’ influences and the sum of the federal government influences are the independent qualitative variables. These are not statistical independent variables that can be manipulated by a researcher; rather they are qualitative in nature and fluidly exist in the social environment. These are the variables that ultimately influence the dependent variable of the study. Each of the independent variables are infinitely complex and have a countless array of factors feeding the influence.

The independent qualitative variables of state and federal influences affect the National Guard’s mission and funding, organization and structure, personnel and equipment, and planning and training. These themes emerged from the research as the four categories that represent the moderator qualitative variables. The moderator

variables are presented in an ordinal manner according to their relative strength on the dependent variable, which is also the relative influence they receive from the independent variables. Additionally, these variables have some degree of sequential and moderating characteristics of their own. For example, mission and funding have a strong relative impact on organization and structure, and so on. Each additional set of moderator variables is less directly affected by the independent variable and gains some influence from the previous moderator variables. Finally, the dependent variable is the impact on the National Guard's emergency response mission. Figure 23 depicts the variables that have emerged from the research resulting from dual status, affecting the National Guard's emergency response mission. The *i* indicates an independent qualitative variable (an influencing variable), the *m* indicates a moderator qualitative variable (a variable that affects the relationship of the dependent and independent variables, which *is* accounted for), and the *d* represents the dependent qualitative variable (the variable that is directly influenced by the independent variables through the moderator variables).

There are also intervening variables (variables that affect the relationship of the dependent and independent variables, which are *not* accounted for) that can present themselves at any point within the framework, but they are not considered an important set of variables for this research. Finally, extraneous variables (those that are related to the dependent variable but not within the focus of the research), such as the independent variables' impact on the National Guard's homeland defense mission or federal mission, are also not part of this study. This framework is in no way comprehensive, but it allows one to begin to conceptualize a complex problem.

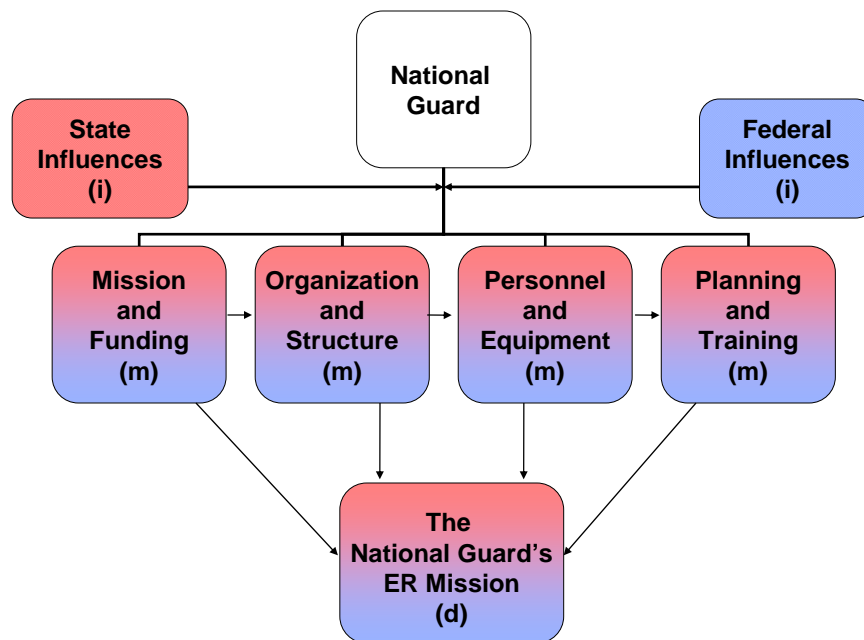


Figure 23. Emerged variables resulting from dual status affecting the Guard's ER mission.

It is reasonable to conclude that each of the moderator qualitative variables (the *m*'s) could also be viewed as separate independent variables, since they are influencing the impact on the National Guard's emergency response mission. Actually, moderator variables are considered a special form of an independent variable (Backer 2010). However, this research indicates that the suggested moderator variables cannot be manipulated alone, outside of the contextual framework of the model and without state and federal influences. This was emphasized in an interview with the Honorable Deborah James, former assistant secretary of defense for reserve affairs, as she stated that due to the complexity of the system, even the best ideas stand no chance of implementation unless the "policy and politics are lined up." This suggests that the National Guard would not be able to make changes to the moderating variables, no matter how sensible, without the independent variables and the related influences. And,

depending on the relative level of influence between the state and federal governments, some policies may be enacted that affect the moderating variables, and ultimately the dependent variable, that do not necessarily make perfect sense to those who are not familiar with the complexities associated with the framework.

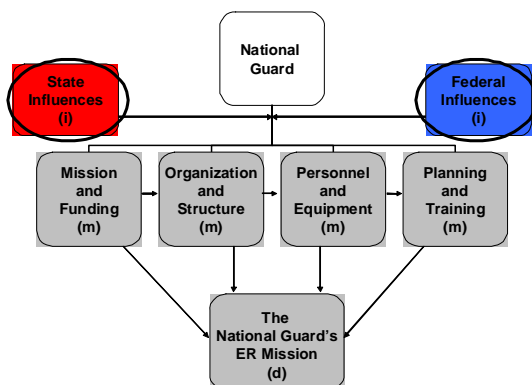
In the next subsections of this chapter, each of the variables is analyzed in more detail. Examining the full details of each of these qualitative variables is outside the scope of the research as they are endless and dynamic. However, it is critical to acknowledge their presence, impact, and importance in order to gain a holistic understanding of the research. The findings focus on the data collected, analyzing the data and fitting them into this framework. First, the independent variables of state governments and the federal government are explored.

Independent Variables

Within the framework, the two independent variables are the sum of state governments' influences and the sum of the federal government influences. These two variables are not statistical independent variables that can be manipulated by a researcher; rather they are qualitative in nature and fluidly exist in the social environment. Each of the independent variables are infinitely complex and in a state of perpetual struggle. The influences that feed into the variables are infinite, dynamic, and interwoven. For example, feeding into the state influences are the National Governor's Association, state constitutions, the Militia Clause, the Bill of Rights, and the geopolitical nature of the National Guard (decentralized Congressional influence and oversight of the Guard).⁷³ Feeding into the variable of federal influence includes the presidential powers granted in

⁷³ There is a significant political character of the National Guard, which is not full examined in this research but is a subject for future research.

the U.S. Constitution, the supremacy clause, implied powers, a series of statutes, changing public expectations, and funding channels. Even the most comprehensive



register of influences would be incomplete and impossible to measure. Therefore, to keep the framework simple, the influences are categorized as either providing to the state or federal independent variables. The independent variables ultimately influence the dependent variable of the study

through the moderator variables.

Figure 24. Independent variables.

Over the centuries, the state and federal influences have shaped many aspects of the National Guard. This section reviews the historical outcomes of the sum of federal influences and the sum of state influences that affect the National Guard in order to demonstrate the hypothesis that federal influences have been more powerful—exuding more influence over the moderator variables. Because of the historical aspect of this section, most of the findings in this section come from documented literature. It is important to note that the historical perspective, while enlightening, does not present the influences that fed into each of the independent variables—it only represents the outcome. In many cases, the outcome—while a single data point—represents the result or the culminating point of years or decades of policy debate and struggle between those who favored a strong national military and those who favored a strong state militia.

At a field observation conducted at the National Homeland Defense Foundation, General Craig McKinley, the Chief of the NGB, stated, “This is not my grandfather’s National Guard anymore.” In a similar comment, during an interview with Tom Ridge, the former Governor of Pennsylvania and former Commander in Chief of the Pennsylvania National Guard, he stated that “the National Guard are not weekend warriors anymore.” This dissertation has been researched and written under the preface that the National Guard has changed significantly since colonial times and that power and control over the Guard has gradually shifted from the state governments to the federal government. A series of events affected the moderating and dependent variables from both the state and federal sides, with the federal government ultimately being more influential than the states. While much of the historical data to support this was discussed in various sections within the review of the literature, it is pertinent to consolidate this data and illustrate its findings in order to demonstrate this hypothesis.

A review of the documented literature demonstrates that a series of events through history has indeed altered the landscape of militia powers and control. In summary, what was originally created as a state militia has gradually transitioned into the militia of the several states to ultimately the modern day National Guard, which is an integrated part of the United States federal military and a major component of the total force. From the viewpoint of American political leaders during the Revolutionary Era, the modern National Guard would not be viewed as a militia, but a standing army (Fields and Hardy 1992). These factors have had an impact on shaping of the National Guard, influencing four key moderating variables that will be examined later: mission and funding, organization and structure, personnel and equipment, and planning and training. The

influences from the sovereign state governments and the federal government are vast and ever-changing, and this section only represents the historical aspect of the independent variables with a specific point to demonstrate.

Figure 25 is an original time versus power grid and it illustrates the major events that have shifted the National Guard throughout the history of the United States. These events include legislation enactment, policy changes, and judicial rulings. On the X axis is years and on the Y axis is relative power over the militia, from state to federal. The thicker black vertical lines represent year markers and the corresponding years are displayed on the X axis, while the thinner black vertical lines represent the start of major conflicts or events and are simply present as historical markers. The historical markers are only provided as a reference to place the illustration and other significant events in context. Doubler notes, “Wars in particular are great catalysts for change that can produce policy revisions and legislation that set new priorities and directions for military organization” (2008, 161). It is important to note that the National Guard considers its “birth date” to be December 16, 1636. This is because the first militia laws were passed during this time at the Massachusetts Bay Colony by General Court to organize a force against a pending Native American uprising (Doubler 2008). Despite this, for purposes of this illustration the analysis begins in 1775 with the First Continental Congress.

Below figure 25 are the keys. Key 1 enumerates the historical markers and key 2 presents details on each of the events, expounding on the event and how it affected the transition of power. The down arrow (↓) represents a shift toward state control (result of powerful state influence) and an up arrow (↑) represents a shift toward federal control (result of powerful federal influence). It will become clear that these variables are in a

state of constant struggle, but the result of this struggle is a significant shift toward federal control through more federal influences. However, it is important to note that the historical perspective, while enlightening, does not present the influences that fed into each of the independent variables—it only represents the outcome.

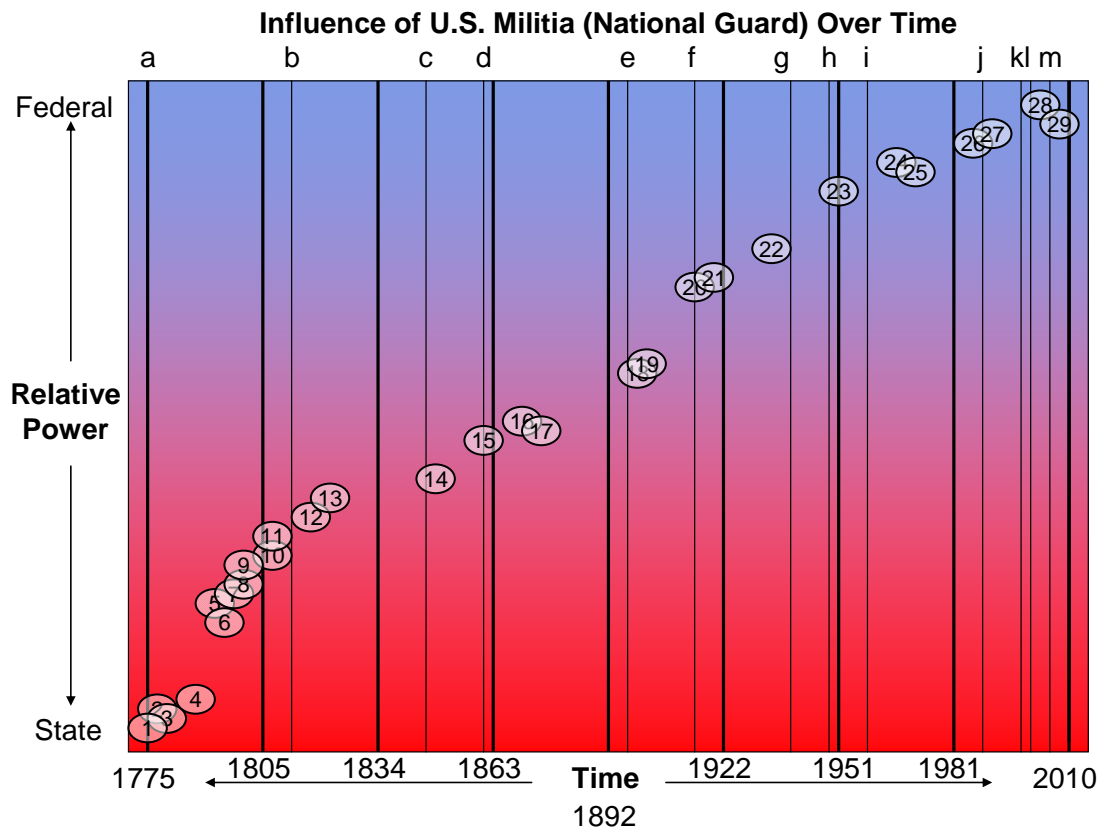


Figure 25. Influence of U.S. militia (National Guard) over time.

Key 1:

- a) 1775 American Revolution⁷⁴
- b) 1812 War of 1812
- c) 1846 Mexican American War
- d) 1861 Civil War
- e) 1898 Spanish American War
- f) 1914 WW1
- g) 1939 WW2
- h) 1950 Korea War
- i) 1959 Vietnam War

⁷⁴ This specific line represents a year marker and the start of major conflict.

- j) 1990 Persian Gulf War
- k) 2001 9/11 Attacks and Afghanistan War
- l) 2003 Iraq War
- m) 2005 Hurricane Katrina

Key 2:

- 1) First Continental Congress, 1774 ↓⁷⁵
 - a. Initially, the colony's powers were strong and the individual colonies each maintained a militia. Before the Revolutionary War, there were attempts to form a national army; for example, Richard Henry Lee of Virginia proposed the idea during the First Continental Congress, but the congress rejected the idea in favor of existing compulsory colonial militias (R. Wright 1983). In lieu of a national army, the First Continental Congress called for the colonies to bolster their militias (Doubler 2003).
- 2) Second Continental Congress, 1775 ↑
 - a. At the meeting of the Second Continental Congress, less than a month after the battles of Lexington and Concord in 1775, the Congress formed the Continental Army in order to establish a more powerful, coordinated effort against the Kingdom of Great Britain. The new army did not replace colonial militias, but it worked along side them. The Continental Army was commanded by General George Washington, who remained the top general for the duration of the war. Shortly after the war ended in 1783, most of the Continental Army was disbanded.
- 3) Articles of Confederation, 1777 ↓

⁷⁵ ↓ represents a shift toward state control (result of powerful state influence) and ↑ represents a shift toward federal control (result of powerful federal influence).

- a. The Articles of Confederation was the first constitution of the new colonies. It expressly guaranteed legal and political status to the militia: it stipulated that each state “*shall always keep* [emphasis added] a well-regulated and disciplined militia” (1777, art. 6). This clause represented a compromise between the Federalists and the Anti-Federalist in an effort to counterbalance the power given to the federal government to maintain a standing national army (Kates 1983).

4) Shay’s Rebellion, 1786 ↑

- a. In 1786, an uprising of farmers and merchants over debt and taxes in Massachusetts lead by Daniel Shays, commonly called *Shay’s Rebellion*, demonstrated that a group of citizens was nearly capable of overpowering the colonial militia. The colonial militia was not able to effectively or quickly enforce the laws and repel the insurgency. This event highlighted a weakness of a loose confederation and lack of a professional army at a time when many citizens were becoming frustrated with the Articles of Confederation. Shay’s Rebellion helped empower the supporters of a strong national government, tipping the scales in favor of a federal system of government and reviving the Continental Army.

5) Ratification of the Constitution, 1788 ↑

- a. The Constitution is the most single significant piece of military legislation. The Constitution affirmed the President of the United States is the commander in chief of the armed forces, having the ultimate authority and responsibility for national defense. These powers are conferred by article

II, section 2 of the U.S. Constitution: “The President shall be Commander in Chief of the Army and Navy of the United States, and of *the Militia of the several States* [emphasis added], when called into the actual service of the United States.” The Constitution enabled the platform for a national military establishment.

6) Bill of Rights, 1791 ↓

- a. While the Constitution granted the President ultimate authority over the military, including the militia of the several states, the 2nd Amendment emphasized the constitutional and statutory legitimacy of a sovereign state militia: “A well regulated Militia, being necessary to the security of a free State, the right of the People to keep and bear Arms, shall not be infringed.” Additionally, the 10th Amendment clarified the distribution of power and reaffirmed the relationship between the national and state governments; it explicitly states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

7) The *Militia Act*, 1792 ↑

- a. The *Militia Act of 1792* outlined the authority of the president to call up the militia. There were two *Militia Acts* passed by the U.S. Congress in 1792. The first *Militia Act* granted presidential authority to call up the militias of the several states, “whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe” (art. 1, sec. 1). The second *Militia Act* “clarified the role of

the militia; required all able men to serve, be armed, and be equipped at their own expense; standardized unit structure,” and set standards to ensure the efficacy of the military when called for national emergency (U.S. Army National Guard [2008c?], n.p.). However, the passage of the Acts had no impact on the state’s ability to appoint officers and it authorized an adjutant general in each state (U.S. Constitution, art. 1, sec. 8, cl. 16; Doubler 2008).

8) The *Whiskey Rebellion and the Enforcement Act*, 1795 ↑

- a. In a similar type of insurrection to Shay’s Rebellion, during the Whiskey Rebellion George Washington was able to muster and federalize nearly 13,000 militiamen from several states⁷⁶ to put down a rebellion over paying a federal tax on whiskey (Hoover n.d.). Invoking the *Militia Act*, this was the first time the militia was used to fulfill its constitutional duty to “execute the laws of the Union” (U.S. National Guard 2008). Unlike Shay’s Rebellion, the federalized militia was able to effectively quell the insurrection with little violence (U.S. National Guard 2008). This demonstrated the value of a national army.

9) The *Militia Act Amendment*, 1795 ↑

- a. In 1795, the *Militia Act of 1792* was amended, removing notification requirement of “associate justice or the district judge,” which was a requirement in the original *Militia Act of 1792*. The *Militia Act Amendment* also “clarified the role of the militia; required all able men to serve, be armed, and be equipped at their own expense; standardized unit

⁷⁶ Maryland, New Jersey, Pennsylvania, and Virginia.

structure,” and set standards to ensure the efficacy of the military when called for national emergency (U.S. Army National Guard [2008c?], n.p.). Additionally, the 1795 version “removed the 1792 Act’s requirement that militiamen from other states could be used only when Congress was not in session” (Vladeck 2004, 162). It also removed the advanced notice requirement of the dispersal proclamation, effectively allowing a contemporaneous proclamation (Vladeck 2004). These changes accreted power toward the federal government and strengthened the powers of the president.

10) The *Militia Act* Amendment, 1807 ↑

- a. The 1807 changes mostly affected the president’s emergency power over federal military forces, allowing the president to also use federal troops were he was already authorized to use the militia (Vladeck 2004). Essentially, Congress no longer made any distinction between the militia and the regulars.

11) The *Insurrection Act*, 1807 ↑

- a. The *Insurrection Act* empowers the president to deploy federal military forces, including the federalized National Guard, domestically to “suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy” or during “natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition” (U.S. Code 2000a, art. 331).

12) *Houston v. Moore*, 1820 ↑

- a. *Houston v. Moore* was the first case heard by the Supreme Court dealing with the 2nd Amendment (Kopel 1999). The case arose from the State of Pennsylvania where a militiaman had failed to muster for federal militia duty when summonsed at the request of the president during the War of 1812. The crux of the case revolved around whether the *State* had the authority to prosecute the militiaman for violating a federal statute (Kopel 1999). However, the implications of the outcome of the case made militiamen liable to United States penalties *and* State penalties when “neglecting or refusing to serve when called into actual service in pursuance of any order or requisition of the President of the United States” (*Houston v. Moore* 1820, 18 U.S. 1).

13) *Martin v. Mott*, 1827 ↑

- a. In *Martin v. Mott* the Supreme Court overturned the New York state court’s rulings that determined Jacob Mott, a New York militiaman, was not liable for failing to muster for militia service when ordered by President James Madison to protect the Union from the imminent danger of a British invasion. In the ruling Justice Joseph Story opined, “We are all of opinion, that the authority to decide whether the exigency has arisen, belongs exclusively to the president, and that his decision is conclusive upon all other persons” (*Martin v. Mott* 1827).

14) *Luther v. Borden*, 1849 ↑

- a. In *Luther v. Borden* (1849) the Supreme Court opined that the president has near plenary powers to determine when it is appropriate to use the

military, and suggested that it is a function of the executive branch and not the legislative branch. Chief Justice Roger B. Taney rhetorically asked, “After the President has acted and called out the militia, is a Circuit Court of the United States authorized to inquire whether his decision was right?” The Court went on to suggest that “when the President decides to use military force to preserve the peace, neither the decision itself nor the methods employed are open to question in the courts of the United States” (Rossiter and Longaker 1976, 17).

15) The *Militia Act* Amendment, 1861 ↑

- a. The amendment increased the time period during which the President was authorized to call forth the militia, gave the President sole discretion in the determination that it was “impracticable” to execute the laws, and it also added “rebellion against the authority of the Government of the United States” to the list of circumstances where militia powers could be invoked (Vladeck 2004).

16) The *Militia Act* Amendment, 1871 ↑

- a. The Revisions in 1871, specifically targeted to the Ku Klux Klan, again increased the president’s powers by allowing the activation of the militia to enforce civil rights (Vladeck 2004). By 1871 the president had “unfettered statutory discretion to employ the militias or the (now-powerful) federal army when certain conditions were met” (Vladeck 2004, 168).

17) The *Posse Comitatus Act*, 1878 ↓

- a. The *Posse Comitatus Act of 1878* removed the army from conducting local policing operations during the Reconstruction era. The *Posse Comitatus Act* was later applied to all branches of the military, with the exception of the Coast Guard, which now falls under DHS but remains a branch of the armed forces, and with the exception of the non-federalized National Guard. This Act generally prevents the federal military from conducting law enforcement activities, enabling the non-federalized National Guard under the command of the governor to perform this role.

18) The *Militia Act*, 1903 ↑

- a. The *Militia Act of 1903*, better known as the *Dick Act*, named after then Representative Charles W. F. Dick, replaced the previous *Militia Acts*, “affirmed the National Guard as the primary organized reserve force,” and strengthened the National Guard as a “component of the national defense force” (U.S. Army National Guard [2008?c], n.p.). The Act defined age limits, terms of service, and training requirements (Kirkland 1992). It authorized federal funding and equipment, but required mandatory training that followed regular army standards (Huguelet 2002). The *Dick Act* also divided the militia into two parts: the organized militia and the reserve militia, which is commonly referred to as the *unorganized militia* in contemporary vernacular.

19) The *Militia Act Amendment*, 1908 ↑

- a. The *Militia Act Amendment* of 1908 allowed the President to mobilize the National Guard in support of national emergencies, removed the 18 month

limit of federalized service, and allowed the National Guard to be used outside of the United States (Wiener 1940; Cooper 1997; Huguelet 2002;).

20) The *National Defense Act*, 1916 ↑

- a. The *Militia Acts* remained the primary framework for military affairs until the passage of the *National Defense Act of 1916*. The *National Defense Act* represented “the most comprehensive military legislation yet enacted by the U.S. Congress” (Stewart 2005, 382). The Act quadrupled the size of the National Guard to over 400,000 members and provided for federal funds (Chambers 2000). In return, it mandated federal organization of the Guard, imposed federal training standards, and obligated the Guard to the presidential federalization (Stewart 2005). The Act also “guaranteed the State militias as the primary reserve force; gave the President the authority to mobilize the Guard during war or national emergency; made use of the term ‘National Guard’ mandatory; [and] authorized drill pay for the first time” (U.S. National Guard Bureau 2009b, n.p.). However, the *National Defense Act* did not completely eliminate the militia as some “regulars” and nationalists had hoped (Chambers 2000).

21) The *National Defense Act* Amendments, 1920 ↑

- a. The *National Defense Act* was later amended in 1920 to establish that “the chief of the Militia Bureau (later the National Guard Bureau) would be a National Guard officer, that National Guard officers would be assigned to the general staff and that the divisions, as used by the Guard in World War I, would be reorganized” (U.S. National Guard Bureau 2009b, n.p.).

22) The *National Guard Mobilization Act*, 1933 ↑

- a. The *National Guard Mobilization Act of 1933* “made the National Guard of the United States a component of the Army at all times, which could be ordered into active federal service by the President whenever Congress declared a national emergency” (U.S. National Guard Bureau 2009b, n.p.). Additionally, the Act “defined the difference between the ‘National Guard of the United States’, [*sic*] the federally mobilized status and the ‘National Guard of the several States’, [*sic*] the state active duty status” (Kirkland 1992, 23). In part, the oath states that Guardsmen will “support and defend the Constitution of the United States *and the State of* ___ [emphasis added] against all enemies, foreign and domestic... [and to] obey the orders of the President of the United States *and the Governor of* ___ [emphasis added]” (U.S. National Guard Bureau 2000, 1).

23) The *Armed Forces Reserve Act*, 1952 ↑

- a. The *Armed Forces Reserve Act of 1952* significantly expanded the scope of federal power by eliminating the need for an emergency to federalize the National Guard or to bring the National Guard into an active duty status for expeditionary use (Galloway 1957). However, the Act still required gubernatorial consent to federalize a state’s National Guard for use expeditionary missions (Mordan 2006).

24) The *Total Force Policy*, 1973 ↑

- a. The *Total Force Policy*, sometimes referred to as the *Abrams Doctrine*, integrated the reserve component with the active forces to form a singular,

more cohesive military. The Total Force Policy “requires all active and reserve military organizations be treated as a single integrated force” (U.S. National Guard 2009, n.p.). The concept was initiated by then Secretary of Defense Melvin Laird in an attempt “to provide sufficient troops for the nation’s security needs without the costly burden of maintaining a large standing army,” since reserve forces cost substantially less to maintain (Carafano 2005, 1; U.S. Congressional Budget Office 1992). The Policy reorganized the military by putting key units that are needed for war in the reserves. For example, over 60 percent of the army’s medical units are in the reserves (Cecchine et al. 2004). Many of the army’s combat support (CS) and combat service support (CSS) functions lie in the Army Reserve and many of the army’s combat arms capabilities lie in the Army National Guard (Davis et al. 2004). This ensures that the nation cannot go to war without the reserves.

25) *United States v. Peel*, 1977 ↓

- a. In 1977 the Court of Military Appeals opined the process of gubernatorial consent of National Guard activation for federal service of non-national emergencies “has Constitutional underpinnings in Article I, § 8, of the Constitution of the United States.”

26) The Montgomery Amendment, 1986 ↑

- a. The Montgomery Amendment denied governors the right to withhold state National Guard forces from federal service, essentially invalidating the Peel opinion. Prior to this, the National Guard could be activated into

federal service without gubernatorial consent during time of war or national emergency, but gubernatorial consent was required before federalizing the National Guard for non-emergency training. Consent was routinely granted prior to 1985, but in March of that year several governors⁷⁷ at odds with the Reagan Administration's policy to Nicaragua withheld their National Guard Forces for training events in Central America (Cooper 1991). U.S. Congressional Representative Gillespie V. Montgomery of Mississippi submitted an amendment to the proposed *National Defense Authorization Act of 1987* removing gubernatorial consent as a requirement to federalization. The Amendment quickly passed the U.S. Congress and is now codified to read, "The consent of a Governor may not be withheld (in whole or in part) with regard to active duty outside the United States, its territories, and its possessions, because of any objection to the location, purpose, type, or schedule of such active duty" (U.S. Code 2007, sec. 12301).

27) *Perpich v. The Department of Defense*, 1990 ↑

- a. The Montgomery Amendment was soon challenged by several governors, citing confliction with the Militia Clause. However, the Supreme Court later unanimously verified the legality of the Montgomery Amendment in *Perpich v. Department of Defense* (1990). This ruling was not only a landmark ruling in military affairs, but was also "one of the most

⁷⁷ Governors of California, Maine, and Ohio declined requests from the Department of Defense to send National Guardsmen to Central American (Cooper 1991). The governors of Vermont, Massachusetts, Arizona, New York, and Washington announced that they would withhold their units as well (Cooper 1991).

significant Supreme Court decisions concerning federalism values” (Cooper 1991, 642). The Court ruled that the Militia Clause actually enhances federal powers and Justice John Paul Stevens opined that the Court’s interpretation of the Clause “merely recognizes the supremacy of Federal power in the area of military affairs” (1990, 351). Moreover, the Court confirmed that Congress’ army powers are “plenary and exclusive” (*Perpich v. Department of Defense* 1990, 339).

28) The *John Warner Defense Authorization Act*, 2007 ↑

- a. The *John Warner Defense Authorization Act* amended the *Insurrection Act*, widening its applicability to include “natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or *other condition* [emphasis added],” thus further empowering the federal government and possibly usurping governors during times of crisis. Essentially this change allowed the president to use his supremacy to usurp the governor’s control of the National Guard without the governor’s approval for nearly any condition. This change was in response to the command issues resulting from the Hurricane Katrina response in 2005.

29) The *National Defense Authorization Act*, 2008 ↓

- a. After staunch opposition from both Democratic and Republican governors, the controversial change to the *Insurrection Act* was later repealed in 2008 by HR 4986: National Defense Authorization Act for Fiscal Year 2008.

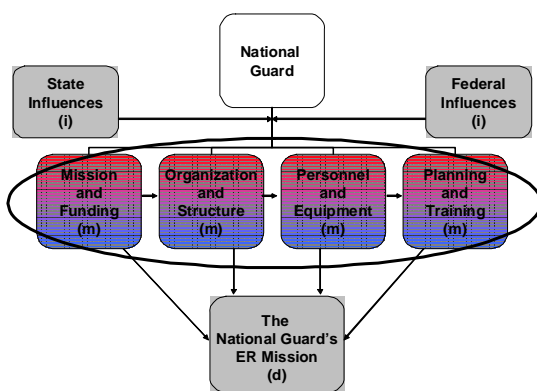
In summary, the two independent variables are the sum of state governments' influence and the sum of the federal government influence. Each of the independent variables are infinitely complex and have a countless array of factors feeding the influence. The influences that feed into the variables are also infinite, dynamic, and interwoven. Even the most comprehensive register of influences would be incomplete and impossible to measure. Therefore, to keep the framework simple, the influences were categorized as either providing to the state or federal independent variables. Each of the abovementioned events represented a shift toward state control as the result of more powerful state influence or a shift toward federal control as the result of more powerful federal influence. A historical analysis of major events, such as legislation enactment, policy changes, and judicial rulings, demonstrate the outcome of these variables over time. It is clear that these variables are in a state of constant struggle, but the result of this struggle is a significant shift toward federal control through more powerful federal influences.

Patrick Todd Mullins summarizes the aggregate result by stating, "The current system is characterized by federal control over almost all facets of the Guards. There is almost no area of operation in which the Guards are not constrained by federal control" (1988, 343). The historical perspective is enlightening, but it does not present the influences that fed into each of the independent variables—it only represents the outcome, which is a single data point. In many cases that data point is the result of years or decades of policy debate and struggle between those who favored a strong national military and those who favored a strong state militia. Despite the changes, the National Guard has adapted well—absorbing new federal missions while maintaining the historic

state missions. Doubler writes, “Since the nation’s earliest beginnings, citizen-soldiers have displayed an innate ability to adapt to constantly changing circumstances while providing meaningful capabilities to America’s defense needs” (2003, 374). Over time, these variables significantly affected several aspects of the National Guard, including mission and funding, organization and structure, personnel and equipment, and planning and training. These are labeled moderator variables in the framework.

Moderator Variables

The independent qualitative variables of state and federal influences affect the National Guard’s mission and funding, organization and structure, personnel and equipment, and planning and training. These themes emerged from the research as the four categories that represent the moderator qualitative variables. The moderator variables are a special form of an independent variable: they are qualitative in nature and affect the relationship of the dependent and independent variables. Unlike intervening



variables, moderator variables are taken into account within the framework. The moderator variables are presented in an ordinal manner according to their relative strength on the dependent variable, which is also the relative influence they receive from the independent variables.

Figure 26. Moderator variables.

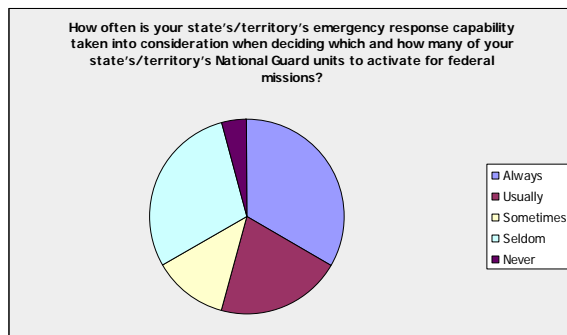
Additionally, these variables have some degree of sequential and moderating characteristics of their own. For example, mission and funding have a strong relative impact on organization and structure, which impacts personnel and equipment, and lastly planning and training. Each additional set of moderator variables is less directly affected by the independent variable and gains some influence from the previous moderator variables. For example, planning and training are less affected by the federal and state influences than the other moderator variables, but are influenced by those preceding variables. This section reviews each of the moderator variables, analyzing them in the context of the framework by using the qualitative and quantitative data collected.

Moderator Variables—Mission and Funding

The first set of moderator variables is mission and funding. These two variables have an affinity as funding is allocated on the basis of mission requirements. These two variables are the most important as they are the most directly affected by the independent variables and have some impact on the other moderator variables. Additionally, these variables have the most relative strength on the dependent variable and influence the other moderating variables. First, while it is proclaimed that emergency response is the National Guard's most important *domestic* mission, the data collected clearly demonstrates that the Guard's primary *overall* mission is its federal warfighting mission. Major General Fick stated during an interview that "the National Guard is primarily a warfighting organization." The National Guard is trained, funded, organized, equipped, and evaluated around its federal warfighting mission. Even when not federalized the

National Guard still has a federal mission to maintain properly trained and equipped units, available for prompt mobilization (U.S. Army National Guard [2008?b]).

Furthermore, the survey to the offices of the adjutant general indicate the federal government mission not only takes priority, but in nearly half of the respondents indicated that the federal government only sometimes, seldom, or never takes the state's emergency response capability into consideration when deciding which National Guard units to activate for federal missions (Q17). This is the result of a more powerful federal influence over the National Guard. This point was made very clear through the literature,



interviews, observations, and survey. This aspect of the National Guard has a profound impact on every aspect of the state and federal relationships of the National Guard, and on the Guard's emergency response role.

Figure 27. Survey results on ER consideration for federal deployments (Q17).

From the research it became evident that most of the National Guard's current capacity to support civil authorities for emergency response operations is met on the margins of its federal warfighting mission. The RAND Corporation published a study titled *Assessing State and Federal Missions of the National Guard*. The RAND study accepts the prevalent assumption that "state emergency response mission can be done on the margins of the national defense mission" (National Academy of Public Administration 1997, 82). This assumption is based on the belief that the National Guard emergency response mission "does not generate any additional demand at the federal

level for National Guard force structure” (RAND 1995, 25). This was an assumption that the National Academy of Public Administration (1997) study did not accept as a foregone conclusion.

The research of this study concludes that the RAND assumption is largely true. The survey to the offices of the adjutant general indicates that even under the most constrained circumstances, states have enough resources to adequately response to an emergency in their state, with the exception of major disasters (Q5). And, the data from the survey indicate that states have a significant buffer at current level—even while the National Guard is engaged in two major expeditionary missions (Q10; Q11). Regardless, this may not be the most optimal solution and alternative organizational structures are explored more in a secondary research question (S3).

While the National Guard has a primary focus on its federal mission, the Guard has two primary domestic missions: emergency management (assistance to civil authorities) and homeland defense. Of these two missions, the research indicates that the Guard’s emergency management mission is given a lower priority than its homeland defense mission. During an interview, Major General Grass, the Director of Operations at NORTHCOM, put this in a politically correct way stating the two domestic missions are “equal in priority,” but the “number one mission of NORTHCOM is to defend the homeland.” This comes at no surprise considering the National Guard was originally created as a homeland defense organization at its inception. From its first muster of 1636, the Guard was focused on protecting the new land from hostile enemies and invaders. Over time and through the evolution of the Guard, it began to take on

additional responsibilities of quelling insurrection, providing assistance to civil authorities for disasters, and expeditionary warfighting missions.

Although much has changed, the National Guard's homeland defense mission of today remains similar in its fundamental intensions. Today, the Department of Defense is the primary federal agency charged with homeland defense, and the National Guard is the primary executor of DoD's homeland defense mission. The Department of Defense has fully embraced its homeland defense mission as a core mission and it trains and equips its force accordingly (Punaro, Sherrard, and Stump 2008). U.S. Department of Defense Joint Publication 3-27, states: "DOD is responsible for the [homeland defense] mission, and therefore leads the [homeland defense] response, with other departments and agencies in support of DOD efforts" (2007d, vii). In the post-9/11 era, homeland defense has become an increasing priority for the Department of Defense and the National Guard.

Sitting in the shadows of the National Guard's federal warfighting mission and its homeland defense mission is the National Guard's emergency response mission. Although some analysis of the National Guard, such as the *Commission on the National Guard and Reserves* (2008), concludes that the Guard's most important domestic mission is emergency response, and this was accepted as a truism at the start of this research, a preponderance of the data collected indicates the contrary. Actually, the data indicates that it is the least important when prioritized.

There is no mission priority given to emergency response, and the Guard's emergency response mission is not clearly defined. For example, the main point of the 1997 NAPA study was to "determine the *proper role* [emphasis added] of the National Guard in preparing for and responding to natural disasters and domestic emergencies"

(National Academy of Public Administration 1997, 1). The outcome of this study concluded that there is a semi-articulated system for response to emergencies and that there will be a growing gap unless addressed.

The problem examined by NAPA is not a new one—uncertainty over the proper role of the militia dates back to the colonial era (Stentiford 2002). Furthermore, the Department of Defense *Strategy for Homeland Defense and Civil Support* (2005) outlines a number of areas where the National Guard could contribute to its domestic mission, but does not provide “details nor a definitive state of how” (Wormuth et al. 2006, 63). Finally, the most recent congressional report examining the National Guard states, “Nowhere is specified the role that the National Guard . . . should play in . . . responding to a major catastrophe (Commission on the National Guard and Reserves 2008, 12).

In the literature, Punaro, Sherrard, and Stump state that “the Department of Defense historically has viewed civil support as a ‘lesser included’ mission and a lower priority” (2008, 12). They go on to suggest that the Department of Defense has relied on its “dual-capable forces” and point to evidence in the U.S. DoD’s Joint Publication 3-28, which states that DoD’s civil support “capabilities are derived from Department of Defense (DOD) *warfighting* [emphasis added] capabilities that could be applied to foreign/domestic assistance or law enforcement support missions” (2007f, vii). Clearly, the lack of focus on the Guard’s domestic emergency response mission indicates the relative priority of this mission.

The lack of mission focus on state missions, especially emergency response, is attributed to increasing federal influences, but it also has a nexus to funding. As the National Guard became a more integrated component of the total force, the federal

government assumed a greater responsibility for funding the Guard. Today, the National Guard is almost exclusively funded by the federal government. Since the Guard is largely funded with federal dollars, the federal government controls the Guard's mission set, and the federal government has the mission of national defense. The research did not give any indication that funding was allocated toward anything other than the National Guard's federal warfighting mission—other than a few specialty units. All of the interviewees reiterated this fact as an important aspect of the Guard's existence. This issue is summed quite poignantly by the National Academy of Public Administration:

On one hand, more than 95 percent of the Guard's funding, which dictates structure, training, and equipment comes from the DoD, which understandably demands that the Guard give the highest priority to the requirements generated by the U.S. foreign and defense policies. On the other hand, governors and citizens of the state understandable expect that far more than 5 percent of their Guard's capabilities will be available for EM/DR/SCD [emergency response/ disaster response/ severe civil disturbance] when needed. (1997, 26)

The survey conducted to the offices of the state adjutant generals revealed that half of the respondents indicated that absolutely no funding consideration is given by the federal government to their state's emergency management mission (Q12). This number has decreased 20 percent since 1997 as the NAPA study asked the same question, but about 70 percent indicated no funding consideration was given by the federal government to their state's emergency management mission. This suggests that the perception among the participants indicates that the federal government may be giving more funding consideration to the Guard's emergency response mission than before. Still, many states are reluctant to seek additional funding for the Guard's state mission as it is perceived as

enhancement at the expense of the federal mission and risks congressional budgetary support (National academy of Public Administration 1997).

Additionally, Brigadier General (NY) Ferg Foley stated during an interview that “strings come attached with federal funding.” About half of the survey respondents also indicated that restrictions come along with federal funding, precluding funding from being used for emergency response preparation (Q15). One of the survey respondents noted, “Funding appropriations restrict TAG discretion on training for emergency response.” Still this number has decreased 35 percent since 1997 as the NAPA study asked the same question, but about 85 percent indicated that they are prohibited or constrained from using federal funds for emergency response preparation. This may suggest that the perception among the participants indicates that the federal government may be loosening federal funding restrictions. Historic domestic emergencies and disasters in the early 21st century may have contributed to these changes.

While some improvement may have been made, the National Guard’s civil support mission has long been viewed as a “drain on forces needed for more important overseas missions and as a threat to the defense budget” (Wormuth et al. 2006, 64). This was echoed in an interview by Friedrich Martin, Chief of Staff, NGB Domestic Operations, who stated something to the effect that any National Guard focus on civil support must be done in supplement to the Guard’s warfighting mission, not in a way that takes away from it, suggesting that funding was the main concern. For example, the Guard’s Civil Support Teams were funded by additional funds exclusively for the CST missions, not from general warfighting funds and therefore not seen as a threat. In a separate interview at the National Guard Bureau, an unidentified interviewee stated on

conditions of anonymity that the “DoD’s off the record view is that money not spent on warfighting is wasted.”

However, simply because the National Guard is funded by the federal government does not mean that they should have unfettered control over the Guard. After all, the federal government is funded by citizens of the states. The National Academy of Public Administration study made this point very clear:

To suggest the National Guard resources purchased with federal funds “belongs” to the federal government, and therefore may be disposed of without serious regard for the needs of the individual states, is unjustified. For example, the Idaho Guard’s equipment may have been purchased with 95 percent federal funds, but those funds were not conjured up by the federal government out of thin air; they came from the taxes paid by the citizens of Idaho—and indeed, from the citizens of the other states as well. (1997, 88)

In summary, strong federal influences have manifested into significant outcomes with respect to the National Guard’s mission set and funding. It is clear that the Department of Defense has not yet fully embraced its civil support mission. Moreover, the National Guard’s overall mission priority is warfighting—even a large part of the Guard’s state mission is preparing for its federal mission. No systematic consideration is given to the National Guard’s emergency response mission, and the role of the National Guard for emergency response remains largely undefined. Fortunately, the National Guard’s emergency response mission can largely be met on the margins of its federal warfighting mission.

Additionally, any mission change that threatens the National Guard’s funding stream is met with staunch opposition by the National Guard. The National Guard is funded mostly by the federal government, which has primary responsibility for national

defense. Therefore, the Guard is nearly exclusively funded for the federal warfighting mission and significant restrictions are associated with the federal finding, precluding many states from using these funds for emergency response preparation. Although it appears that funding consideration for the National Guard's emergency response mission has increased compared to the previous decade, the Guard's emergency response mission still remains the least important of any of the National Guard's missions and is funded accordingly.

Moderator Variables—Organization and Structure

The second set of moderator variables is organization and structure. Direct influences from the state governments and the federal government have shaped the current organization and structure of the National Guard, which impacts the Guard's emergency response mission. Additionally, organization and structure are also affected by the Guard's mission and funding. It is clearly documented in the previous section of this chapter that the National Guard has transitioned from a pure state militia into a substantial component of the total force. This transitioned has created both internal (state level) and external (federal level) changes to the organization and structure of the National Guard. While organization and structure are closely related, they are not identical. This section first discusses organization versus structure, then it examines state institutional structures for emergency response, and finally it examines the organization of the Guard at the federal level.

According to Maturana and Varela (1980), the *organization* of a system defines its identity in terms of inter-component relationships that are realized through specific *structures*. A system may change its structure without loss of identity, as long as the

organization remains unchanged. For example, the National Guard's organization may remain the same, while its force structure changes. Department of Defense Joint Publication 1-02 defines *force structure* as "Numbers, size, and composition of the units that comprise US defense forces; e.g., divisions, ships, air wings" (2009, 338). Because of this, structure and the moderator variables of organization and structure and personnel and equipment are closely related. This section reviews the National Guard organization and structure at the state level and then at the federal level. In a subsequent secondary research question (S3) this study will examine ways to reorganize the National Guard to be better organized to support its state emergency response mission.

The National Guard is a hybrid organization with nearly every aspect of its existence split between a state government and the federal government, albeit heavily influenced by the federal government. Because of this, the National Guard's organization and structure follows a similar pattern. Some characteristic of the National Guard's organization and structure remain determined by the state but most reside with the federal government. The state still has some degree of autonomy for the appointment of officers, the structure of headquarters elements, location of units, and most importantly the relationship between the state military departments and the other state agencies. Conversely, the federal government controls nearly every other facet of the National Guard's organization and structure, such as size, numbers, and unit types. First, this section examines the state institutional structure with respect to emergency response.

The adjutant general is the senior military officer within a state and commander of a state's National Guard forces. The concept of adjutant generals was first envisioned by then General George Washington who wrote in *Sentiments on a Peace Establishment*: "It

appears to me extremely necessary there should be an Adjutant General appointed in each State, with such assistance as may be necessary for communicating the orders of the Commander in chief of the State, making the details, collecting the Returns & performing every other duty incident to that office” (1783, 197). Most adjutant generals are appointed by state governors, with the exception of Vermont, where the TAG is elected by state legislature; South Carolina, where the TAG is elected by the citizens; and Washington D.C., where the senior National Guard military officer is appointed by the president and called the *Commanding General* (CG) (Moniz and Drinkard 2002). The arrangements between the National Guard, at the state level, and state emergency management offices vary among states. This lack of uniformity is a familiar characteristic with federal systems of government.

In most states, the lead emergency management official holds the title of *emergency management director*. A 2007 survey by the National Emergency Management Association (2007) of state emergency management directors and their agencies revealed that nearly all of the emergency management directors are appointed (non-merit)—most by the governor but some by other officials like the public safety secretary or the adjutant general. In some states the emergency management director is still the adjutant general, but there is a trend away from this. In most states the emergency management director is not the adjutant general, but he or she reports to the adjutant general. The key advantages of this structure are: 1) improves planning and coordination between the offices; 2) direct command level communication between the TAG and the governor on critical issues involving both military and civil response; and 3) strong support staff (National Academy of Public Administration 1997). The National

Academy of Public Administration (1997) examines the advantages and disadvantages of each of the state structures in detail.

At a field observation conducted at the National Homeland Defense Foundation, General McKinley was discussing state structures for emergency response and he stated, “How the support is structured is important.” However, the research did not indicate which state structure was best for achieving state mission in emergency response, nor was it an objective. Regardless of which structure is chosen, “cooperation and coordination [among state agencies] is key,” as stated by Major General Harold Sykora during an interview. Likewise, Timothy Manning at FEMA said during an interview, “When responding to an emergency, org charts don’t matter as much as relationships.” Figure 28 illustrates the roles of the adjutant general.

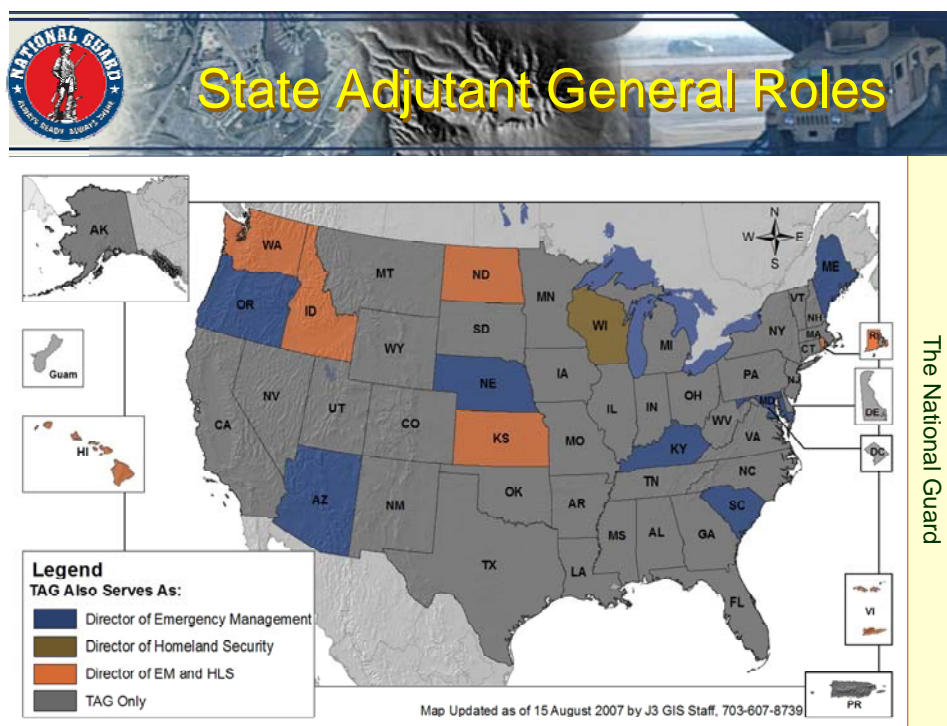
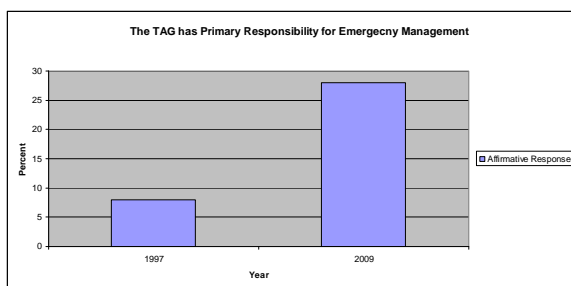


Figure 28. Roles of the adjutant general (National Guard Bureau 2007).

In the survey conducted to the offices of the state adjutant generals, 77 percent of the adjutant generals held cabinet level positions and nearly all of the TAGs reported directly to the governor or chief executive (Q2). The 1997 National Academy of Public Administration survey indicated that just 65 percent of adjutant generals held a cabinet level position; an increase of 12 percent. Also, in the survey conducted to the offices of the state adjutant generals about 28 percent of the respondents reported that the TAG has primary responsibility in the state for emergency management (Q3), compared to only 8 percent in the 1997 NAPA survey—an increase of 20 percent. Both of these new data points suggest that role of the TAG is becoming increasingly important with more direct access to the governor and more responsibly for emergency management. In essence, the role of the adjutant general at the state level has become more important and more powerful.

Figure 29. Comparative results of surveys for emergency management responsibility.



While the state does have some flexibility in determining its institutional structure with respect to emergency response, most of the organization and

structure of the National Guard is dictated by the federal government and the Department of Defense. The federal government determines the Guard's structure, size, numbers, and unit types. This is achieved through both statutory and regulatory means but largely through the National Defense Authorization Act (NDAA) (Renaud 2006). The research indicates that the organization and structure of the National Guard is focused on its federal warfighting mission. The 1997 National Academy of Public Administration study

found “no substantial evidence that serious attention is given to the Guard’s state mission in DoD force structuring” (1997, 85). The findings from this dissertation largely agree. Nonetheless, the federal government does still give some discretion to the states. While the federal government does have significant power over National Guard origination and structure, “the states reserve the authority to station units and their headquarters, and federal officials may not change any branch, organization, or allotment located entirely within a state without the approval of the governor” (Renaud 2006, 2).

The current force structure is result of the Total Force Policy, which was created to ensure that any future large-scale or protracted military operation requires a mix of active and reserve forces (Carafano 2005). However, when the total force was balanced most of the combat support and combat service support units ended up in federal military units (active and Reserve), while most of the combat arms units went to the National Guard. While this certainly secured the combat mission of the National Guard and increased the overall value of the Guard with respect to the total force, few of these units are valuable for state emergency response mission. The findings of the survey conducted as part of this research indicate the CS and CSS units are most valuable for emergency response missions with the exception of aviation, which consistently ranked high (Q29; Q30).

The most valuable units for emergency response as indicated by the survey of the offices of the adjutant general come from are aviation, military police, engineering, transportation, medical, and communications (Q29). Five of the top six are combat support or combat service support units. Therefore, combat support and combat service support units are more useful in the National Guard than the other components. These

units are also part of the National Guard's "essential 10" list. The essential 10 is a prioritized list of dual use capabilities that are core to homeland readiness. The goal is to "ensure that every governor has each of these 'essential 10' capabilities" (National Guard Bureau 2008b, 2). Like the findings of the survey, of the essential 10, the only combat arms unit is aviation. Figure 30 again depicts the makeup of each army component. Notice that the number of combat units in the National Guard is more than the total of combat support and combat service support units.

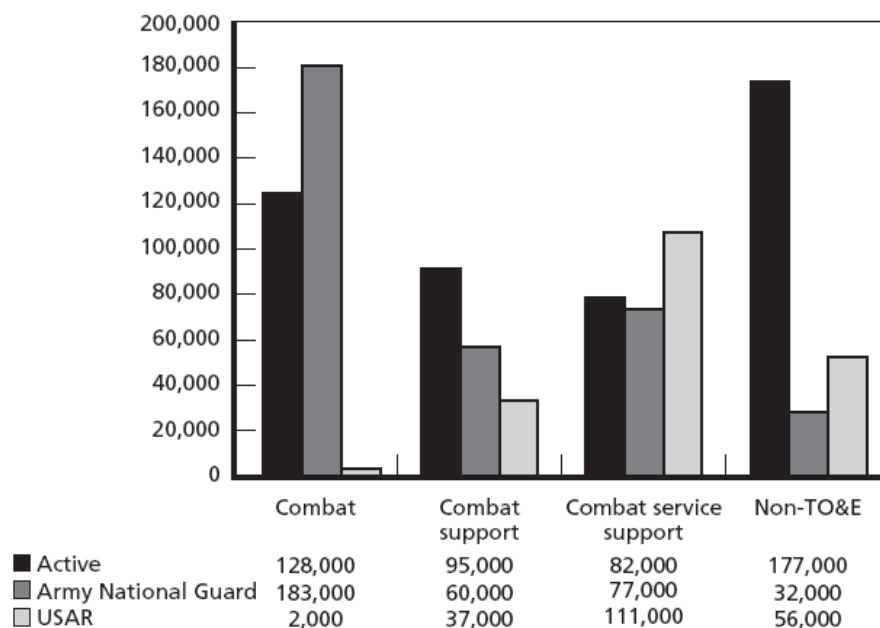


Figure 30. Makeup of each army component (Davis et al. 2004).

In summary, internal state institutional structures continue to vary. However, in most states the emergency management director is not the adjutant general, but he or she reports to the adjutant general. The adjutant general is becoming increasingly important with more direct access to the governor and more responsibly for emergency management. The key to success, regardless of structure, is ensuring coordination and cooperation among state agencies regardless of which structure is used. Additionally,

strong federal influences have affected the organization and structure of the National Guard. Specifically, the Guard's organization has shifted to one of warfighting, and its force structure has rebalanced to support this new paradigm.

Many combat units ended up in the National Guard, while most combat support and combat service support units now reside with the federal military (active and reserve). However, this force structure balance does not enhance states' emergency response capabilities as CS and CSS units are most valuable for emergency response operations. Moreover, there is no evidence that any systematic or deliberate consideration is given to the National Guard's force structure for its emergency response mission. Secondary question three (S3) examines this current configuration and makes recommendations for reorganizing and restructuring the National Guard to enable optimal performance for emergency response missions.

Moderator Variables—Personnel and Equipment

The third set of moderator variables is personnel and equipment. Influences from state governments and the federal government have influenced personnel and equipment levels and policies of the National Guard, which impacts the Guard's emergency response mission. These moderator variables are closely linked to the National Guard's organization and force structure as their characteristics are partially the result of the National Guard's mission and funding and organization and structure: personnel and equipment are allocated based on the direct influences from the independent variables but also the aforementioned moderator variables. Therefore, this section focuses on specific findings from the research with respect to personnel and equipment and does not

necessarily recapitulate the previous moderator variables. Particularly, this section focuses on historical equipment shortages; personnel and equipment levels and policies, including benchmarking the results from this study against other studies and the National Guard's "50 percent" policy; the impact of the federal mission on personnel and equipment; and adequate levels of personnel and equipment for state emergency response missions. This section will first examine personnel and then examine equipment.

Personnel and equipment availability for emergency response missions are often a primary contention point between the states and the federal government. The Commission on the National Guard and Reserves stated, "The manning and equipping of the National Guard is of paramount importance to the governors. With the recent major deployments of National Guard units to conflicts in Iraq, Afghanistan, and elsewhere, governors have become increasingly concerned about whether their National Guard forces will be available to respond to emergencies at home" (2008, 56). For example, in 2007, tornados struck six southwest counties in Kansas, destroying the town of Greensburg. Kansas Governor Kathleen Sebelius indicated that the state's response and recovery to the disaster was slow and inadequate because many of the Kansas Guard's personnel and equipment were in Iraq and Afghanistan, stating that the state only had 40 to 50 percent of its National Guard resources at the time the tornados hit (Saulny and Rutenberg 2007).

In another example, North Carolina Governor Michael Easley, co-lead on National Guard issues for the National Governors Association stated, "We the governors rely on the Guard to respond to natural disasters, a pandemic or terrorist attack. . . . Currently, we don't have the manpower or the equipment to perform that dual role of

responding to both state and federal needs” (Hennessy-Fiske 2007, 1). Personnel and equipment availability remain high visibility topics because they are the primary tools of public administrators and the muscle behind any executive action at the state or federal level. Personnel and equipment are also tangible and conspicuous, and their readiness levels are measurable—this makes it an iconic aspect of the struggle between state governments and the federal government.

However, some observers believe that the claims are political rhetoric more than anything. During an interview with a person of anonymity at the National Guard Bureau he/she stated off the record that “you hear such assertions during election years.” The official also indicted that the NGB had NORTHCOM conduct an assessment into the claims that National Guard deployments were degrading states’ abilities to respond to domestic emergencies; the source stated, “There existed specific Guard shortages, but it was not an issue.” Likewise, during an interview with Michael Chertoff, former Secretary of Homeland Security, he suggested the impact is minute and stated, “A survey we did while under Bush indicated that there were no problems with deployments.” Both of these reports were requested as part of this research but access was denied.

While there is clear evidence of personnel and equipment shortages, the Department of Defense, the National Guard Bureau, and the Department of Homeland Security all claim that the shortages do not significantly impact emergency response at the state level. During an interview, Michael Chertoff explicitly expressed his belief that the extensive deployment of the National Guard in 2005 did not hamper Hurricane Katrina response efforts. Likewise, in an interview with Tom Ridge, he stated that that there was never a time as governor when he requested National Guard resources for a

state mission that did not go fulfilled. Major General Harold Sykora suggested the same with his tenure over the South Dakota National Guard. Still, further examination is warranted.

First, this section examines the findings on the moderator variable of personnel. Brigadier General (NY) Ferg Foley stated during an interview, “In an emergency situation, people are more important than equipment.” Whether or not there is agreement with this statement, the importance of personnel cannot be undervalued. One of the greatest values of the National Guard is the capability to provide a substantial force of well-trained, dedicated citizen-soldiers on a moment’s notice to assist their fellow citizens. Even with limited equipment, the National Guard can provide the manpower needed to conduct almost any mission.

However, personnel strength of the National Guard has decreased over the past few decades as part of a larger reduction in forces. For example, the Army National Guard has reduced its authorized strength from 475,000 during the Cold War to 350,000 during the Global War on Terrorism (U.S. Library of Congress 2004a). Additionally, the operational tempo for federal Title 10 missions of the National Guard has increased dramatically to unprecedented levels—especially in support of the Global War on Terrorism (Commission on the National Guard and Reserves 2007). The results from the survey of the offices of the adjutant general also indicated a significant decrease in available personnel when comparing the periods of 1993-2001 and 2001-2009 (Q6; Q8). Figure 31 illustrates the increase in Army National Guard operation tempo at the start of the Iraq War. Because of this, the number of duty days worked by that smaller pool of reservist has increased by over 6,000 percent during the same time period. The concern

from many state governors is that valuable National Guard personnel will not be available on the domestic front when emergency or disaster strikes.

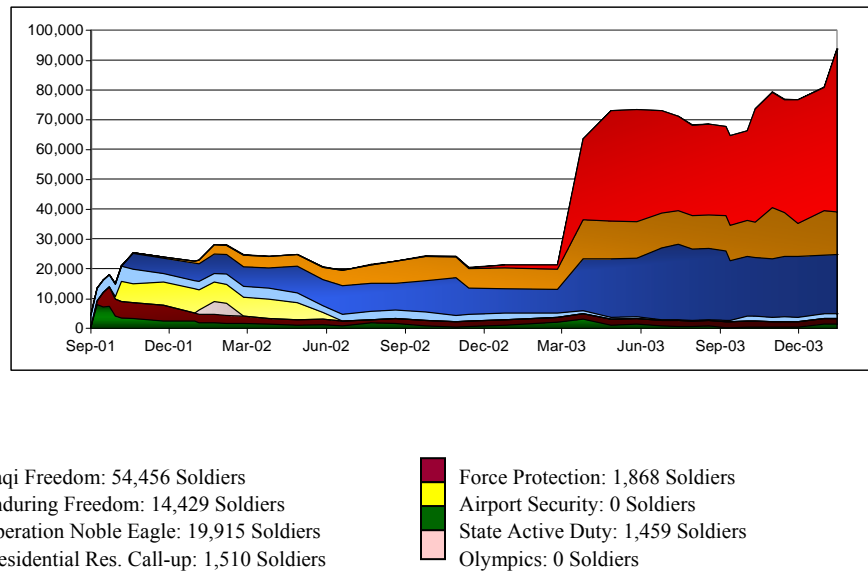
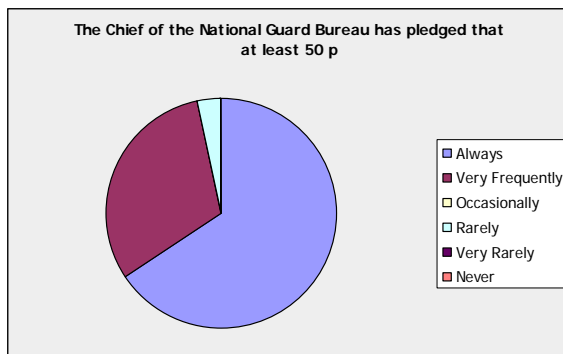


Figure 31. ARNG personnel employed in direct support 2001-2003.

To exacerbate the situation, when many Guardsmen are activated and deployed for federal missions, this depletes the ranks of not only National Guardsmen that are available at the governor's disposal, but also some local and state first responders acting in a civilian capacity. This was a point that was raised during an interview with Major General (VA) Taylor. Many National Guardsmen fill critical public service, health, law enforcement, first responder, or other emergency management positions in their regular civilian jobs. When these Guardsmen are activated for federal service, they are not available in their civilian capacity. Because their employers typically do not replace their position, they often go vacant for the duration of the deployment—usually eighteen to twenty-four months. Therefore, when a Guardsman deploys for federal service it impacts the state and local readiness on several levels.

In response to the concerns over personnel readiness, National Guard Bureau has pledged that it will ensure at least 50 percent of each state's National Guard personnel will be available to the Governor and TAG at all times to perform state missions. The concept devised by Lieutenant General Steven Blum, then Chief of the NGB, and it placed the National Guard on a cycle where about 25 percent of a state's National Guard personnel would be deployed on federal missions, 25 percent would be training and preparing to deploy, and the other 50 percent would be stabilized at home for four to five years to perform state mission. The results from the survey of the offices of the adjutant general suggest the National Guard is following through with its promise. About 97 percent of the respondents indicated that the NGB always or very frequently followed through with the policy since its implementation (Q4). Some of the interviews provided an additional level of detail beyond the survey.

Figure 32. Survey response to the NGB's "50 percent" policy adherence (Q4).



Many of the interviewees thought that the concept of maintaining a certain percentage of Guardsmen for state missions is sound. During an interview,

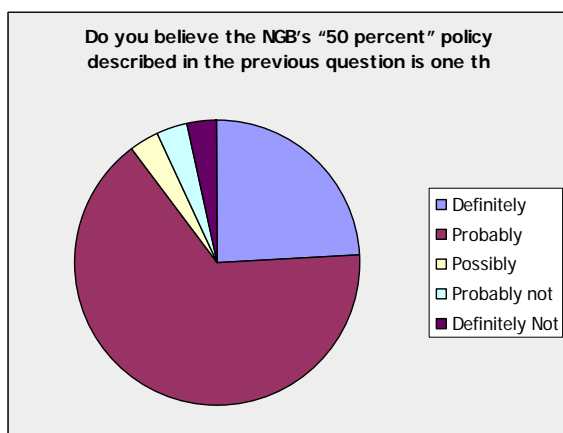
Governor Tom Ridge, the former Commander in Chief of the Pennsylvania National Guard, which has the largest Army National Guard in the United States, he stated that the 50 percent policy is a "reasonable and responsible approach that helps balance the dual roles of the National Guard . . . and still gives the governor the ability to immediately call up National Guard troops when needed." Likewise, Major General Harold Sykora,

former TAG of South Dakota, said during an interview, “the concept is a good one, but the size of the states and the type of troops make a difference.”

While many of the survey respondents indicated that the National Guard Bureau has kept its policy pledge, and many of the interviewees embraced the concept, some of the interviewees suggested that this policy merely placates critics without any real substance. For example, Brigadier General (NY) Ferg Foley stated the policy is “meaningless.” Likewise, Colonel Schumacher of the Vermont National Guard said the “50 percent rule is arbitrary.” Other interviewees agreed. The interviewees elaborated further to point out that the policy does not take into account the real number of available personnel or their skills and specialties, the geographic dispersal of personnel (especially important in a big state), unit cohesion, and the quality of the personnel left behind (i.e. did they not deploy for a reason? Medical problems, disciplinary action, pregnant, etc). The interviewees also emphasized that most emergencies require 24/7 duty, and by only having a hodgepodge of 50 percent of your personnel available may not allow for proper duty cycle replacements. They suggested that this policy is only effective for smaller emergencies.

Despite the differences of opinion over the National Guard Bureau’s 50 percent policy, the National Guard is adhering to the policy. Moreover, the survey to the offices of the adjutant general indicated that even at the minimum threshold, the policy allows enough National Guard personnel to adequately respond to most emergencies that occur within a state that require assistance from the National Guard, excluding major disasters, on the scale of Hurricane Katrina (Q5). About 90 percent of respondents indicated that their state could definitely or probably fulfill emergency response missions within their

state with on 50 percent of assigned National Guard personnel. Additionally, Governor Tom Ridge stated during an interview he feels confident that even with only half of



Guardsmen available he could have dealt with "most emergencies" in his state. With the NGB adhering to its policy and most states indicating the policy leaves them with adequately personnel, it is likely this policy will remain despite its lack of substance or methodological sensibility.

Figure 33. Survey response to the NGB's "50 percent" policy feasibility (Q5).

In addition to personnel, equipment is a moderator variable. The influences from the state governments and the federal government affect the type and amount of equipment that each state receives. With a strong federal influence, the states receive National Guard equipment based on their federal mission. However, equipment use and availability for emergency response missions are often a primary contention point between the states and the federal government. Equipment shortages are significant in the National Guard and shortages generally fall into one of two categories: 1) historical shortages (lack of proper support and funding); and 2) shortages associated with increasing federal missions (state shortages). Essentially, the difference between the two is that one is a true shortage while the other is an availability issue.

Historically, the reserve component has always been a low priority with regards to equipment and supplies.⁷⁸ Often, the National Guard is issued old or obsolete equipment that was passed down from the active component. Department of Defense reports show that the reserve component had a \$60 billion unfunded equipment shortfall in fiscal year 2008, with the Army National Guard having a \$47.5 billion, or 45.6 percent, equipment shortfall (U.S. Department of Defense 2008c). To exacerbate the preexisting equipment shortages, National Guard expeditionary combat operations add to the shortfall. A 2007 Government Accountability Office (GAO) report found that “the National Guard’s equipment inventories in the United States have significantly decreased because of overseas operations” (U.S. Government Accountability Office 2007b).

Additionally, National Guard equipment is old, rapidly aging, and in need of replacement. The two Air National Guard F-15s that responded to New York on 9/11 were commissioned in 1977 and were unable to reach top speeds when ordered to New York to intercept the hijacked airplanes due in part to the age of the aircrafts (Viser 2005). Since then, wartime operational tempo has accelerated equipment aging due to harsh wartime environments (Korb, Thompson, and Wadhams 2006). For example, medium and heavy trucks, which the survey to the offices of the adjutant general indicated are of great value for emergency response operations (Q30), are operating at ten times the typical peacetime rate (Korb, Thompson, and Wadhams 2006). As discussed in the previous section, the National Guard Bureau is dedicated ameliorating these problems by identifying and seeking funding for units and equipment that are essential to “disasters

⁷⁸ For accuracy it is important to note that some National Guard units are issued the latest equipment in initial fielding, though rarely first, alongside the active forces under the Total Force Policy. For example, the 48th BDE (Georgia Guard) was to deploy with 3ID because it had M1 Abrams, the most modern tank at the time. Additionally, some National Guard units have UH-60s, AH-64s, and Stryker vehicles (Barry 2009).

and terrorist incidents in the homeland” through its essential 10 initiative” (National Guard Bureau 2008b, 2).

The more contemporary debate is over federal missions and how a lack of equipment availability affects domestic readiness—particularly emergency response. The Government Accountability Office report on National Guard domestic equipment requirements and readiness states, “The high use of the National Guard for federal overseas missions has reduced equipment available for its state-led domestic missions, at the same time it faces an expanded array of threats at home” (Government Accountability Office 2007b, 1). This is a statement that can be entered as fact; however, the associated additional vulnerability due to these shortages is debatable.

To gain an order of magnitude estimate on how the war effort has affected equipment availability, the survey to the offices of the adjutant general asked participants for dual use equipment levels (equipment that is intended for use both domestically and for federal warfighting missions) from 1993-2001 and from 2001-2009. From 1993-2001, the average response was less than 5 percent, so over 95 percent of National Guard equipment was available for domestic state use (Q7). From the 2001-2009 this average jumps to 21 percent, so on average one out of every five pieces of National Guard equipment was not available due to federal missions (Q9). The results also suggest that half of the states believe that individual states have little or no input concerning their National Guard’s emergency management equipment needs (Q12).

In 2007, the *USA Today* conducted an informal survey with governors, National Guard commanders, and public affairs officers to determine each state’s equipment and preparedness levels for dealing with national disasters. This survey found that many

states were not prepared and had significant equipment shortages for domestic emergencies. Eighteen states had 50 percent or less of their equipment on hand and thirty-one states had less than 60 percent. The survey attributed most of the shortages to missions in Iraq and Afghanistan as well as aging equipment. Nevertheless, the major flaw in this survey is that the surveyors did not distinguish between equipment on hand and equipment actually needed to respond to a disaster in their state. In the more recent survey to the offices of the adjutant general, the same question was posed but the question specifically referred to dual use equipment (Q11).

Since the response rates differ between the two surveys, (*USA Today* n= 41; dissertation n= 28, for this question), it is best to compare the results in terms of percentages rather than the real number of responses. Surprisingly, there was a significant difference between the two results. While 44 percent (n=18) of states indicated that they had less than 50 percent of equipment on hand in 2007, the 2009 results indicated that only 4 percent (n=1) had less than 50 percent of dual use equipment on hand. It is unclear whether the difference can be attributed to time series (2007 v. 2009), the way the question was asked (dual use equipment v. equipment), or the results indicate some real meaning of change. This is an area for further research. Of course, this information is probably available through official NGB and state readiness reports, but these reports are typically classified or otherwise not available to the general public.

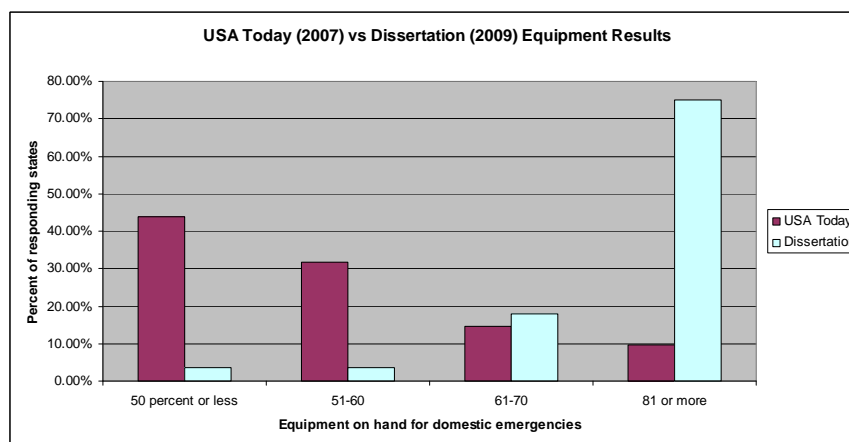


Figure 34. *USA Today* v. dissertation equipment results.

In summary, personnel and equipment are moderator variables that are affected by the state and federal influences. Much of the force structure, which determines personnel and equipment types and amounts, is dictated by the federal government and was reviewed in the previous section. Personnel and equipment availability for emergency response missions are often a primary contention point between the states and the federal government. However, some of the friction can be attributed to political sparring. What is indisputable is the fact that the size of the National Guard has decreased over the past decade and the pool of available personnel and equipment has shrunk. At the same time, the demand on the National Guard has been extraordinary—for both federal and state missions.

To address some of the states' concerns, the National Guard Bureau implemented a 50 percent policy, assuring that at least 50 percent of a state's Guard is available within the state for state missions. The findings indicate that the National Guard Bureau has largely abided by this policy and it appears to give the states sufficient personnel to meet most emergency response situations that require the National Guard. Additionally, the research shows that equipment and personnel shortages due to federal missions was

significant greater, as expected, for the period from 2001-2009 versus the period from 1993-2001. However, the data suggests that equipment availability has increased since 2007 and further research is needed in this area. Still, the findings suggest that half of the states believe they have little or no input concerning their National Guard's emergency management equipment needs and equipment, and personnel policies are largely created around the Guard's primary mission—warfighting. In the following section, the final moderator variables of planning and training are examined.

Moderator Variables—Planning and Training

The final set of moderator variables is planning and training. Influences from state governments and the federal government have affected planning and training at the Department of Defense and within the National Guard, which impacts the Guard's emergency response mission. The National Guard's primary mission is its federal warfighting mission and it is funded, organized and structured, and manned and equipped for this mission with little consideration for the National Guard's state missions—especially emergency response. Since it is clearly established that nearly every aspect of the National Guard's existence is centered on the Guard's federal mission, it is logical that planning and training follow suit.

Therefore, the National Guard also conducts planning and training primarily around this wartime mission and is in part influenced by the other aforementioned moderator variables. To clarify, influences from state governments and the federal government have affected planning and training directly, but planning and training are also affected by the other moderator variables. For example, the National Guard Bureau states, "Currently the Army National Guard has on-hand only a part of its *equipment*

[emphasis added] requirement. This hinders the ability of our units to *train* [emphasis added]” (2008b, 2). This section will first examine the findings of this study with respect to training and then planning.

Having a well trained military is key to the successful defense of any nation. Since the National Guard is an integral part of the total force, which has the primary mission of warfighting, the Guard primarily focuses training efforts on its federal warfighting mission. This was a point that was emphasized during an interview with Major General (VA) Taylor as he stated, “The National Guard is trained for its federal mission,” suggesting that SDFs could be exclusively trained for emergency response to fill the void. Often, National Guardsmen are integrated into the same warfighting training as their federal counterparts. Guardsmen are federalized and sent to basic, advanced, specialized, and officer training with their federal counterparts. Essentially, little distinction is made among Guard, Reserve, and active training. Throughout a Guardsmen’s career, most of his or her training is conducted while federalized, at federal training facilities, and is focused on the federal warfighting mission.

The federal government also dictates training requirements and standards. Recall from the earlier section on the independent variables that the federal government’s increasing power and control over training has creped over time as the results of strong federal influences. The *Militia Act of 1903* defined training requirements and required mandatory National Guard training that followed regular army standards (Kirkland 1992; Huguelet 2002). The *National Defense Act* of 1916 imposed additional federal training standards (Stewart 2005). And, in 1986 the Montgomery Amendment removed

gubernatorial consent for non-emergency, non-wartime training. Other federal influences have directly and indirectly affected training.

The National Guard Bureau states that its training intent is to ensure no Guardsmen goes to *war* untrained (National Guard Bureau 2008b). Similar to every aspect of the National Guard's moderator variables, there is a focus on warfighting and little emphasis on emergency response. Of course, this is with the exception of specialty units, such as Civil Support Teams. Nonetheless, the National Guard Bureau is quick to point out that much of the warfighting training, which is funded mostly by the federal government, is generalizable to skills needed to support civil authorities. During an interview with Mr George Brock, Chief of Plans and Policy at the National Guard Bureau, he stated that "about 80 percent of warfighting skills are directly applicable to emergency response." Similarly, during an interview with Mrs. Deborah James, she stated that the basic warfighting training provides the "general discipline and qualifications that are generally useful and helpful in other areas, like when disaster strikes at home." She went on to suggest that these are skills that are not available through civilian organizations in some communities throughout the United States.

Still, while many of the warfighting skills are generalizable to emergency response, few military units or personnel exist who have been given thorough and dedicated training for emergency response missions. During an interview with Tom Ridge, he stated that he believed the National Guard did not get enough training for emergency response. He is probably right. The survey to the offices of the adjutant general indicated that Guardsmen only get an average of twelve hours of training *per year* on emergency response (Q14). Compare that to physical training, where Guardsmen

typically do an hour of training *per day* when on active status. Likewise, in the 1995 RAND survey, 65 percent of respondents indicated that there unique training requirements, beyond federal mission training, that are required for response to domestic disasters and emergencies. However, not everyone agrees. One of the survey respondents wrote, “General [training] focus should be on warfighting skills.....they are what make us effective in anything less than war (ie. domestic/crisis response). Exceptions are special CBRNE units (CST).” This view is based on the prevalent assumption that the National Guard derives its emergency response capabilities from its warfighting mission.

Training is not only important so that Guardsmen acquire specific skills needed for emergency response operations, but much of the success to these operations is attributed to an intimate working relationship between the National Guard and other government agencies involved in the response efforts. These relationships are built over time through extensive training exercises where different groups build an environment of trust and mutual understanding, training toward a common objective with unity of effort, and even work toward common operating procedures. In an interview with Nancy Dragani, Director of the Ohio Emergency Management Agency, she noted that these relations are essential to success. Moreover, at a field observation conducted at the National Homeland Defense Foundation, General McKinley stated, “We cannot exchange business cards at an event,” suggesting that building working relationships and training together are necessary components for a coordinated response.

Compounding the concern over a lack of specific emergency response training, states are limited in their capability to provide training for emergency response due to

federal restrictions. In the survey to the offices of the adjutant general, about half of the respondents indicated that the federal government imposed training restrictions on the states and they cannot conduct emergency response training during annual training or inactive drill training (Q15). However, the survey actually indicates a slight improvement in this area. Findings from the 1997 National Academy of Public Administration survey indicated that 85 percent of the respondents were prohibited or constrained by the federal government in conducting emergency response training, compared to 50 percent in 2009. Some of the restrictions are associated with the aforementioned moderator variables. For example, one of the survey respondents gave a specific example of these restrictions: “A maintenance unit cannot conduct training on how to set up a logistics staging area to distribute commodities because it is not part of their war-time *mission* [emphasis added] essential task list” (Q15). Another survey respondent wrote, “Oklahoma has identified training . . . required, but lacks the *funding* [emphasis added] for state mission training” (Q15). Again, this emphasizes the nexus among the moderating variables.

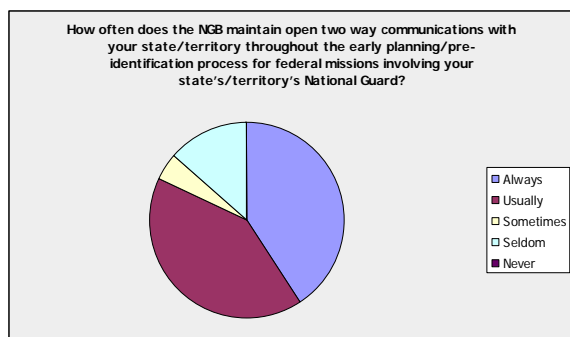
Despite the opinions of insufficient training for emergency response and the associated constraints, the National Guard has increased its domestic training in the recent years—especially with the formation of NORTHCOM. Training operations like Operation Vigilant Guard are becoming more common. General McKinley described this training during a field observation when he stated, “The federal government was charged with coming up with the scenarios, which included hurricanes and earthquakes. . . . two principal level exercises were conducted. . . . the local response came first. . . [and] the military was in support of local authorities.” Vigilant Guard is a multi-state training

exercise for homeland security threats, such as natural and man-made disasters. Vigilant Guard involves scores of agencies and responders from nearly every level of government. As of March 2009, fourteen Vigilant Guard exercises have been conducted, including participation from thirty-nine states and more than 8,000 Guardsmen (U.S. Northern Command 2009). During an interview with Major General Grass at NORTHCOM, he indicated that this type of training among different organizations is critical to successful emergency response operations.

The survey to the offices of the adjutant general indicated that 96 percent of respondent states participate in interstate operational planning and/or training where the National Guard is involved (Q13). The 1997 National Academy of Public Administration study asked the same question, but only 70 percent responded affirmatively in that survey. During an interview with Ms. Nancy Dragani, stated that “the Ohio National Guard is always involved in interstate training [and] are a key player in the overall emergency management efforts.” Moreover, most of the survey respondents indicated that they exercise their state emergency response plan quarterly (Q13). In the 1997 National Academy of Public Administration study, most of the respondents indicated they exercise these plans annually. This suggests that interstate emergency response training is being conducted more frequently and the National Guard is becoming a more active participant.

While training and planning are closely related, the research also sought to answer specific questions with respect to the federal influence over National Guard planning. Particularly, the research sought to find how often the National Guard Bureau maintained open two way communication with the states throughout the early planning and pre-

identification process for federal missions. In the survey to the Offices of Adjutant Generals, 82 percent of the respondents indicated that National Guard Bureau always or usually communicate with the states (Q16). This suggests that the Department of Defense does not operate in a vacuum and coordinates with the states before deploying their units. During an interview with Major General Harold Sykora, he narrated a time when the National Guard Bureau consulted him before deploying one of his aviation units because some of his staff were non-deployable. This type of coordination and communication is routine. Much of the research indicated that personnel relationships

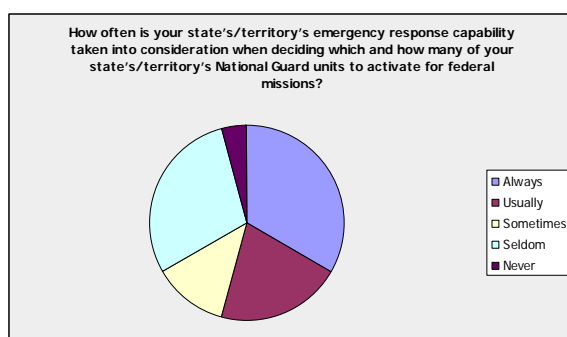


dictate the level and amount of coordination between organizations; this may be attributed to the survey respondents not in the majority. Figure 35 illustrates the survey responses to two way communication for deployment planning.

Figure 35. Survey response to NGB communication for deployment planning (Q16).

The final question the research sought to answer with respect to training an planning was how often a state's emergency response capability is taken into consideration when deciding which and how many of a state's National Guard units to activate for federal missions. Just over half of the survey respondents indicated that the National Guard Bureau always or usually considered a state's emergency response capability before activating units for federal missions (Q17). Brigadier General (NY) Ferg Foley stated that shortly after 9/11 the government was concerted about terrorist sleeper cells in New York. Based on this information, the Department of Defense

decided not to deploy some of the New York National Guard incase they were needed to respond in the aftermath of a terrorist attack. General Foley facetiously wanted to know if the New York National Guard was going to be the “first homeland security unit.” Still, the research indicates that while the National Guard Bureau does maintain open two way communication with the states, less often is state’s emergency response capability taken into consideration during that process. The National Guard Bureau should consider a standardized risk-management model, similar to that discussed in the chapter two and found in appendix H, to evaluate each state’s readiness for emergency response and take the results into consideration for planning purposes. The *Strategy for Homeland Defense*



and Civil Support (2008) identifies managing civil support risks as a key strategy implementation, but it fails to provide detailed guidance or a suggested framework.

Figure 36. Survey response to ER consideration for deployment planning (Q17).

In conclusion, as the National Guard has become a more integrated part of the total force, there are fewer concerns over the Guard’s warfighting training and associated readiness and more concerns over the Guard’s state mission training. During an interview with Mrs. Deborah James she states that “Gulf War 1 was a true test of the National Guard . . . everyone worried ‘will they come, be trained, and ready?’ This is less of a concern today.” At the moment, the concern is more over whether the federally-focused National Guard will “come, be trained, and ready” for its domestic emergency response mission. While the focus is on warfighting training, most of those skills transfer

over emergency response missions. Still, this leaves many skills that require unique training requirements, beyond federal mission training, to adequately respond to emergencies. There is also a need for more training for emergency response as today's most Guardsmen only receive an average of twelve hours of training per year. Unfortunately, many states indicate they are prohibited or constrained by the federal government in conducting emergency response training. However, emergency response training operations are being conducted with more frequency and are increasingly involving the National Guard. Additionally, coordination between the National Guard Bureau and the states is frequent, but the state's emergency response capability is not taken into account as often. The American style of federalism is full of seams; in order to make a response seamless, training and coordination is the key. Next, this section reviews the ultimate, dependent variable.

Dependent Variable and Additional Findings

The previous subsections described each of the independent and moderator variables within the framework, with respect to the research conducted as part of this dissertation. At this point, a brief summary is warranted. In the study of this topic, the sum of the state governments' influences and the sum of the federal government influences are the independent qualitative variables. Each of the independent variables are infinitely complex and have a countless array of factors feeding the influence. The independent qualitative variables of state and federal influences affect the National Guard's mission and funding, organization and structure, personnel and equipment, and planning and training. These themes emerged from the research as the four categories

that represent the moderator qualitative variables—variables that affect the relationship between the independent variables and the dependent variable. The moderator variables are presented in an ordinal manner according to their relative strength on the dependent variable, which is also the relative influence they receive from the independent variables. Additionally, these variables have some degree of sequential and moderating characteristics of their own. Each additional set of moderator variables is less directly affected by the independent variable and gains some influence from the previous moderator variables. Finally, the dependent variable is the National Guard’s emergency response mission. In each of the previous subsections describing the moderator variables, the impact on the National Guard’s emergency response was discussed. The purpose of this section is to summarize the findings and present additional research findings on the how the dual status of the National Guard affects the Guard’s emergency response mission.

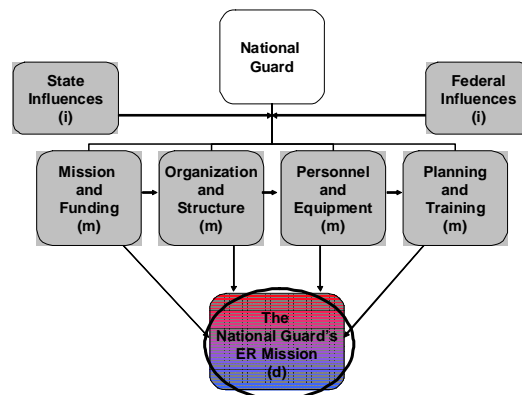


Figure 37. Dependent variable.

Due to distinctive constitutional, legal, organizational, and historical reasons, the U.S. National Guard operates as a dual-purpose force with separate state and federal missions and separate and independent command and control authorities. Every aspect of

the National Guard's existence is affected by state and federal government influences, which is the result of these unique characteristics and the American federal system of government. Over time, these influences have altered the shape of the National Guard. Strong federal influences have transitioned the Guard into more of a federal military force and less of a state militia. These strong federal influences affect the National Guard's funding and mission, organization and structure, personnel and equipment, and planning and training. As a result, the National Guard's primary mission is its federal warfighting mission and it is funded, organized and structured, and manned and equipped for this mission with little consideration for the National Guard's state missions—especially emergency response.

Despite this, the National Guard has proven to be an invaluable asset during emergencies and continues to provide an enormous emergency response capability to the American people. And, although the Guard's emergency response mission may fall in line behind other priorities, the National Guard and its unyielding patriotic members stand ready to respond to any emergency that comes its way. This is because the Guard assumes the awesome responsibility to save the lives and protect property of the citizens within their state. As pointed out in an interview with Tom Ridge, the governor has the primary responsibility for the "health, safety, and welfare" of their citizens of his state, and the National Guard is a tool to fulfill this responsibility. The Adjutant General of Maryland, Brigadier General (MD) Adkins went further and stated in an interview that despite the other priorities, "In an actual emergency, there is no greater mission." Obviously, he is speaking not only of behalf of his National Guard forces, but also for the citizens they serve. When a citizen is stuck on a rooftop of a flooded house awaiting a

helicopter rescue, he does not care that the National Guard is organized and equipped around an expeditionary warfighting mission and that much of his state's National Guard equipment is in Iraq—his only expectation is getting to safety.

The National Guard brings tremendous value to emergency response operations. The research uncovered that emergency response operations include responses to emergencies (man-made and natural), disasters (man-made and natural), and severe civil disturbances. Recall, the term *emergency* simply indicates an immediate need, while the term *disaster* has an undertone that suggests an emergency of widespread scope. Also, the term *disaster* has a common predominate association to natural disasters because of their frequency and intensity, when in actuality many different types of disasters exist—such as technological (e.g. Three Mile Island, Bhopal, and Chernobyl). The National Guard is also extremely valuable as a force to provide assistance to civil law enforcement. Severe civil disturbances are considered emergencies, but differ from traditional emergencies and disasters as support to civil authorities is mostly in a law enforcement capacity.

While there is little disagreement that non-disaster emergencies and disasters are both considered emergencies, it is debatable whether or not the National Guard's law enforcement activities are considered part of emergency response. Some of the literature clearly delineates the different missions as two separate functions. However, the National Academy of Public Administration (1997) study considers the National Guard's response to severe civil disturbances to fall under the general category as emergency response. Furthermore, it is appropriate to categorize response to severe civil disturbance with the National Guard as the Guard is the only military organization authorized to

conduct law enforcement activities.⁷⁹ As Hurricane Katrina and other disasters have proved, supporting civil law enforcement is a key element in restoring normalcy in the aftermath of a disaster and the two mission—disaster response and assisting law enforcement for civil disturbances—have an affinity.

Moreover, since most civil disturbances have an element of urgency, and urgency is a defining characteristic of emergency management—particularly response—the National Guard’s ability to respond with civil support to law enforcement is considered within the scope of the National Guard’s emergency response mission. Additionally, law enforcement operations during times of severe civil disturbance also save lives, prevents injuries, and protects property and the environment—the same goals for traditionally emergencies and disasters. This was confirmed in an interview with Timothy Manning, Deputy Administrator of the National Preparedness Directorate at FEMA, who stated that “law enforcement emergencies are treaded just like any other emergency.” However, he went on to clarify that the key word is *emergency* and that law enforcement mission such as the National Guard’s counter drug operations were obviously not considered emergencies.

One type of emergency that was given no consideration during the pre-prospectus stage, but emerged from the research as valuable for future research, is cyber emergencies. Society as a whole is becoming increasingly interconnected and technical. While this increases efficiencies and creates a number of other benefits, it is also a modern society’s greatest vulnerability. For example, our critical infrastructure sectors are highly interdependent. In the recent decades, technological innovation and

⁷⁹ When under state or Title 32 control, and with certain exceptions such as the evocation of the *Insurrection Act*.

application in cyberspace and telecommunications have grown this area into a critical infrastructure sector of its own. Every other sector now relies heavily on this sector. Therefore, the advance in cyber and telecommunication technology has created vulnerability in every critical infrastructure sector. These interdependencies between sectors are considered the greatest risks. *The National Strategy for Homeland Security* cites two trends in technological innovation that will continue to make cyberspace a major vulnerability: 1) “there is the interconnected, highly technological nature of modern civilization’s basic systems”; and 2) “as technology advances, the means of mass destruction are falling into the hands of smaller and smaller entities” (U.S. Department of Homeland Security 2002, 25-26).

The Department of Defense is taking a more active role in cyber security, recently creating a new military command dedicated to the mission of protecting DoD’s cyberspace. During an interview at the National Guard Bureau, George Brock, Chief of Plans and Policy, pointed out that the National Guard is playing an increasing role in protection from cyber attacks (a form of homeland defense) and responding to them (a form of disaster response). For example, in 2009 the Air National Guard broke ground on the nation’s first cyber security facility—a 9,300 square foot building in Delaware that will be staffed by the Delaware Air Guard’s 166th Network Warfare Squadron (Pinto 2009). However, cyber security and response to cyber emergencies and disasters is outside the scope of this research, but should be a consideration for future research.

Of these many types of emergencies (man-made and natural non-disaster emergencies, man-made and natural disasters, severe civil disturbances, and so on), the research indicated that the American people are far more likely to need their National

Guard for response to natural disaster than any other type of emergency. First, the American people are increasing vulnerable to natural disasters. According to the National Oceanic and Atmospheric Administration, the population is continuing to migrate to regions that are at greater risk of disaster (Crossett et al. 2004). Second, a review of several public disaster databases clearly shows that natural disasters, such as hurricanes and storms, have dwarfed man-made (human caused) disasters, like terrorism. Actually, over 99 percent of disaster incidences from 1980 to 2008 have been of natural causes (Public Entity Risk Institute 2009). Disaster researcher Thomas Birkland summarizes by stating, “Natural disasters are among humanity’s most expensive, deadliest, and feared events” (1977, 47). Figure 38 depicts disasters in the United States from 1980 to 2008 by incident and disasters in the United States from 1980 to 2008 by dollars, respectively.⁸⁰

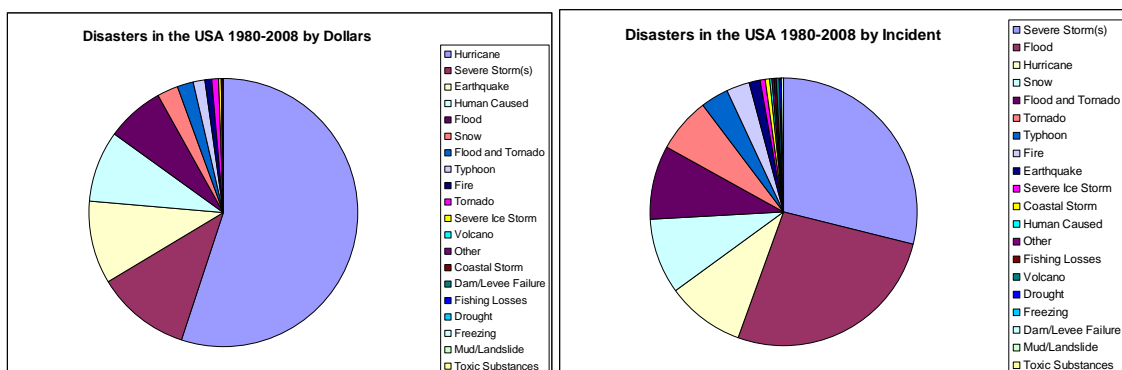


Figure 38. Disasters in the USA 1980-2008 by incident and dollars.

Through the research one additional point became abundantly clear about the Guard’s emergency response mission: all emergencies are local and the National Guard always plays a supporting role to local authorities during emergency response. First,

⁸⁰ Original creations from data provided by the Public Entity Risk Institute.

during the data collection process it became evident that there was a resounding respect for the intergovernmental system and a commitment from those at all levels of government to respond to emergencies at the lowest levels feasible, leaning on support from higher only as necessary and allowing command and control at the lowest level possible. Despite the fact that there is no comprehensive and clearly defined role of the National Guard during emergency and disaster response, one thing is obvious—the Guard is almost always supporters to civil authorities and rarely in charge.

During an interview with Major General Grass at NORTHCOM, he outlined in detail the steps upon which the military and the National Guard is called into service to support emergency response operations. Following an emergency or disaster, military assistance can be ordered organically from the governor to the National Guard for state active duty or federal military support can be requested if the governor feels necessary. In this case, support is requested by state emergency management offices (ordinarily through a governor's office) or by a lead federal agency, typically FEMA, through a process called *Defense Support to Civil Authorities* (DSCA)⁸¹ (Lawlor 2000). The request must comply with the previously mentioned constitutional and legal limitations, such as the *Stafford Act*, which identifies the type of civil emergencies that the military can respond to, and the *Posse Comitatus Act*, which prevents military personnel from engaging in law enforcement activities. However, no matter which avenue is used to facilitate the use of military forces for civil assistance, they are nearly always in a support capacity.

⁸¹ Prior to 2005, DSCA was known as *Military Assistance to Civil Authorities* (MACA) (Milliman, Grosskopf, and Paez 2006).

Nearly all of the interviewees reiterated the cliché “all emergencies are local.” During a field observation conducted at the National Homeland Defense Foundation conference, General McKinley stated that “95 percent of probable scenarios can be handled at the local level All events begin locally and end locally.” Furthermore, during an interview with Tom Ridge he stated that “we must drive requirements down to the state levels with a heavy emphasis on state and locals they are not extras, but main characters.” In an interview with Colonel Schumacher, he reiterated that the state and local governments are the “hub . . . and center of gravity” of emergency response missions. However, during certain emergencies and many disasters, the National Guard and even federal military forces are key players and the main supporters to civil authorities. But even when the military is ordered to an emergency to provide response assistance, they are rarely ever *first* responders. They are the first *military* responders. And just as the military is never *the* first on site, they are rarely the last to leave an incident. U.S. National Guard regulation 500-1 (2008) states that the National Guard typically only stays onsite for a few days to a few weeks, while the recovery efforts usually go on long after the military has left.

Homeland Security Presidential Directive 8 defines *first responders* as “those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment” (2003, 1). They primarily consist of firefighters, police officers, and emergency medical technicians (Lindall, Prather, and Perry 2007) but can also consist of “emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and

recovery operations” (Homeland Security Presidential Directive 8 2003, 1). In the United States there are over 2.5 million first responders working in about 39,000 jurisdictions at all levels of government but mostly at the state and local level (Target Capabilities List 2005, A-61). The National Guard is often the first *military* responder to a disaster or emergency, saving lives and protecting property while establishing a link from civil authorities to the Department of Defense. And although the Guard is the first military responder, Brigadier General (MD) Adkins stated that they “should be a resource of last resort” from the state level.

During a field observation conducted at the National Homeland Defense Foundation conference, Christine E. Wormuth, assistant secretary of defense for homeland defense and Americas’ security affairs, stated that when the military is ordered to an event “there is a concern that DoD is going to come in and take over . . . [but] DoD is the supporting commander.” Despite these fears, this is not usually the case—tradition, doctrine, and law dictate the support role of the Department of Defense in emergency response. This is explicitly stated in the National Guard Bureau’s publication 500-1, *Emergency Employment of Army and Other Resources*, where it states, that the National Guard “serves in a supporting role to other primary state or federal agencies by providing assistance to U.S. civil authorities at the federal, state, tribal, and local levels” (U.S. National Guard Bureau 2008c, 5).

The other main finding from the research is that the value of the National Guard for emergency response is matchless—even at current configuration, which places emphasis on warfighting. The research indicates that the National Guard is mostly used for emergency response in two specific circumstances: 1) surge capacity; and/or 2)

specialty skills and/or equipment. There are no equivalent alternatives to the use of military forces for emergency response operations. No other government or civilian organizations can match the value of the military. In general, the National Guard adds value for emergency response operations because of these characteristics:

- A well-organized and disciplined body of persons
- Durable systems of command, control and communication
- Equipment designed for high durability
- Capacity for disciplined application of force
- Capacity for rapid mobilization
- Capable of prolonged field operations under austere conditions
- Can provide the needs of large numbers of civilians
- Possess potent symbolism. (National Academy of Public Administration 1997, 9)

In an interview with Nancy Dragani, executive director of the Ohio Emergency Management Agency, she stated that many state emergency management offices, including hers, rely on the National Guard for their “surge capacity.” This capacity brings personnel and equipment to an effected area when local resources are overwhelmed. In an interview with Michael Chertoff, former Secretary of Homeland Security, he also stated that the value of the National Guard to DHS was its “ability to provide extra people and equipment.” The National Guard is clearly the primary workhorse of government’s emergency response assistance capability.

Although the military are rarely first responders, time is still of the essence when the National Guard responds to emergencies. The wide geographical distribution of the National Guard throughout the hundreds of communities across the nation allows the Guard to respond quickly and with local knowledge. In an interview with Deborah James, former assistant secretary of defense for reserve affairs, she emphasized this as a

key attribute of the National Guard and referred to them facetiously as “Johnnie on the spot,” suggesting a local and immediate presence.

The focus and responsibility of domestic missions “lie intuitively and logically with the citizen-soldiers forces of the U.S. Army National Guard (ARNG) . . . due to their geographical presence in the communities and states throughout America as well as the capabilities they can bring to an immediate response situation” (Stringer 2006, 23). Burkett writes, “The ability to generate forces rapidly from over 3,200 locations nationwide is essential to being effective on the ground within the first seventy-two hours of a disaster” (2008, 133). These arguments are even more valid as the active components move further along with the Base Realignment and Closure (BRAC), closing down and consolidating many active duty bases throughout the country, and as access to Reserve units remain off-limits. Figure 39 depicts the locations of National Guard facilities throughout the United States.



Figure 39. The locations of National Guard facilities (Cobb n.d., 11).

One of the biggest capabilities the National Guard brings in an emergency response operation is “general purpose forces” (U.S. National Guard 2008b, 6). This was also gathered in the feedback from the survey, where some participants listed “general purpose forces” as one of the key resources needed for emergency response (Q26; Q29). General purpose forces are flexible and are extremely useful in nearly any emergency response scenario. Much of the assistance needed in a response to an emergency is as simple as general labor: filling sandbags, clearing debris, directing traffic, etc. While not glamorous, these tasks are often critically important in their aggregate effect. However, specialty personnel, such as medics and engineers, are also important in emergency response. In addition to “boots on the ground,” as put by Major General Fick, Joint Staff Director for Force Structure Resources and Assessment at the National Guard Bureau, the

National Guard is also able to provide a surge capability of equipment resources, such as trucks and helicopters.

On top of the value from its surge capability, the National Guard provides specialty assistance. Just as the research revealed a resounding respect for the intergovernmental system and a commitment from those at all levels of government to respond to emergencies at the lowest levels feasible, there also seemed to be the same level of respect and commitment toward higher government's ability to provide unique resources, skill sets, and equipment that are not necessarily organic to lower levels of government. While most emergencies are handled at the local level, some emergencies require additional support that is beyond the capabilities of the effected government. Comfort writes, "Extreme events demand resources and skills from a wider range of organizations than those in the immediately affected area" (2002, 30). In most cases, assistance is needed when local or state governments are overwhelmed, as previously discussed, or when support requires a special skill set that does not exist at lower levels of government, like response to a WMD event. When this happens, the National Guard is always in a supporting role to civil authorities but provides specialty assistance.

The National Guard provides "some specialized National Guard units and capabilities [that] are utilized for disaster response and domestic emergency missions" (U.S. National Guard 2008b, 6). Some of these include National Guard Weapons of Mass Destruction-Civil Support Teams (CSTs); National Guard Reaction Forces; and National Guard Chemical, Biological, Radiological/Nuclear, and Explosive (CBRNE) - Enhanced Response Force Package (CERFP). Other response assets include medical, military police, logistics, engineering, communications, and aviation—any of which are

part of the National Guard and were ranked highly in the survey (Q29). Figure 40 depicts how both general National Guard units (green) and specialized National Guard units and headquarters (dark purple) fit into a larger incident response.

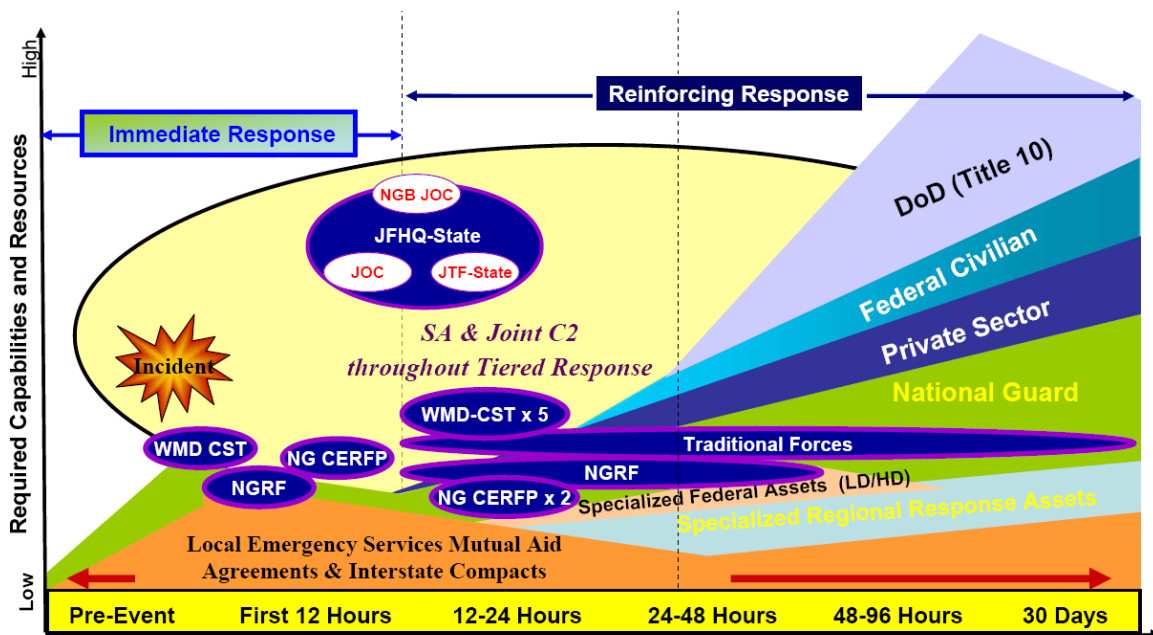


Figure 40. Response spectrum.

The final additional finding from the research not expounded upon in the previous subsections is the cost-effectiveness of the National Guard. The subsection on the moderator variable of funding detailed funding considerations for emergency response missions, concluding that little funding consideration is given to the National Guard's emergency response mission. Through the research, it also became evident that the return on investment of the National Guard is higher than any of the other military components—even the Reserves. The National Guard not only remains the most flexible force within the Department of Defense's arsenal, but it remains the most cost-effective. A report from the Heritage Foundation, which was presented at a field observation along

with General McKinley, found that the value of the National Guard “cannot be measured in fiscal terms alone” (Eaglen and Mahaney 2009, 2).

However, if one were to look strictly from a quantitative perspective, the Army National Guard makes up 38 percent of the total army force structure but only 12 percent of the total army budget; and the Air National Guard makes up 34 percent of total Air Force aircraft but only 7 percent of the total Air Force budget (Commission on the National Guard and Reserves 2007). The subsequent report on the Commission on the National Guard and Reserves concluded that “an active component service member costs approximately four times as much as a reserve component service member when he or she is not activated” (2008, 9). The Commission on the National Guard and Reserves also concluded that they have “not seen any credible analysis that would counter the long-held conviction that the Guard and Reserve components are a bargain for the taxpayer” (2007, 16).

This is an extremely important consideration for the National Guard. At a field observation conducted at the National Homeland Defense Foundation, General McKinley, stated “the number one national security issue is the economy.” There is pressure to reduce government spending, and defense spending is already at a historic low as a percentage of gross domestic product. If these conditions exist while the United States is engaged in global conflict, then the pressures to reduce defense budgets will be magnified when conflict abates. This significant cost-effective quality of the National Guard will continue to give the Guard an advantage in policymaking and should be a characteristic of the National Guard that all public administrators are familiar with. As summarized by General McKinley, “The National Guard is affordable.”

In summary, the sum of the National Guard's emergency response capability is the result of state and federal influences affecting a series of moderator variables, such as mission and funding, organization and structure, personnel and equipment, and training and planning—each decreasingly affecting the National Guard's emergency response mission. The National Guard has several missions at both the state and federal levels. The emergency response role of the National Guard remains its lowest overall mission priority and a mission that the Department of Defense and the National Guard Bureau have yet to fully embrace. Federal warfighting missions and domestic homeland defense missions take overpowering priority. Still, the Guard remains an effective organization that maintains significant value for emergency response operations. The National Guard is disciplined, powerful, flexible, and cost effective. The National Guard provides unique capabilities for emergency response operations that are unparallel to anything found in the civilian sector.

One of the biggest capabilities the National Guard brings in an emergency response operation is general purpose forces and equipment in an effort to produce a surge capacity to assist overwhelmed local authorities. Additionally, many specialized roles, such as WMD response and recovery, are maintained in the National Guard. And although the National Guard is rarely ever the first on the scene, their local presence throughout the thousands of communities across the United States facilitates a timely response when called upon. However, the exact role of the National Guard during emergency response remains largely undefined and unscripted. This remains a precarious situation as the American public becomes increasingly vulnerable to emergencies and disasters, and the National Guard remains the primary military support organization to

civil authorities. Secondary research questions relating to EMACs, command and control, organization alternatives, and State Defense Forces will be examined in subsequent sections of this chapter.

Secondary Research Question 1 (SI)

The first secondary question that the research sought to answer is, How has the prevalence of Emergency Management Assistance Compacts (EMACs) affected the National Guard's domestic emergency response mission? This section reviews interstate compacts, focusing on the authority, history, and the general process of the EMAC. Next, through the research, this section analyzes the findings to determine how the Emergency Management Assistance Compact affects the Guard's emergency response mission. Specifically, it examines the advantages and disadvantages of the EMAC in the context of the National Guard's emergency response mission. For example, the research examines if the EMAC fully addresses the needs of the National Guard, including how the EMAC can be improved. Finally, a summary is presented of the data and general recommendations and conclusions are offered.

First, this section reviews interstate compacts, focusing on the authority, history, and the general process of the Emergency Management Assistance Compact. Interstate compacts are legal agreements between or among states that allow states to act collectively on issues that transcend state lines (U.S. Government Accountability Office 2007c). They are not a uniform state law, not uniform commercial code, and not merely administrative agreements (Counsel of State Governments n.d.b). Instead, interstate compacts are formal agreements between or among states that have the characteristics of statutory law and contractual agreements (Counsel of State Governments n.d.a). They

are “constitute solemn treaties between the states, which are acting as sovereigns within a constituent union” (Counsel of State Governments n.d.b, 1). Therefore, interstate compacts are not subject to unilateral amendment (Counsel of State Governments n.d.b).

The United States Constitution prohibits states from entering into interstate agreements without the consent of the Congress. Article 1, section 10 states, “No State shall, without the Consent of Congress enter into any Agreement or Compact with another State.” This was later clarified in *Virginia v. Tennessee* (1893) where the Supreme Court stated that congressional approval is only needed for interstate agreements that “may affect the balance of power between states and encroach upon or impair the supremacy of the United States” (U.S. Government Accountability Office 2007a, 6). This addresses concerns over the issues at the heart of federalism and is at the epicenter of the power balance struggle between the federal government and the states.

Since then, the Supreme Court has further clarified *Virginia v. Tennessee*, specifying that congressional consent may be implied or expressed and can be gained either before or after the chartering of an interstate compact (Counsel of State Governments n.d.a). Regardless, congressional consent for interstate compacts is relatively easy and quick to obtain. And while Congress reserves the right to add certain additions or make changes to compacts, such as requiring disputes to be resolved in federal courts, the federal government largely leaves the substance of the agreement between the negotiating parties (U.S. Government Accountability Office 2007c).

Interstate emergency assistance compacts (sometimes referred to as *mutual aid compacts*), such as EMAC, are only one form of an interstate compact. Many other types of interstate compacts exist, such as environment and natural resources, education,

transportation, energy, tax, and law enforcement (U.S. Government Accountability Office 2007c). In general, interstate compacts can be grouped into three categories:

- **Border Compacts:** agreements between two or more states that establish or alter the boundaries of a state.
- **Advisory Compacts:** agreements between two or more states that create study commissions. The purpose of the commission is to examine a problem and report to the respective states on their findings.
- **Regulatory Compacts:** broadest and largest category of interstate compacts may be called “regulatory” or “administrative” compacts. Regulatory compacts create ongoing administrative agencies whose rules and regulations may be binding on the states to the extent authorized by the compact. (Counsel of State Governments n.d.a, 2)

The concept of interstate compacts has existed for centuries. In the United States, the concept of cooperation between two or more sovereigns has existed since before the country’s inception. However, only recently has the use of interstate compacts expanded and proliferated. Between 1789 and 1920 only thirty-two interstate compacts were enacted and most simply resolved border disputes between two states (Counsel of State Governments n.d.a). Since then, over 200 interstate compacts have been created, most after World War II (U.S. Government Accountability Office 2007c). Today, each state belongs to an average of twenty-five interstate compacts (U.S. Government Accountability Office 2007c). Agreements also expanded in scope, moving from bi-state agreements toward regional or national agreements (Counsel of State Governments n.d.a). Some states have even established bi-state regulatory bodies, such as the New York-New Jersey Transit Authority (The Port Authority of New York and New Jersey 2009).

There are several advantages of interstate compacts. These are summarized by the Counsel of State Government's National Center of Interstate Compacts:

- Interstate compacts provide an effective solution that respects fundamental principles of federalism, recognizing the supremacy of the federal government regarding national issues while allowing the states to take appropriate collective action in addressing suprastate problems. . . .
- Unlike federal actions that impose unilateral, rigid mandates, compacts afford states the opportunity to develop dynamic, self-regulatory systems over which the party states can maintain control through a coordinated legislative and administrative process. . . .
- Interstate compacts can be structured to respect the balance of power among federal, state, and local interests. . . .
- Interstate compacts can broaden a state's parochial focus by allowing states to act collectively and jointly to address regional and national problems. . . .
- Interstate compacts provide party states with a predictable, stable and enforceable instrument of policy control. The contractual nature of compacts ensures their enforceability on the party states. . . . (Counsel of State Governments n.d.b, 1-2)

However, the Counsel of State Government's National Center of Interstate Compacts notes several disadvantages exist as well, "The long negotiations and arduous course they must run before becoming effective; and the ceding of traditional state sovereignty, particularly as required by several modern administrative compacts" (Counsel of State Governments n.d.b, 2-3). In addition, the United States Government Accountability Office surveyed the members of forty-five congressionally approved interstate compacts and found that many of the participants had significant concerns over their compact's structure and governance, which have been infrequently raised and addressed (U.S. Government Accountability Office 2007c). Specific advantage and disadvantages of the Emergency Management Assistance Compact are discussed momentarily.

While the concept of interstate assistance compacts have existed for centuries, so have compacts with the specific aim of collaborating for the response of emergencies—sometimes called *mutual aid agreements*. For example, in 1247 the German cities of Hamburg and Lubeck signed a “treaty of mutual aid,” which eventually expanded to eighty-five Germany towns (Greene 1890, 300). In the United States, formal emergency assistance compacts only date back to 1950. Shortly after the Soviet Union detonated its first nuclear device and North Korea invaded South Korea, President Truman established the Federal Civil Defense Administration (National Emergency Management Association 2009).

Congress supported President Truman by swiftly passing three related pieces of legislation: the *Federal Civil Defense Act*, the *Defense Production Act*, and the *Disaster Relief Act* (National Emergency Management Association 2009). The *Federal Civil Defense Act* allowed the Federal Civil Defense Administrator to “assist and encourage the states to negotiate and enter into interstate civil defense compacts” and to take actions that would “permit the furnishing of mutual aid for civil defense purposes in the event of an attack” (U.S. Library of Congress 2007, 2). Resultantly, mutual aid agreements became commonplace, but they were mostly regional and entered into by individual states or local governments with their neighbors. The *Federal Civil Defense Act* still provides the legal framework for today’s mutual aid agreements.

However, in subsequent decades the use and proliferation of mutual aid agreements stagnated as the result of poor funding, considerable opposition, and low public support (U.S. Library of Congress 2007; U.S. Government Accountability Office 2007a). Interstate emergency management assistance compacts laid relatively dormant

until shortly after Hurricane Andrew in 1992. The concept of the Emergency Management Assistance Compact was originally envisioned by Florida Governor Lawton Chiles after Hurricane Andrew as “it became apparent that even with federal resources, states would need to call upon one another in times of emergencies” (National Emergency Management Association 2009, 1).

This concept was originally created by the Southern Governors’ Association as the Southern Regional Emergency Management Assistance Compact (SREMAC) in 1993 (U.S. Government Accountability Office 2007a). Two years later, the Southern Governors’ Association opened membership to any state in the union and this was ratified by Congress in 1996 (National Emergency Management Association 2009). Since then, EMAC membership has grown from four states to all fifty states, the District of Columbia, U.S. Virgin Islands, Puerto Rico, and Guam (U.S. Government Accountability Office 2007a). One of the largest growth spurts in EMAC membership was after the 2001 terrorist attacks (National Emergency Management Association 2008a). At the time of the attacks only twenty-eight states were members of EMAC. The *9/11 Commission Report* recommended that multi-jurisdictional mutual assistance compacts are of value and should be promoted. So while the general interstate mutual agreement has existed in some form for decades, the Emergency Management Assistance Compact is a relatively new paradigm that has expanded quickly.

The Emergency Management Assistance Compact is a “congressionally ratified organization that provides form and structure to interstate mutual aid” (Emergency Management Assistance Compact 2009, n.p.). This framework is administered by the National Emergency Management Association and is essentially a large state-to-state

mutual aid agreement that allows states to share resources in times of emergency or disaster. States are not obligated to assist under EMAC unless they are able. In order for a state to join EMAC, the state legislature must pass legislation and the governor must sign into law. Until 2004, the Emergency Management Assistance Compact was mostly used by states to support emergency management operations; however, since then the scope of its applicability and use has widened significantly and includes civilian assistance and the National Guard as well. Today, the EMAC is used not only to support emergency management operations, but also emergency services, law enforcement, hazmat, search and rescue, human services, health and mental, and agriculture and forestry (U.S. Government Accountability Office 2007a).

The EMAC contract consists of thirteen articles that outlines the procedures and serves as the binding legal agreement. The commonly referenced articles of the compact address those issues that are of most concern to states that are giving or receiving aid: Licenses and Permits (Article V), Liability (Article VI), Compensation (Article VIII), and Reimbursement (Article IX). The Emergency Management Assistance Compact process is an eight step, four phase process that begins with activations and ends with reimbursement. The EMAC can either be used in lieu of federal assistance or in conjunction with federal assistance (U.S. Federal Emergency Management Agency n.d.c, 1). The U.S. Government Accountability Office provides a good summary of the process and figure 41 depicts the Emergency Management Assistance Compact process.

Before resources can be deployed under EMAC, the governor of an impacted state must first declare an emergency. Representatives from the impacted state then contact EMAC leadership to inform them that interstate assistance may be needed. If desired, the impacted—or requesting—state can ask the EMAC leadership to send a team of

emergency management personnel to the state's emergency operations center to assist with subsequent resource requests under EMAC. The requesting state can then request additional resources through the EMAC network from other member states. These states—often referred to as assisting states—work with the requesting state to identify resources required and other details. Once both the requesting and assisting states approve the final details, resources are deployed to the area of need. Once the missions have been completed and resources have returned home, the assisting states prepare formal requests for reimbursement, which are then sent to, and processed by, the requesting state. (U.S. Government Accountability Office 2007a, 8)

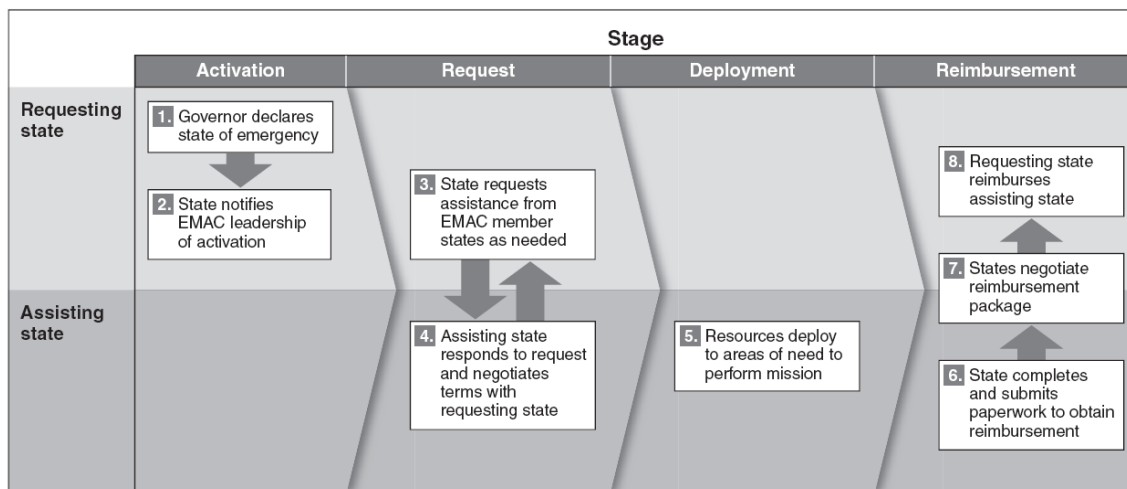


Figure 41. The EMAC process (U.S. Government Accountability Office 2007a, 9).

As noted earlier, the Emergency Management Assistance Compact has expanded significantly since its inception. This expansion not only includes membership, but usage and substance as well. The EMAC has been used well over one hundred times for a wide variety of emergencies, such as floods, wildfires, tornados, hurricanes, winter storms, and even the 2003 space shuttle Columbia disaster and the 2001 terrorist attacks (National Emergency Management Association 2008b). The largest employment of assistance under the EMAC framework occurred in 2005 in response to Hurricane Katrina. The EMAC represented 52 percent of the out of state personnel deployed to Louisiana in support of the hurricane response effort; in contrast, resources deployed through FEMA

only comprised of 11 percent of the total response (U.S. Government Accountability Office 2007a). Additionally, the National Guard is playing an increasingly important role in the value of the Emergency Management Assistance Compact. In 2005, over 46,000 National Guardsmen were deployed to the Gulf region under EMAC. Figure 42 depicts how the EMAC has grown since 2001 by comparing the number of personnel deployed through EMAC for three selected disasters.⁸² It is important to observe that more National Guard personnel are employed through EMAC than civilian personnel.

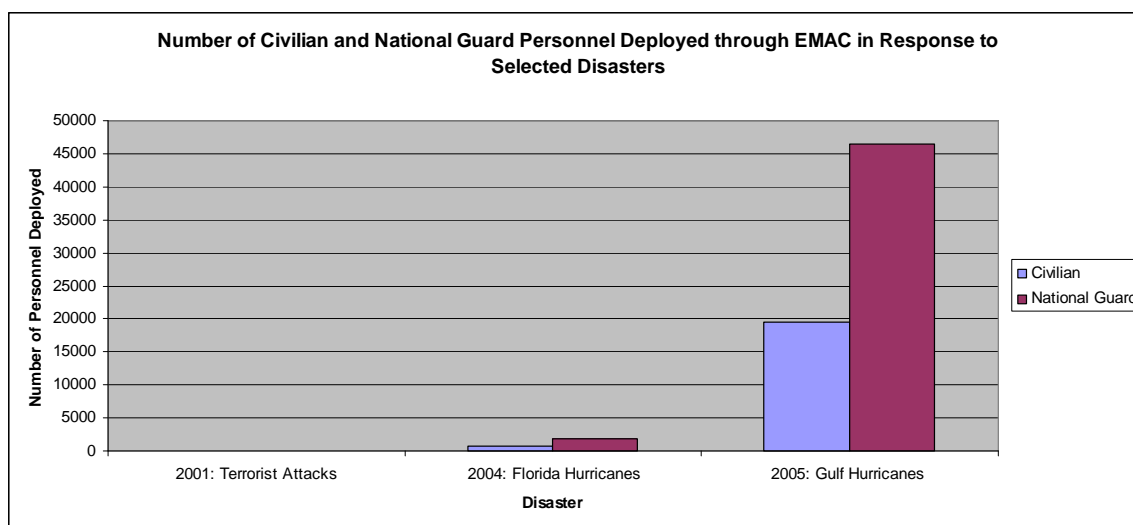


Figure 42. Number of civilian and National Guard personnel deployed through EMAC in response to selected disasters.⁸³

All of the data, including data collected from the survey, demonstrates that the National Guard has less personnel and equipment available for domestic emergency response today compared to resource levels in the prior decades (Q6-Q11). This decrease in resources is primarily the result of increased federal missions in support of the Global War on Terrorism. In an era of persistent conflict and under a framework that gives

⁸² Personnel Deployed through EMAC during the 2001 terrorist attacks were twenty-six civilian and zero National Guard.

⁸³ Derived from GAO analysis of EMAC, New York, and Florida state data.

priority to the federal mission, the National Guard is likely to use the Emergency Management Assistance Compact as its primary tool for emergency response resource facilitation in the future—especially with the successful use of the EMAC in the recently years.

Additionally, during an interview with Ms. Nancy Dragani, executive director of the Ohio Emergency Management Agency, she noted that “just because [National Guard] units are deployed is not necessarily the problem. No state National Guard has *every* resource needed for an emergency—except for maybe California.” The National Academy of Public Administration agrees and states, “Past disasters have shown that few, if any, individual states have all of the resources they need for responding to the full range of possible emergencies” (1997, 90). Therefore, the applicability and value of Emergency Management Assistant Compact is sustained even under peacetime conditions. The research also presented several advantages and disadvantages of the current EMAC system with respect to the National Guard.

The research conducted indicates that the EMAC significantly affects the National Guard’s emergency response mission—mostly in a positive manner. The Emergency Management Assistance Compact has worked relatively well during its past evocations. It has allowed resources to be shared in a timely, coordinated, flexible, and decentralized fashion under terms that were mutually agreed upon in advance. The key benefits of EMAC are described by the National Emergency Management Association, which are also applicable to the National Guard:

- Resources shared by the states under the EMAC agreement are coordinated with the federal response, providing resources to citizens in need as quickly and efficiently as possible.

- Assistance from a neighboring state under EMAC may be more readily available than other assistance.
- EMAC protocols and procedures allow for a quick response to disasters, utilizing the unique human resource expertise possessed by member states.
- State-to-state assistance during Governor-declared state of emergencies.
- A responsive and straightforward system for states to send personnel and equipment to help disaster relief efforts in other states.
- EMAC establishes a firm legal foundation: Once the conditions for providing assistance to a Requesting State have been set, the terms constitute a legally binding contractual agreement. Resolved upfront are problems that could arise for tort liability, reimbursement, credentials, and licensure.
- Fast and flexible assistance: EMAC allows states to ask for whatever assistance they need for any type of emergency, from earthquakes to acts of terrorism. (National Emergency Management Association 2008a, 4)

In the survey of the offices of the adjutant generals, nearly 80 percent of respondents stated that the Emergency Management Assistance Compact *fully* addresses the needs of their state (Q18). One of the survey respondents wrote, “Under tiered response, local state and federal resources support a response. EMAC fully addresses the interstate needs with regard to state resources” (Q18). These findings were echoed during the interviews. Major General Sykora, former Adjutant General of South Dakota, stated, “The concept is perfect.” Colonel Schumacher of the Vermont National Guard opined the EMAC is “awesome. . . . it is decentralized centralism it is responsive.” Mr. Brock at the National Guard Bureau also agrees and stated that the EMAC “appears to be a very efficient way for states to assist each other and has proven to work.” He went on to point out, “Some would argue that EMAC is so successful because there is *no* federal control.” General McKinley, the Chief of the NGB, suggested that the EMAC is

a useful tool for disasters as “many of the National Guard [within an impacted state] are

victims themselves and because of this a local response is insufficient.”

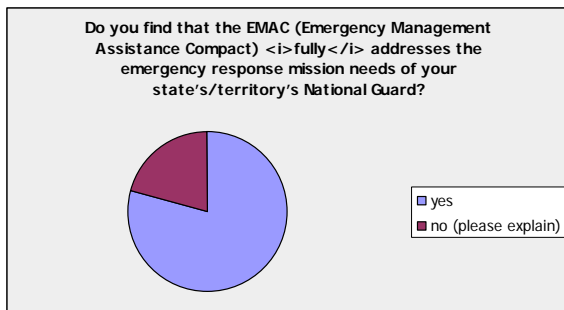


Figure 43. Response to survey question of EMAC emergency response effectiveness (Q18).

The EMAC has brought an increased value to mutual aid compacts, becoming the cornerstone of mutual aid and in many cases the sole framework for interstate emergency response coordination. The 1997 National Academy of Public Administration study asked a similar question to the states, but only 36 percent of respondents indicated that their agreement at the time was adequate—compared to the 2009 response where 80 percent of respondents indicated the Emergency Management Assistant Compact fully addresses the needs of the National Guard. Likewise, the value of the EMAC has also encouraged many states to join. In the 1995 RAND survey only 45 percent of states held membership in some form of an emergency assistance compact; the 1997 National Academy of Public Administration survey indicated that the number had grown to 71 percent of states; today 100 percent are members of an interstate mutual aid compact through the EMAC. Colonel Schumacher noted that the Emergency Management Assistance Compact “keeps getting better now that all states have executed.” Because of this, the EMAC has essentially replaced its predecessors: “The outdated Civil Defense

Compact and the narrowly focused Southern Interstate Nuclear Compact” (National Emergency Management Association 2009, 1).

While EMAC has already proven to be a force multiplier for states in need of assistance and it holds plenty of potential for providing assistance for future disasters and emergencies, it has some drawbacks and areas for improvement. These can be primarily grouped into training and education, coordination challenges between the National Guard Bureau and the Emergency Management Assistance Compact, and the speed of the response process. Other recommendations to improve EMAC were uncovered and are plentiful. For example, speeding reimbursement to the requesting state was often cited as an area for improvement. However, aspects of the Emergency Management Assistance Compact outside of its emergency response capacity are not within the scope of this research.

First, training and education of the EMAC process is poor and needs improvement. For example, a post-hurricane Katrina and Rita survey of Emergency Management Assistance Compact members by the GAO indicated that that education and training in EMAC procedures needs improvement (U.S. Library of Congress 2006). Additionally, through interview with local officials the GAO discovered that many of the local officials “had limited or no knowledge of what EMAC was or how it functioned” (U.S. Government Accountability Office 2007a, 18). This is a critical point and of paramount importance as the success of EMAC depends on the familiarity with the system and the preparedness of state and local agencies to integrate Emergency Management Assistance Compact personnel and other resources (Waugh 2007a). Waugh studied the Hurricane Katrina response and concluded that Mississippi integrated their EMAC

resources with ease because they were familiar with the process, but Louisiana struggled because they were “less familiar with mutual assistance compacts than their counterparts in Mississippi” (Waugh 2007a, 107).

To improve this, EMAC has taken several steps in the right direction and their strategic plan calls for the development of a comprehensive training program. EMAC’s strategic plan lists six key tasks:

- Establish and sustain a full time EMAC Training Coordinator position within NEMA.
- Conduct a training needs assessment for stakeholders to determine training curriculum.
- Develop and maintain a cadre of qualified training instructors.
- Develop training curriculum to include the use of on-line EMAC training, EMAC Train-the-Trainer, and the EMAC Field Course.
- Promote delivery of EMAC training to member states and mutual aid partners.
- Develop a plan to create an EMAC Training Academy. (National Emergency Management Association 2007b, 7-8)

However, the GAO notes that “the plan does not provide milestones for these activities or any performance measures for assessing whether these activities are in fact having their intended impact” (U.S. Government Accountability Office 2007a, 34). The GAO goes on to recommend that the secretary of homeland security direct the administrator of FEMA to look for ways to build the administrative capacity required to support the EMAC network through training initiatives (U.S. Government Accountability Office 2007a).

Next, the hurricane experiences also brought to light several coordination challenges specifically between National Guard Bureau and Emergency Management Assistance Compact. A 2007 Government Accountability Office report titled *Emergency Management Assistance Compact: Enhancing EMAC’s Collaborative and Administrative*

Capacity Should Improve National Disaster Response cited several areas of improvement for the coordination between the NGB and EMAC. For example, it stated, “Although both the EMAC network and NGB facilitate the sharing of resources across state lines, they had limited visibility into each others’ systems for initiating and fulfilling requests” (2007, 19).

In summary, the report suggested: “1) clearly articulating roles and responsibilities; (2) establishing clear, consistent, and compatible standards; and (3) identifying opportunities to leverage and share resources” (U.S. Government Accountability Office 2007a, 36). However, learning from these issues, EMAC and NGB are working together to better understanding of their mutual roles and responsibilities. Since then, EMAC has established an advisory group and the NGB, along with other national stakeholders such as FEMA and the CDC, are members of that group (U.S. Federal Emergency Management Agency n.d.c).

The GAO report also discusses in detail the status of National Guard troops under EMAC. It states that “early consideration of whether it would be appropriate to authorize the use of Title 32 status for National Guard units responding to catastrophic incidents could decrease the administrative and financial burdens states endure when switching between state active duty status and Title 32 status” (U.S. Government Accountability Office 2007a, 37). It goes on to recommend “the Secretaries of Defense and Homeland Security work together to amend the NRP’s Catastrophic Incident Supplement Execution Schedule to include early consideration of the use of Title 32 in situations where the Secretary of Defense deems it appropriate” (U.S. Government Accountability Office 2007a, 37).

The assistant secretary of defense for reserve affairs subsequently did not concur with the GAO's recommendation and refuted by stating that the change "could be interpreted to imply that it is DOD policy to place National Guard forces into Title 32 status when in fact, the response to the event only requires National Guard in state active duty status" and that the use of "National Guard forces in a Title 32 status is an inherent DoD function . . . [and is] outside the purview of Secretary of Homeland Security" (U.S. Department of Defense 2007e, 1).

Finally, there remains room to improve the timeliness of the Emergency Management Assistance Compact response. While the speed of the response process is also a strength of EMAC, some believe there is room for improvement. In any emergency situation, resources cannot arrive quickly enough. Out of the 10 percent of the survey respondents who indicated that the EMAC did not currently meet their need fully, many of them cited timeliness as their chief complaint (Q18). One respondent wrote, "In order to fully address state needs in an emergency, one has to take timeliness into consideration. This is especially true in situations of life and death. It takes time to process EMAC and get another state's military resources to the affected area in your own state" (Q18).

Another survey respondent suggested the EMAC is a "slow process with additional state-level approvals required - would prefer interstate missions be T32 502f" (Q18). Additionally, some government reports also noted delays in providing resources through EMAC. For example, the GAO reported that the use the EMAC has caused "confusion and deployment delays" mostly due to the EMAC not keeping pace with the changes associated with moving from smaller-scale employments to larger disasters (U.S.

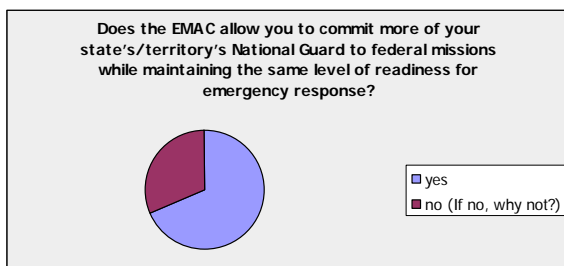
Government Accountability Office 2007a, 17). To overcome this, changes must be made to address many of the aforementioned concerns of training and education, and improving coordinating thought policy, practice, and procedures.

In a few concluding notes, there are two other themes that presented during the research. The first is the increased reliance on EMAC and the possible further federalization of the National Guard for federal missions and the second is the possible ineffectiveness of the EMAC for large-scale emergencies. First, the literature demonstrates that the proliferation of EMACs may have in part been attributed to insufficient National Guard resources to meet the state's demands. For example, the GAO reports,

Officials from the Florida and South Carolina National Guards told us that deployments in support of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation Jump Start have reduced their availability of in-state emergency assets required for responding to disasters. These officials, citing similar and pending deployments that may diminish their emergency response capacity, stated that they expect an increased reliance on interstate assistance provided under EMAC as a result of such deployments. (U.S. Government Accountability Office 2007a, 31)

Therefore, if states band together and act collectively to share resources during emergencies, there could be an increased expectation to devote more National Guard resources to federal missions. In the survey conducted, nearly 70 percent of the respondents indicated that the Emergency Management Assistance Compact would allow them to commit more of their National Guard resources to federal missions while maintaining a comparable level of overall readiness (Q19). However, one respondent noted that each state must "still must do regional coordination to see who has critical assets (i.e. helicopters); emac doesn't show that status." It is plausible that the increasing

reliance of EMACs may lead to further federal use of the National Guard. The EMAC could be seen as a justification to further shift power and responsibility to the federal



governments, as state alliances increases capability through strength by numbers. However, where EMAC would fail is large-scale emergencies.

Figure 44. EMAC's possible impact on the National Guard's federal mission (Q19).

The second theme that emerged is that the Emergency Management Assistance Compact may be ineffective for large-scale, national emergencies. The EMAC has already proved to be a valuable tool for interstate cooperation and sharing for small emergencies up to regional disasters. However, the EMAC is an effective tool because the aggregate level of National Guard resources has not yet exceeded the aggregate level of demand and because sharing between state boundaries has been unconstrained. Mrs. Deborah James, former assistant secretary of defense for reserve affairs pointed out that "it's the aggregate level of resources" that need to be examined. However, when demand exceeds supply, the EMAC will become ineffective and states will have to rely on federal resources, or the demand may simply not be met.

In addition, states are not obligated to assist under the Emergency Management Assistance Compact unless they are able. If a governor felt that resources were needed within his or her state for a specific and justifiable reason, they cannot become compelled to give aid under EMAC. Some analysts suggest that if Hurricane Katrina would have been a terrorist attack instead of a hurricane, fewer resources may have been shared through EMAC as governors would have kept troops and equipment within their state to

respond to other possible pending attacks. The NAPA study stated, “Concluding that there are sufficient resources somewhere in the National Guard force and that they are unconstrained by state boundaries . . . [or will be provided] out of the active forces or Reserve does not move is toward amelioration of the problem at hand” (1997, 83).

During an interview with Governor Tom Ridge he agreed and stated that Hurricane Katrina was an “isolated natural disaster that was contained and your community was immune to it.” He went on to suggest that had the situation been different, he would have had carefully considered the “risk profile” before committing resources, stating that he would have been “reluctant to send down troops and equipment.” When this hypothetical situation was posed to survey takers, only 8 percent indicated they would have sent the same number of resources, with the rest indicating they would have sent far fewer depending on the situation and the intelligence (Q20). This suggested that while states are willing to assist other states through EMAC, a governor will not do so, and is not obligated to do so, if it means possibly jeopardizing the safety and security of his or her own constituents. This point is summarized well by the GAO as they considered the effectiveness of the EMAC for a large, national emergency such as a pandemic influenza outbreak:

EMAC leadership and emergency managers from several states we spoke with cited three reasons why they believe EMAC would not work well for an influenza pandemic. First, the officials stated that they would be reluctant to send personnel into a contaminated area. Second, the officials expressed their concern that resources would not be available should the pandemic spread to their respective states. Third, since EMAC member states are not required to provide assistance under EMAC and states cannot compel emergency response personnel to participate in any disaster response, these officials believe that emergency personnel would be reluctant to volunteer to respond to a pandemic event in another state. (U.S. Government Accountability Office 2007a, 31)

In conclusion, the Emergency Management Assistance Compact is a valuable tool for states to share resources during times of emergency and disaster. The EMAC allows resources to be shared in a timely, coordinated, flexible, and decentralized fashion under terms that were mutually agreed upon in advance. The EMAC has already been used well over one-hundred times, including during major disasters, and had been relatively successful. Most of the National Guard believe that the EMAC fully meets their needs, and this represents a significant increase since 1997. Because of these benefits, every state now has membership in the Emergency Management Assistance Compact and it is endorsed by the Federal Emergency Management Agency, the Department of Homeland Security, the National Guard Bureau, and the National Governor's Association. However, room for improvement exists. The NGB and EMAC should work collectively to improve the value of the EMAC through training and education, mutual coordination, and the speed of the response process. Additionally, emergency planners and public leaders should consider how excess demand and large scale, national emergencies will affect the Emergency Management Assistance Compact and they should create ways to mitigate any concerns.

Secondary Research Question 2 (S2)

The second secondary question that the research sought to answer is, What military command and control structure promotes the most effective and efficient military response to emergencies? Clearly, when the military responds to an emergency, they are in a supporting role to civil authorities. However, military organizations that provide assistance to civil authorities have their own unique internal command and control

structure or structures. Given the complexities associated with a massive intergovernmental response to a major emergency or disaster, an innumerable number of supporting or subordinate command and control structures will exist. Even within the military alone, responding military organizations may even have separate and distinct command and control structures depending on the mix of forces. The crux of this question is not necessarily how the military interfaces with civil authorities or fits into a larger incident command and control structure; rather, it is how the military interfaces with itself—intermilitary relations of command and control during emergencies.

The American federal system of government allows for both state and federal militaries. Both of these militaries have different command and control structures: the National Guard reports through state lines to the governor while the federal forces report through federal lines to the president. When these forces work within their traditional framework, there is often little conflict or confusion. However, during times of major emergency or disaster, the response often elicits multiple agencies and departments from all levels of government—including both state and federal military forces. This is a condition that is created by federalism. Grodzins writes that “federalism is a device for dividing decisions and functions of government” (1966, 265). Federalism is not a tool to facilitate integration, coordination, or control. However, the framework of federalism represents the realistic constraints that governments must respect and work within.

Understanding which command control is most effective is of critical importance as this mix of forces will continue and increase. At a field observation conducted at the National Homeland Defense Foundation, General McKinley, the Chief of the NGB, stated “the future of disaster response is likely to consist of both federal and National

Guard forces.” Moreover, the Department of Defense’s *Strategy for Homeland Defense and Civil Support* (2005) recognizes that the domestic missions of homeland defense and civil support, including emergency response, are the responsibility of the *total force*. This question explores the options available to a response that requires assistance from both state and federal military forces, and will determine from the research which of these responses promotes the most effective and efficient military response to emergencies.

First, it is prudent to define *command and control* and related terms and concepts. Control is a science and command is an art; together they are essential to accomplish a mission. The Department of Defense’s Joint Publication 1-02 defines *command and control* as

The exercise of authority and direction by a properly designated commander over assigned and attached forces in the accomplishment of the mission. Command and control functions are performed through an arrangement of personnel, equipment, communications, facilities, and procedures employed by a commander in planning, directing, coordinating, and controlling forces and operations in the accomplishment of the mission. Also called C2. (2008, 101)

What is more, Army Field Manual (FM) 6-0, *Mission Command: Command and Control of Army Forces*, serves as the Army’s command and control integration manual. This manual provides the basic doctrine, tactics, techniques, procedures, fundamentals, and concepts for command and control. It emphasizes the key principles of unity of effort and unity of command. The manual defines *unity of effort* as “coordination and cooperation among all military forces and other organizations toward a commonly recognized objective, even if the forces and nonmilitary organizations are not necessarily part of the same command structure” (2003, 2-7). FM 6-0 goes on to state, “Unity of command is the Army’s preferred method for achieving unity of effort” (2003, 2-8).

However, the manual fails to address the issues associated with commanding and controlling a mix of state and federal forces and it mostly focuses on C2 of tactical Army echelons. Moreover, the concept of “dual-hattedness” did not exist when the most recent version of the manual was written.

There are several types of command and control relationships. The four main types within the Department of Defense are combatant command (command authority), coordinating authority, operational control, and tactical control. In short, a *combatant command* reports directly to the president and has geographical or functional responsibility to “perform those functions of command over assigned forces involving organizing and employing commands and forces, assigning tasks, designating objectives, and giving authoritative direction over all aspects of military operations, joint training, and logistics necessary to accomplish the missions assigned to the command” (Davis et al. 2004, 70-71). *Coordinating authority* is “a commander or individual assigned responsibility for coordinating specific functions or activities involving forces of two or more Military Departments, two or more joint force components, or two or more forces of the same Service” (Davis et al. 2004, 71). *Operational control* (OPCON) is “command authority that may be exercised by commanders at any echelon at or below the level of combatant command” (Davis et al. 2004, 71). Finally, *tactical control* (TACON) is “command authority over assigned or attached forces or commands, or military capability or forces made available for tasking that is limited to the detailed direction and control of movements or maneuvers within the operational area necessary to accomplish missions or tasks assigned (Davis et al. 2004, 72).

Most of the time, emergencies are sufficiently handled at the local and state level and complete command and control of military forces resides at the state level with the governor and the adjutant general. In these cases, the National Guard responds on state active duty or Title 32 duty in some cases. Either way, federal forces are not in the equation and the problems associated with this research question do not exist. However, major emergencies and disasters sometimes require a response from both the National Guard and federal military forces. There are several different command and control structures that have been used in the past and each has its own unique advantages and disadvantages. In the review of the literature, the subsection titled “The Role of the U.S. Military—The U.S. National Guard” examines several cases where different command and control structures have been used to respond to domestic emergencies or military operations with both National Guard and federal forces.

In summary, there are presently four primary structures available to command and control both state and federal forces for domestic emergency response. The first three structures have been used in the past under different situations. The fourth and final structure has never been employed before and may present significant political challenges if ever implemented. These structures are outlined below:

- All forces under the control of the president and combatant commander.
 - Requires federalization of the National Guard.
 - Some examples include the Los Angeles Riots and desegregation of schools in Little Rock, Arkansas.
- Parallel (separate) command and control structures.

- The National Guard controlled by the governor/TAG and federal forces controlled by the president/combatant commander.
- Some examples include Hurricane Katrina and the Northridge earthquake.
- A “dual-hatted” National Guard commander.
 - Commands both non-federalized National Guard and federal forces.
 - Some examples include the G8 Summit, Democratic National Convention, and Republican National Convention.
- A “dual-hatted” federal commander.
 - Swearing in an active duty officer into a state or territory’s National Guard rather than a state National Guard officer being called to active duty.
 - This model has never been used but has been advanced several times.

The most extreme response is one where the president assumes control over both the National Guard and responding federal military forces in order to provide a unified federal response to an emergency. In this case, the governor must relinquish command and control of his or her National Guard to the president. When this happens, the adjutant general also loses the ability to control any of the military forces in his or her state who are part of the federal response, but he still remains as the senior military advisor to the governor. Historically, federalization has occurred to quell violence or prevent anarchy—not for emergency response. Although this federalization was proposed during Hurricane Katrina, the governor declined consent. The benefits of a federal response are leverage of the total force, unity of effort, and unit of command. Essentially, there is one chain of command and one military officer coordinating the entire response effort. The commander has a more panoramic view of the entire situation

and can make more informed, timely decisions. Mission requests can be approved more expeditiously and resourced more efficiently, from both state and federal military assets. Finally, the National Guard would receive federal pay and benefits while under federal control. Figure 45 depicts the organization of a pure federal command and control structure.

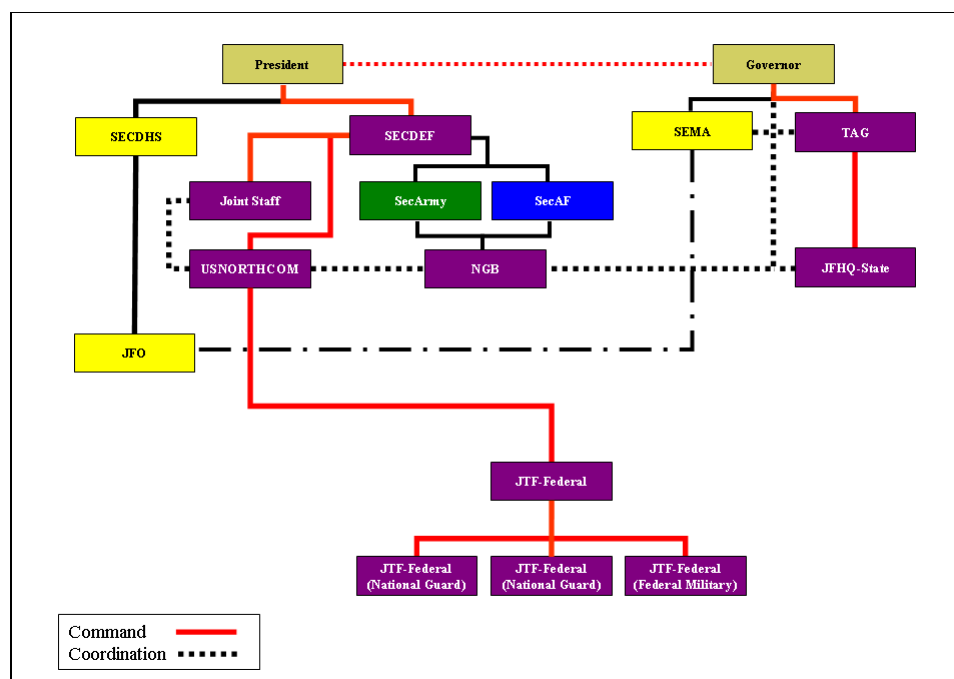


Figure 45. Federal command and control (U.S. National Guard Bureau 2007).

However, there are several disadvantages of a complete federal response. First, there is often degradation in the morale of the state's National Guard, as well as local first responders and local and state political and administrative leaders. This was the case in the LA riots as the National Guard generally felt "their efforts were not recognized or appreciated" once federal military forces began to arrive (Rabe 2001, 65). Additionally, Timothy Manning of FEMA noted in an interview that when the federal government assumes leadership of a local situation, the local civilians "begin to lose confidence in

their local leadership.” This was echoed by Major General Grass at NORTHCOM who stated that his personal thoughts are “confidence levels that the locals have in the local and state government goes downhill [and that federalization] is the last thing you want to do at a time of crisis.”

Another disadvantage of a pure federal response is that both regular federal forces and federalized National Guard forces would not have law enforcement powers. Once placed in a federal status, the National Guard is stripped of their law enforcement powers due to the limitations imposed by the *Posse Comitatus Act*. Under a state active duty or Title 32 response, the National Guard would maintain their law enforcement powers. These powers are not only useful when responding to severe civil disturbances, but also for other emergencies and disasters. For example, while Hurricane Katrina was a natural disaster, the non-federalized National Guard did perform law enforcement support missions to prevent looting and to enforce general order.

However, there are statutory exemptions to these restriction placed on federal forces, such as the *Insurrection Act*. This empowers the president to suspend *Posse Comitatus* and deploy federal forces and the federalized National Guard within the U.S. to “suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy” (U.S. Code 2000a, art. 331). The most recent and notable example of this was when President George H. W. Bush evoked the *Insurrection Act* to use federal forces to quell the violence during the Los Angeles riots. However, given the narrow applicability of the *Insurrection Act*, it is unlikely that it will even be appropriate for responses to natural disasters. Even when used under appropriate circumstances, there may be inflammatory repercussions.

Subsequent to the Hurricane Katrina showdown over command and control of military forces and Governor Blanco's opposition to relinquish control of her Guardsmen to the federal government, Congress amended the *Insurrection Act*, widening its applicability and removing gubernatorial consent for federalization of the National Guard for domestic emergency response. The *Insurrection Act* could then be evoked during "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition" (U.S. Code 2000a, art. 331). Essentially the president could now use his supremacy to usurp control of the National Guard from the governor for a number of different scenarios other than insurrection. Outrage over this amendment resulted in a repeal in its entirety.

In interviews with Michael Chertoff and Tom Ridge, they both agreed that the original changes to the *Insurrection Act*, widening its applicability and enhancing the powers of the president, were a good thing for the American people. Michael Chertoff stated that "it would be a good tool for the president if he encountered a weak governor or if state government was so effected that it ceased to operate"; he went on to suggest that the president would not necessarily be usurping the governor, rather using his "supremacy." Likewise, Tom Ridge, a former governor himself, stated that "sometimes an emergency may require the federal government to use its supremacy, although rare." He went on to state that it would be "hard to imagine a situation where the Guard would have to be federalized to respond to an emergency." This was also a finding of the National Academy of Public Administration study that found "the Guard should almost never be federalized in matters of emergency management situations" (1997, 77). Clearly, had the original changes remained and eventually been evoked, this would be the

most intrusive response option on a sovereign state of the four command and control options.

The final disadvantage to a purely federal response is that the federal military commander may lack situational understanding by not being as familiar or knowledgeable with the local characteristics that would be necessary to make insightful command decisions. Some of these characteristics include local terrain, geography, climate, culture, social, political, leadership, standard operating procedures, laws, authorities, history, and organizational and operational structures. Additionally, the National Guard hold key relationships with their local counterparts and train with them as for a number of emergency scenarios.

In an interview with Nancy Dragani, director of the Ohio Emergency Management Agency, she noted that these relations are essential to success. Moreover, at a field observation conducted at the National Homeland Defense Foundation, General McKinley stated, “We cannot exchange business cards at an event,” suggesting that building working relationships and training together were necessary components for a coordinated response. FM 6-0 states that “mission command can only work in an environment of trust and mutual understanding” (2004, 2-7). In the case of the LA riots, because the local authorities and federal forces had no experience working together, they lacked even a basic understanding of each other’s tactical operations. The example below illustrates the point:

Police officers responded to a domestic dispute, accompanied by marines. They had just gone up to the door when two shotgun birdshot rounds were fired through the door, hitting the officers. One yelled “cover me!” to the marines, who then laid down a heavy base of fire. . . . The police officer had not meant “shoot” when he yelled “cover me” to the marines. [He]

meant . . . point your weapons and be prepared to respond if necessary. However, the marines responded instantly in the precise way they had been trained, where “cover me” means provide me with cover *using firepower*. . . . over two hundred bullets [were] fired into that house. (Delk 1995, 221-22)

The next command and control structure is one of parallel or separate command and control structures for the responding military organizations. In this case, the non-federalized National Guard is controlled by the governor and the adjutant general while federal military forces are controlled by the president and the combatant commander through NORTHCOM. The Center for Strategic and International Studies report titled, *The Future of the National Guard and Reserves: Beyond the Goldwater-Nichols Phase III Report* summarizes this structure succinctly, “While two chains of command are not optimal from the perspective of military operational efficiency, the prospect of conducting a response using two or more chains of command is firmly rooted in the nation’s federalist system of government” (Wormuth et al. 2006, 80). This command and control structure has been used many times in the past, including most recently during the response to Hurricane Katrina.

This approach does offer a few advantages. First, a key advantage is the ability to “coherently employ the resources of the federal military in support of a disaster response [and] Federal and state military chains of command, authorities, and accountability are clear from the tactical level on up” (Burkett 2008, 22). Second, this is often the most politically unproblematic solution because each of the commander-in-chiefs retains control over their forces and political sovereignty. Keeping in mind that both commander-in-chiefs are elected citizens, there is a tendency to avoid political fallout and even push blame to other governments or governmental organizations which are run by

competing political groups. Additionally, relinquishing command and control from one political party to another (as the case of Hurricane Katrina where Governor Blanco was a Democrat and President Bush was a Republican) may be perceived as conceding to political superiority and a demonstrated sign of weakness. This was emphasized during an interview with George Brock, Chief of Plans and Policy NGB, when he stated that these issues of command and control are “a political-military problem, not just a military problem.” A final advantage is that command and control structure avoids wasting time and losing focus that is associated with political wrangling. In an emergency response situation, timely decision making is critical and leaders must remain focused on saving their constituents lives—not consumed by political negotiations, making decisions based on how it will affect a political poll number during the next election.

The main disadvantage of this command and control structure is there are at least two unique military commanders, each commanding their own forces. This structure makes it more challenging to establish unity of command and reduces the likelihood of achieving unity of effort—two key concepts that are essential to perform successful command and control. Also, an inordinate amount of coordination must exist between the two commands in order for the different command to be able to work seamlessly. Political administration scholar Luther Gulick suggests that when subdivision of work through a unified organization is inescapable, then “coordination becomes mandatory” (1937, 6).

Without this coordination, “fog and friction” will manifest into inadvertent, yet obvious inefficiencies and oversight. Governor James H. Douglas of Vermont, Chair of the National Governors Association, wrote, “One of the key lessons learned from the

response to the terrorist attacks on September 11, 2001, and to Hurricanes Katrina and Rita in 2005 was the need for clear chains of command to avoid duplication of effort and to ensure the most effective use of response resources” (National Governors Association 2009, 1). For example, Major Kevin L. Buddelmeyer of the United States Air Force writes that during Hurricane Katrina “there were numerous instances of National Guard and federal troops assigned to the same operating area without knowledge of each others’ assignments” (2007, 8).

Furthermore, the parallel command is contradictory to nearly all defense and emergency management command and control doctrine. For example Department of Defense Joint Publication 3-16, *Multinational Operations*, states, “because of the absence of a single commander, the use of a parallel command structure should be avoided if at all possible” (2007g, xiii). Additionally, the *National Incident Management System* (NIMS) states that unity of command is achieved through clarifying “reporting relationships and eliminat[ing] the confusion caused by multiple, conflicting directive” (2008, 11). And, Presidential Directive 5, *Management of Domestic Incidents*, recognizes “the need for unity of command to clarify reporting relationships and eliminate the confusion of multiple, conflicting directives” (Burkett 2008, 134).

Finally, it is important to note that parallel commands may result in more than two command and control structures. The scope of some disasters cross state lines, creating additional command and control structures within each effected state for a single disaster. For example, the Hurricane Katrina response effort effectively created three separate military command and control structures: NORTHCOM for all of the federal forces, the TAG of Mississippi for the National Guard in Mississippi, and the TAG of

Louisiana for the National Guard in Louisiana. While it was one disaster and one response, the scope of the hurricane affected two states. Had a disaster of similar proportion affected the northeast United States, there easily could have been a dozen separate military command and control structures, all coordinating a response with limited national resources for a single disaster.⁸⁴ While this system of command and control has some advantages, it may facilitate operational friction and clearly disables unity of effort. Figure 46 depicts the parallel command and control structure.

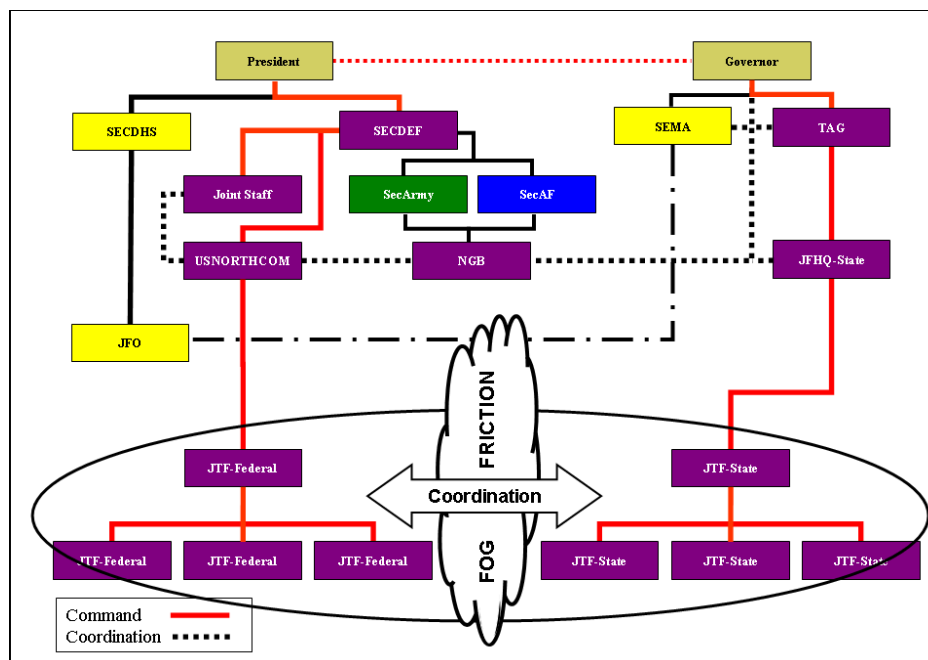


Figure 46. Parallel command and control structure (U.S. National Guard Bureau 2007).

The third command and control structure is one where a dual-hatted National Guard officer commands and controls both non-federalized National Guard and federal military forces under a single chain of command. National Guard officers have been unique in the sense that they hold both state and federal commissions and are capable of

⁸⁴ It has also been suggested that NORTHCOM is a logical choice for C2 in a multi-state response situation (Barry 2010).

serving on both state duty (whether state active duty or Title 32) *or* on federal duty. However, the concept of serving on both state duty *and* federal duty simultaneously is relatively new. Before 2004, National Guard officers were automatically released of their state obligations when called to federal service. In 2004, Congress made changes to the *National Defense Authorization Act* allowing National Guard officers to maintain their state status when called into federal service. Essentially, this change allowed National Guard officers to command both Title 10 forces and Title 32 forces. In order for this condition to take effect, authorization must be given by both the governor and the president. Former assistant secretary of defense for homeland security, Paul McHale, described this concept before House Armed Services Subcommittee on Terrorism, Unconventional Threats and Capabilities:

But utilizing a recent statutory provision, beginning at the G-8 summit, but then again at the Democratic convention, the Republican convention, and Operation Winter Freeze along the Canadian border, a single National Guard officer — one man — was given a dual-hatted command. He was placed in Title 32 status to command the Title 32 forces. He was placed simultaneously in Title 10 status under the command and control of the combatant commander so that unity of effort could be achieved, even though we maintained the distinction in terms of unity of command. (McHale 2005, n.p.)

The advantages of a dual hatted commander are many. The most profound advantage is that a dual hatted command structure allows the flexibility to establish unity of command and resultantly unity of effort while respecting the principles of federalism. The dual hatted command “promotes the control of information, timely decision-making, synchronization, interoperability, and situational awareness for both state and federal forces” (Burkett 2008, 25). It is also likely that many of the issues previous discussed, such as familiarity and knowledge of the local characteristics, are resolved by having a

commander from the effected state. Another huge value of this model is that the National Guard, since not federalized, maintain their law enforcement capabilities. Therefore, a single command and control structure can be established with a mix of forces and the commander is still able to fulfill law enforcement support missions without the need to request the evocation of the Insurrection Act, as would be necessary under a purely Title 10 response.

What is more, under the dual hatted command the sovereignty of the state and the federal government are preserved, as well as the powers of the governor and the president. In an e-mail response from Lieutenant Colonel Jeff Burkett, Assistant to the A3 for Nuclear Enterprise Operations at National Guard Bureau and author of an award winning paper on command and control, he stated that the dual hatted commander “technically reports to both. However, operationally the reality would be to the Governor unless the POTUS [President of the United States] has the time to micromanage. In practice (i.e. tactical reality) direction should be coming from the on-scene commander who . . . is supported by everyone per the NRF” (Burkett 2010, n.p.).

A final advantage, the previous described issues of separate state military command and control structures for a regional disaster are ameliorated under a dual-hatted command because the commander has the ability to control Title 10 forces across state lines. Lieutenant Colonel Burkett goes on in his e-mail to write,

The unappreciated value of dual-hat is the ability for interstate military maneuver of a combined National Guard/AC force under one commander. Another words, commanders could shift the weight of effort for maximum operational effect without getting bogged down because of status or state lines. Moreover, those commanders would enjoy maximum flexibility with their force to accomplish the mission (i.e. NG in T32 does not have PCA restrictions). (Burkett 2010, n.p.)

Figure 47 depicts the dual-hatted command and control structure.

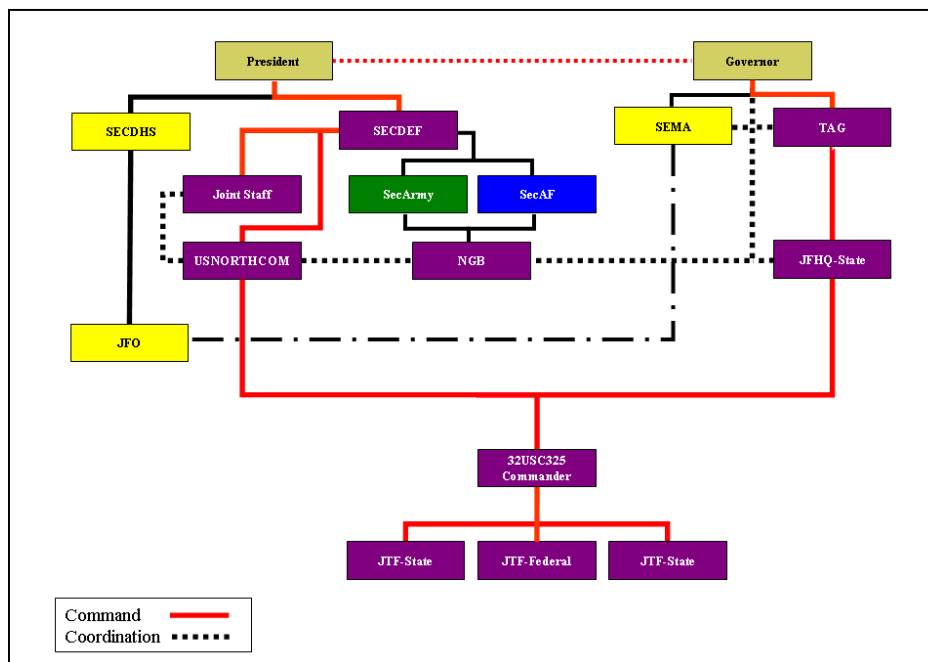


Figure 47. Dual-hatted command and control structure (U.S. National Guard Bureau 2007).

The final command and control structure is one where a dual-hatted federal commander assumes command of both National Guard and federal forces. Essentially, this involves swearing in an active duty officer into a state or territory's National Guard rather than a state National Guard officer being called to active duty as previously described. The changes in the aforementioned *National Defense Authorization Act* also allow for the commissioning of federal army and air force officers into the National Guard. The federal officer may accept a commission into the Army National Guard or the Air National Guard with the approval of the president.

This model has never been used but was purportedly advanced by the Bush Administration and rejected by Governor Blanco during Hurricane Katrina (Lipton, Schmitt, and Shanker 2005). It was again advanced by the president as an option before

Hurricane Rita, but Governor Rick Perry of Texas was reluctant to agree having witnessed the complications of federal involvement during the Hurricane Katrina response (Burkett 2008). In response, Governor Perry requested to use a National Guard officer as a dual-hatted commander, but it was never approved (Burkett 2008). As a result Burkett writes, “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” (2008, 10).

This model’s last suggested use was for the inauguration of President Obama in 2009. During an interview with Major General Fick at the National Guard Bureau, he stated that the Department of Defense had planned to use a Title 10 dual-hatted commander for JTF-NCR (Joint Task Force-National Capitol Region) during the inauguration but it was abandoned due to “police concerns over unity of effort.” In the end, Major General Fick believes it was a “good thing” this concept was not employed and that “separate commands worked fine.” He went on to note that the Title 10 officer was admitting not as familiar with “the local territory” or “civil operations and procedures.”

The strengths and weaknesses of a federal dual-hatted commander are similar to that of having a National Guard dual-hatted commander, but the commander would presumably not be familiar or knowledgeable with the local characteristics. Additionally, since it is a phenomenon for a federal commander to be sworn into the National Guard, it is possible that a federal commander sworn into a state’s National Guard may not fully understand many aspects of the inner workings of state and local governments or the intricacies of the National Guard at the state level. Furthermore, the commander may not

appreciate the concept of state sovereignty and he may make decisions in conflict with the principles of federalism.

It is also possible that a federal dual-hatted commander may give decision preference to the Title 10 forces or may give more weight to command guidance from the president, since the commander would be a federal officer first and a National Guard officer second—and on a temporary basis. Timothy Manning at FEMA agrees and states that a contributing factor may be “the whole parochialness [sic] between the Guard and active duty forces . . . it would be a matter of active duty folks not wanting to fall outside of the exclusive C2 of the president and the secretary of defense . . . [the active duty may] not being willing to resources the effort.” He also suggested that there may be legal issues under the Uniform Code of Military Justice that may create impediments to implementation.

Conversely, a National Guard officer called into dual-hatted service is commissioned as a dual-status officer from his initial entry into service. The National Guard commander would already have significant experience and expertise at both the state and federal level and is more likely to give equal preference to state and federal forces and equal weight to command guidance. However, since this structure has yet to be implemented it is difficult to ascertain a more detailed analysis of its strengths and weaknesses.

In the survey administered to the offices of the state adjutant generals, nearly 100 percent of the respondents suggested that a singular command and control structure with the state controlling responding forces would be the most effective and efficient command and control structure for emergencies (Q21). Of these respondents, 21 percent

thought the best command and control would be achieved by swearing an active duty officer into their state/territory under a dual-hatted concept. This is the aforementioned option that, according to my research, has never been implemented, but had been proposed several times. The researcher suspects that this option may have significant political impediments to implementation.

Of the remaining survey respondents, about 95 percent responded in favor of a command and control structure commanded by a dual-hatted National Guard commander. One only respondent thought it would be best to maintain two separate command and control structures, but the respondent clarified that the federal forces would deploy “in support of JFHQ-State, to enable a synchronized military response. Two separate chains of command are maintained, with unity of effort.” The quantitative results clearly indicate a strong, nearly exclusive preference toward state control, with a dual-hatted National Guard commander as the preference. However, this was expected as the survey was only administered at the state level and there may be some respondent biases. An examination of the qualitative data will help to benchmark, compare, and contrast the full dataset in a multilevel manner.

The results from the qualitative data are in general agreement to that of the quantitative data, but provide some additional details. Naturally, the interviews conducted at the state levels are in concurrence with the findings from the survey as they tend to view the issues mostly from the state level. For example, Major General Harold Sykora, former Adjutant General of South Dakota and Chairman of the National Guard Association United States (NGAUS) Joint Task Force on Homeland Security, stated, “TAGS must have OPCON [operational control] . . . there needs to be one person in

charge and everyone needs to know who is in charge.” But some of the interviewees brought a federal perspective to the issues. Even at the federal level, there appeared to be support to let the states control the military forces within the states for a unified response to an emergency—even federal forces. For example, Deborah James, former assistant secretary of defense stated that the best response would be one where “one person is in charge a single command with the TAG in charge; one chain of command.”

While many of the interviewees thought that a dual-hatted commander may be the best command and control structure for emergency response, they were reluctant to commit to the likelihood of success. This is primarily because the dual-hatted commander has mostly been practiced and only been used for non-emergency events. For example, the G8 summit, the national political conventions, and Operation Winter Freeze (border patrol) were pre-planned, non-emergency-response missions. In an interview with Major Grass at NORTHCOM, he stated that “while the dual-hatted command worked well for the preplanned events, it has never been exercised in a crisis.” Hurricane Katrina was the first opportunity to implement a dual-hatted commander for a no-notice emergency response situation, but it is a missed opportunity. An emergency situation would present countless additional challenges in a complex and chaotic environment. What worked well for non-emergency situations may not necessarily work well during emergencies.

In summary, establishing unity of effort through unity of command is a key concept to the successful command and control of state and federal military forces during an emergency response scenario. Even as far back as Henry Fayol, the values of unity of command, unity of direction (effort), and *esprit de corps* were recognized. According to

Fayol's general principles of management, these principles are essential ingredients to successful management. Of the fourteen principles, Fayol believed that unity of command was the most important. This is not accomplished by splitting up forces. Emergency response environments are complex and dynamic enough without the friction and fog of multiple commands.

The research demonstrates that a dual-hatted National Guard commander is not only the predominate preference, but is the most sensible option. However, for this option to be exercised efficiently and effectively during an actual emergency, the military must embrace this as its primary preference for command and control of mixed military forces and take the appropriate steps necessary to ensure the training, doctrine, policy, and politics support this concept. Consideration must also be given to how a dual-hatted command and control structure would differ between a pre-planned event and a no-notice emergency. In closing, during an interview Major General Grass of NORTHCOM stated, "The real focus has to be on unity of effort not only within a military organization, but between military to military as well."

Secondary Research Question 3 (S3)

The third secondary question that the research sought to answer is, How can the National Guard be better organized to support its state emergency response mission? One of the key findings from the National Academy of Public Administration study was the National Guard's current capability to provide emergency response support is not "effectively utilized" (1997, 98). There are an innumerable number of ways to organize the United States National Guard to more effectively utilize the capabilities of the Guard. Over the decades, the organization of the National Guard has transformed from a pure

state militia into the current model that is centered on the National Guard's federal mission. Yet, several landmark events in the early 21st century have put a renewed focus on domestic matters—especially military emergency response. This has sparked debate over the National Guard's emergency response role, including the best way to organize the National Guard to enable a more effective response to emergencies and disasters. This section examines the organizational options that emerged from the research, analyzing the strengths and weaknesses and making recommendations on the best way forward.

The scope of this analysis is narrowed to examining the feasibility of several possible options that have been postulated by scholars and practitioners. Specifically, these include dedicated units for emergency response in either a state approach, a regional approach, or a federal approach. And, of course, in lieu of any of these options, there is always the option of “business as usual,” which this research defines as meeting the emergency response mission on the margins of the National Guard's other, higher-priority missions. This section will also consider organizational possibilities that include how to restructure the total force to allow more improved response to emergencies, including analyzing the findings' results with regard to access to Reserve units for emergency response. This examination does not consider internal state structures for achieving state mission in emergency response (i.e. the role of the TAG; whether responsibility for emergency response should reside with the TAG, an emergency management director, or some other cabinet official; etc.).

The crux of the contemporary debate is centered over a few key points. First, there is the debate over whether the National Guard should maintain its emergency

response role. Second, there is a discussion of whether the military should dedicate resources exclusively for this role or if it will remain a secondary responsibility to its warfighting mission. And finally, there is consideration of how to organize resources to be able to better respond to domestic emergencies. At the heart of each of these debates is the principle of balance of powers in our unsteady equilibrium of federalism—essentially an argument over how the balance of power and responsibility for emergency response should be distributed between the federal government and the state governments.

First, an assumption is made that the emergency response role of the National Guard will remain unchanged. That is, support to civil authorities in response to emergencies and disasters will still remain a domestic mission of the National Guard. Some proposals have suggested removing the National Guard completely from emergency management, focusing the Guard exclusively its federal role. The research has already concluded that the federal role is the top priority for the National Guard. Furthermore, some senior military leaders do not believe the emergency response role of the National Guard is important. For example, Mrs. Deborah James, former assistant secretary of defense for reserve affairs addressed the Association of the Adjutants General of the United States in July 1993 and stated that she commonly hears in Pentagon meetings, “We’re warfighters and any forces above the warfighting numbers are excess to our requirements. The state mission is not really our job, not our business” (National Academy of Public Administration 1997, 85). These were statements that she resolutely disagreed with at the time, and during the more recent interview with Mrs.

James, she still firmly believes the state mission is an important part the National Guard's "job."

Moreover, the view that the National Guard's emergency response role is inconsequential is not shared by everyone, especially at the state levels. Emergency response is a proud tradition of the National Guard, having responded to thousands of emergencies and disasters over several centuries. General Harold Sykora, former TAG of South Dakota, stated during an interview that emergency response is "a core mission of the National Guard, with a long history." What is more, current state and federal policies and military doctrine assign a civil support role to the National Guard. Information on the Guard's emergency response support role can be found in National Guard Regulation 500-1/ ANGI 10-8101, *Emergency Employment of Army and Other Resources: National Guard Domestic Operations*; the *National Response Framework*; the *National Incident Management System*; the *Defense Support to Civil Authorities* process; Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*; and other doctrine.

Even the existing National Guard Bureau charter states that the National Guard Bureau is responsible for "facilitating and coordinating with the Department of the Army and the Air Force the use of National Guard personnel and resources for contingency operations, Military Operations Other Than War, *natural disasters* [emphasis added], *Military Support to Civil Authorities* [emphasis added], and special events" (U.S. Departments of the Army and the Air Force 2001, 4). In addition, while the accuracy of such statements is debatable, recent government reports emphasize the importance of the National Guard's emergency response role. For example, the *Commission on the*

National Guard and Reserves states that “state emergency response [emphasis added] is [the National Guard’s] most important responsibility when it is not under federal control” (2008, 94). Therefore, it is reasonable to presume that the National Guard will retain its emergency response role for the foreseeable future. Several options exist on how to best organize and structure the National Guard to respond to emergencies.

In a field observation, conducted at the National Homeland Defense Foundation conference on November 9, 2009 in Colorado Springs, Colorado, the Chief of the National Guard Bureau, General McKinley, referred to this problem as a “Jefferson—Hamilton” issue, suggesting one approach favored a strong central control (Hamilton) and the opposing approach favored decentralization (Jefferson). General McKinley called the debate “passionate and continuous” and he stated that “there are good arguments of both sides of the table.” Regardless of the debate’s origin, many of the previous analyses conclude that there is no *best way* to resolve the issue. For example the National Academy of Public Administration study concluded “there is no single best way to structure the relationship between the Guard and other officials responsible for EM/DR/SCD [Emergency Management/Disaster Response/Severe Civil Disturbance]” (National Academy of Public Administration 1997, 99). However, several options have been postulated for possible amelioration of the problem, which will subsequently be explored. These include three options that dedicate exclusive and dedicated forces for emergency response and three options that do not.

Before any of these options are fully explored, a brief review of the National Guard’s current organization and is warranted. It is clearly documented in the previous sections that the National Guard’s current capacity to support civil authorities for

emergency response operations is met on the margins of its federal mission. However, whether maintaining this as an appropriate course of action is controversial. The RAND Corporation published a study titled *Assessing State and Federal Missions of the National Guard*. The RAND study accepts the prevalent assumption that “state emergency response mission can be done on the margins of the national defense mission” (National Academy of Public Administration 1997, 82). This assumption is based on the belief that the National Guard emergency response mission “does not generate any additional demand at the federal level for National Guard force structure” (RAND 1995, 25). This was an assumption that the National Academy of Public Administration (1997) study did not accept as a foregone conclusion. Whether or not this is true, maintaining the status quo is certainly an option—it is the path of least resistance but not necessarily the most optimal.

In the context of decision making, former United States President Theodore Roosevelt once stated, “The worst thing you can do is nothing.” However, given the difficulties and complexities associated with organizational change in government, this is often a resulting product (Heckscher and Donnellon 1994). Should the military continue executing its emergency response role under its current organizational model, the National Guard will continue providing support to civil authorities on the margins of its federal mission, and some active duty elements will continue to provide non-exclusive specialized support. Without a significant impetus for a renewed focus on the National Guard’s emergency management mission, little progress in any direction other than the current is likely. The survey to the offices of the adjutant general indicate that even under the most constrained circumstances, states have enough personnel to adequately

response to an emergency in their state, with the exception of major disasters (Q5). And, the data from the survey indicate that states have a significant buffer at current level—even while the United States is engaged in two major expeditionary missions (Q10). The emergence and recent success of the EMAC further erodes any argument for dedicated military emergency response units. However, the goal should not necessarily be to *adequately* respond to emergencies, rather how to organize military units to respond *optimally*.

The options other than the “do nothing” option include reorganizing by tailoring certain military units with the specific or exclusive mission of emergency response. Stringer writes, “Role specialization could address this conundrum and would bring a higher degree of efficiency and ultimately effectiveness in a number of areas” (2004, 24). Role specialization for domestic missions is not a new concept. The *Hart-Rudman Commission*, the *Gilmore Panel*, and the *Third Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capacities for Terrorism Involving Weapons of Mass Destruction* all recommended that the National Guard reorganize to focus on domestic homeland defense as its primary mission. The WMD report suggested that the National Guard’s homeland defense mission take priority over its federal expeditionary missions. The *Hart-Rudman Commission* placed homeland defense as the top national security priority for the United States. The *Gilmore Panel* went furthest to suggest that homeland defense become the exclusive mission of the National Guard. Of course, the National Guard strongly opposed the recommendations and were able to quell any further substantive progress through its strong political and lobbying influences.

To some degree, DoD role specialization for emergency response already exists. The Department of Defense has response assets that are critical for homeland defense and emergency management operations—especially WMD response and consequence management. “The Department of Defense remains the greatest federal repository of resources for responding to a chemical, biological, radiological, or Nuclear (CBRN) incident” (U.S. Library of Congress 2003, 5). These assets include the 20th CBRNE Support Command, U.S. Army Technical Escort Units (TEU), U.S. Marine Corps Chemical-Biological Incident Response Force (CBIRF), U.S. Army Medical Research Institute for Infectious Diseases (USAMRIID), U.S. Navy Environmental Health Center, 52nd Ordnance Group, CBRNE Consequence Management Response Force (CCMRF), and U.S. Special Operations Command.

The National Guard Weapons of Mass Destruction-Civil Support Teams (CSTs); National Guard Reaction Forces; and National Guard Chemical, Biological, Radiological/Nuclear, and Explosive (CBRNE) - Enhanced Response Force Package (CERFP) also play a key role in WMD response and civil support. Other response assets include medical, military police, logistics, engineering, communications, and aviation—any of which are part of the National Guard. However, many of these organizations, with the exception of CSTs and CERFPs, are not exclusively focused on civil support and can be deployed on expeditionary missions (Wormuth et al. 2006). If not exclusive to emergency response, dual purpose military units will be siphoned off to their higher priority roles. For example during an interview with Brigadier General (NY) Ferg Foley, he stated that “in 2004 after the New York CERPF [Chemical, Biological,

Radiological/Nuclear, and Explosive (CBRNE) - Enhanced Response Force Package] unit was set up, much of it was deployed.”

While a great deal of the discussion has focused on role specialization for homeland defense, the arguments on both sides are generalizable to the topic of emergency response. However, the discussions of dedicated military units for emergency response have been fewer and less intense as the emergency response mission holds a lower priority there is a perceived lack of demand, and an emergence of interstate compacts. Despite this, there are three dominate options for specializing military units for emergency response: 1) a state approach; 2) a regional approach; and 3) a federal approach.

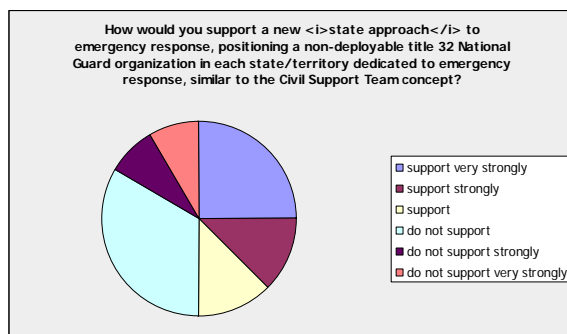
The state approach is the most “Jefferson-like” approach that would involve having dedicated emergency response units in each state, under the exclusive command and control of the governor and the TAG. This would be similar to the Civil Support Team (CST) concept that currently provides a Title 32 National Guard team to each state and is designed to provide specialized support to civil authorities for incidents involving Weapons of Mass Destruction (WMDs). These teams are federally funded and exempt from expeditionary duty. Each state and territory has one CST, with the exception of California that has two teams—one in the north and one in the south. Some of the larger and more populated states such as New York and Florida are currently in the process of setting up a second team in each state. However, since CSTs only consist of twenty-two person highly specialized members, their capacity to provide substantial large-scale assistance for the response to emergencies and disasters outside of the scope of their WMD mission is negligible.

Under a state concept, National Guard emergency response teams would consist of personnel and equipment that is most valuable for emergency response situations. Through the survey, the offices of the adjutant general indicated that personnel such as military police, medics, general purpose infantry; as well as equipment such as trucks, generators, and aviation are most desirable for emergency response missions (Q29; Q30). These response units would be scalable to meet the anticipated demand of a particular state based on specific risk profiles, with large states having larger units and small states having small units. Additionally, since each state would have their own dedicated units, units could be tailored for specific threats and vulnerabilities of that particular state. For example, Florida could focus on training and response assets needed for hurricanes, Kansas on tornados, and California on wildfires.

The personnel and equipment at each of these units would be non-deployable for federal expeditionary missions, ensuring they are ready and available when an emergency or disaster strikes. Unit members could be a mixture of part-time Guardsmen and full-time Guardsmen, through the Active Guard Reserve (AGR) program. This would allow the concept to remain cost effective. Members who transferred into these units would be considered on “dwell time,” a policy enacted in response to high operational tempo to ensure military members have sufficient time between expeditionary deployments. Furthermore, members would train specifically for emergency response missions. This would be a significant improvement as the survey of offices of the adjutant general indicated that most National Guard members only receive twelve hours of training per year, per Guardsmen dedicated to emergency response (Q14). Training would occur regularly with local civilian partners to help cultivate a relationship that would promote

an effective and coordinated response. Because as Timothy Manning at FEMA said during an interview, “when responding to an emergency, org charts don’t matter as much as relationships.”

However, there are several practical impediments from allowing this concept to become viable option for consideration. Mainly, there is not enough support to begin the arduous process of implementing organizational change in government, which is especially difficult for large organization like the National Guard. Just as General McKinley noted the debate is “passionate and continuous,” it is also intensely polarizing. In the survey conducted to the offices of the adjutant general, the results were nearly



evenly split, with about half of the respondents in favor and about half opposed (Q27). The results of interviews also reinforced these findings, but the qualitative nature of the data collection resulted in more colorful description.

Figure 48. Results from survey on the creation of a new state based ER organization (Q27).

For example, Colonel Schumacher of the Vermont National Guard was opposed to any new National Guard force dedicated exclusively to emergency response, stating that it would make the National Guard “instantly not relevant into what is an operational force” and that the Guard “does not want to open up that possibility.” Likewise, Ms. Nancy Dragani executive director of the Ohio Emergency Management Agency stated that she was “strongly opposed to this model.” Others interviewees thought that the

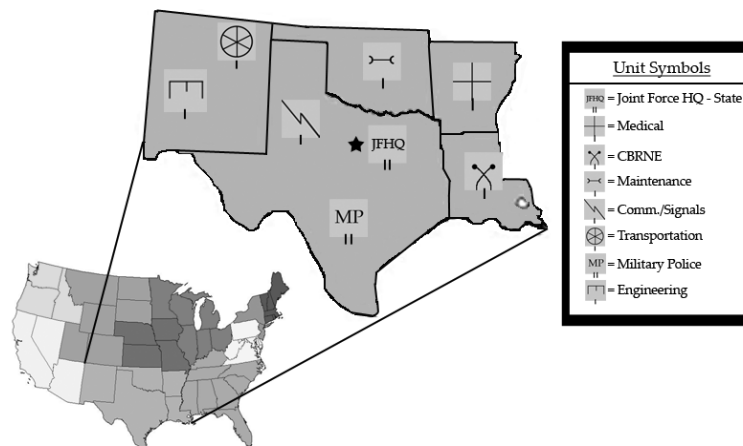
concept was a “good idea,” as stated by Michael Chertoff, former Secretary of Homeland Security during Hurricane Katrina. Surprisingly, even Brigadier General (NY) Ferg Foley, commander of the New York State Defense Forces, stated that he would support this concept, although he admitted that “this would hinder any support for State Defense Forces.” However, a majority of the interviewees did not believe the creation of a new National Guard state based emergency response unit was necessary.

The second option is a regional approach. One of the most substantial and specific recommendations from a Center for Strategic and International Studies titled, *The Future of the National Guard and Reserves: Beyond the Goldwater-Nichols Phase III Report* is forming a regional based Civil Support Force (CSF). This concept would place a CSF in each of the ten FEMA regions with specific operational organizations and assets placed throughout the various states within the region, under the control of the respective state governor. Units would be placed on a rotating one-year quick reaction status and would not be eligible for overseas deployment during their year. In peacetime they would work for their own state governors, but in an emergency they could deploy and work for any governor in the impacted region.

The ten Civil Support Forces would have two key tasks: 1) “to lead National Guard planning, training, and exercising for civil support missions at the regional level;” and 2) “to provide a sizable operational response force that could deploy to an event within 12 to 24 hours; establish an initial command, control, and communications capability; provide initial reception, staging, onward movement, and integration (RSOI) services; and augment state and local first responders performing consequence management tasks” (Wormuth et al. 2006, 74).

Organizational assets would come from National Guard combat service and combat service support units in each of the ten regions. These would include joint forces headquarters, medical, CBRNE, maintenance, communication/signals, transportation, military police, and engineering. The Civil Support Forces would be dedicated to domestic civil support during their readiness period and would be “‘copped’ to the adjutant general and governor of the hardest hit state using the Emergency Management Assistant Compact or a similar mechanism” (Wormuth et al. 2006, 75). Most importantly with respect to the balance of powers, the report states, “The CSFs also would not take away authority or control from state governors” (Wormuth et al. 2006, 80). This aspect of any proposed plan would be necessary in order to gain support from the states. The report goes on to state, “To the contrary, the study team believes a major benefit of the CSF model is the fact that it is designed to provide a more rapid response capability in every region while at the same time be a force that is controlled more often than not by state governors rather than the Secretary of Defense” (Wormuth et al. 2006, 80). The report goes into further detail on the specifics of the concept. Figure 49 illustrates how each region would be organized, using region VI as an example.

ILLUSTRATIVE VIEW OF CSF FOR FEMA REGION VI*



* Unit symbols do not correspond to actual unit types or locations in Region VI. Graphic is meant only to illustrate the types of capabilities in the CSF that would be drawn from states throughout the specific FEMA region.

Figure 49. Illustrative view of CSF for FEMA region VI (Wormuth et al. 2006, 81).

However, at this time there are no indications that this proposal was ever given consideration in official DoD/NGB channels. Impediments to implementing organizational change around this concept are almost equally as difficult as the state approach. However, there is slightly more support for this concept rather than a state approach. In a survey to the offices of the adjutant general 65 percent indicated they would support a new regional approach to emergency management (Q28). Still, those arguments against a state approach to emergency management are similar to those arguments against a regional approach as well. This is because many of those against either approach simply do not believe the National Guard should have *any* force specifically and exclusively dedicated to emergency response as its sole mission. The National Guard has worked perseveringly to be seen on equal footing with their federal counterparts. This has created an organizational culture that is resistance to be “reduced to simply a homeland response organization,” as put by Mrs. Deborah James during an interview. Testifying before Congress, Department of Defense Director of Force Transformation, Navy Vice Admiral (Retired) Arthur K. Cebrowski (2002) stated,

“Transformation must achieve a cultural change. Researchers note that culture is the last thing to change in an organization. . . . Military history is rife with examples of cultural and institutional impediments to transformational change.” However, at a field observation in Washington, DC titled *The National Guard in the Era of Persistent Conflict*, General McKinley stated, “There will always be cultural differences, but they are more narrow than ever before.”

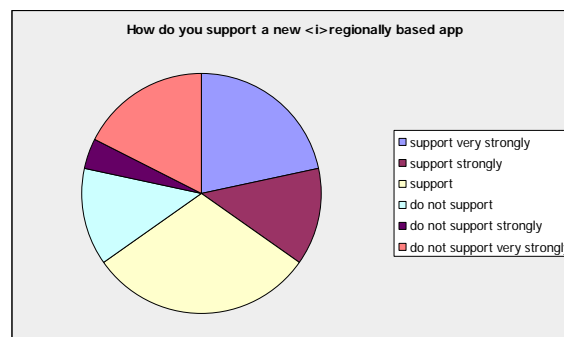


Figure 50. Survey results on the creation of a new regionally based ER organization (Q28).

The third approach is a federal approach. Of the three approaches, this is the most “Hamilton-like” approach. Under this concept, the federal military, either active or Reserve, would assume a primary role in civil support for emergency response within the United States under the NORTHCOM combatant command. Currently, the Department of Defense has few forces assigned specifically or exclusively to civil support. However, a few specialized units do exist, such as the Chemical, Biological, Radiological, Nuclear and High Yield Explosive (CBRNE) Consequence Management Reaction Force (CCMRF) forces. In addition, the Department of Defense maintains a brigade-sized rapid reaction force, capable of responding on short notice, but these are combat focused units, not civil support or emergency response focused. A new federal approach may consist of nationally dedicated organizations or regionally based organizations.

Nationally dedicated organizations would include DoD emergency response units that are trained, available, and on short notice call to support civil authorities on a national basis, essentially an emergency response QRF (Quick Reaction Force). This would be similar to organization that the DoD currently maintains for WMD support, such as TEU, CBIRF, and CCMRF, but would have a more general emergency response focus. In contrast, regionally dedicated organizations would include specific units, most logically placed in the ten FEMA regions, with specific regional responsibilities for emergency response under the command of NORTHCOM. There is already a proposal to restructure the CCMRF units into ten regionally based “homeland defense forces” as part of the 2010 Quadrennial Defense Review (QDR) (Bennett 2009).

The regional approach of more general emergency response units would follow the CCMRF model. However, it is highly unlikely that any federal concept has a realistic possibility of realization. A federal approach to emergency response is contrary to the basic principles of federalism and emergency management. Furthermore, the strong political and lobbying influences of the National Guard would stonewall any efforts in this direction. In lieu of any dedicated federal emergency response forces, the active federal military will still continue to assist civil authorities for emergencies and disasters in times of great need, just as they did during Hurricane Katrina when the 82nd Airborne deployed to New Orleans.

The three abovementioned models, which differentiate themselves due to fact that they all necessitate a need for some level of an exclusive and dedicated force structure, are unlikely proposals. The research indicates that the National Guard will likely continue its dual mission for the foreseeable future without significant and immediate

reorganization of military forces or departure from the principles of federalism. It is unlikely that the National Guard will reorganize around dedicated forces for emergency response, or any domestic mission for that matter. Other organizational possibilities that include how to restructure the total force to better meet the needs of domestic emergency response exist. These include identifying some National Guard units that maintain a dual mission but take an emergency response mission priority, rebalancing the total force to place more combat support (CS) and combat service support (CSS) units in the National Guard and allowing access to the Reserves, and moving any non-combat related missions or units out of the Department of Defense into another federal agency with a domestic focus.

First, the National Guard may want to consider identifying certain units that maintain their dual mission, but place a greater emphasis on the domestic mission. Unlike the aforementioned proposals, these units would not be dedicated exclusively for domestic missions. This was a concept that Major General (VA) Taylor, thought was acceptable. During an interview he stated, “If a warfighter unit in the National Guard had a primary mission for the homeland and secondary mission to ‘augment’ the OCONUS warfighter requirement, this may be acceptable.” This concept is based in part on the advance made in *Third Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capacities for Terrorism Involving Weapons of Mass Destruction* that suggested the National Guard’s homeland defense mission take priority over its federal expeditionary missions. However, in this case the National Guard’s entire domestic mission set would take priority, not just the homeland defense mission,

and it would only include certain National Guard units that would be of value during emergency response operations, not the entire organization.

Second, the Department of Defense may want to examine the possibility rebalancing DoD organizations throughout its components to place more combat support (CS) and combat service support (CSS) units in the National Guard, rather than combat units. As documented earlier in this chapter, the National Guard consists mostly of combat units. Actually, the Army National Guard has more combat units than the combined totals of the active federal army and the reserve federal army (Davis et al. 2004). Likewise, most of the CS and CSS organizations lie in the Reserves or with the active army—both federal.

However, combat support and combat service support units are more valuable in the National Guard than the other components. Colonel (Ret.) Richard Hooker writes, “Prestige considerations aside, state governors have a greater need for transportation, military police, medical, engineering and helicopter units than they do tank and infantry battalions” (1999, 5). This statement is corroborated through the findings of the survey conducted as part of this research, which also indicated the CS and CSS units are most valuable for emergency response missions (Q29; Q30). He goes on to state, “The transfer of skills from the civilian community to the military is very high for support functions, but virtually nonexistent for maneuver combat units” (Hooker 1999, 5). This was a point that General McKinley emphasized as well during a speech conducted at a field at field observation in Colorado Springs, Colorado. The current force structure is result of the Total Force Policy, which was created to ensure that any future large-scale or protracted military operation requires a mix of active and reserve forces (Carafano 2005). However,

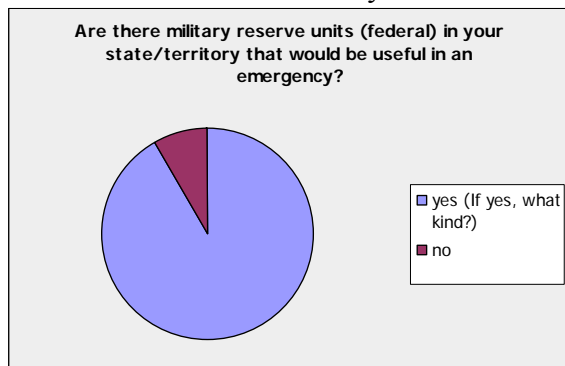
by rebalancing units into the National Guard that are more valuable for domestic missions, but still have a significant role for the federal mission, the intent of the Total Force Policy would still be met.

By rebalancing the reserve component and moving CS and CSS units to the National Guard and combat units to the Reserves, this would also mitigate an ongoing debate on the use of Reserve units for domestic operations. There is currently friction between the Department of Defense and the National Governors Association over proposed legislation allowing the activation of Reserve units under Title 10 authority to provide assistance in response to a major disaster or emergency. Current law prohibits the activation of these units for domestic operations, with some exceptions (Davis et al. 2004).

Lolita Baldor with the Associated Press summarizes each side of the issue by writing, “At the heart of the disagreement is who will exercise the muscle to command reserve troops when they are sent to a particular state to deal with a hurricane, wildfire or other disaster. The governors see the Pentagon move as a strike at state sovereignty, while the military justifies it as a natural extension of its use of federal forces” (2009, 1). In an e-mail with Stanley Supinski, Director of Partnership Programs at the Naval Postgraduate School Center for Homeland Defense and Security, he writes, “. . . the National Governor’s Association worked hard to get that provision struck from the NDAA [National Defense Authorization Act] for 2010” (2010, n.p.). During an interview with Timothy Manning at FEMA, he expressed his concern over the lack of progress.

This research and other research clearly establish that Reserve units possess useful potential for emergency response operations. In the survey conducted to the offices of the adjutant general, 92 percent of the respondents indicated that there are Reserve units in their state that would be useful during an emergency (Q26). Many of the respondents indicated that valuable CS and CSS Reserve units reside in their state, such as engineers, transportation, and medical. The 1997 study from the National Academy of Public Administration also indicated a large number of valuable units for emergency response also resided in the Reserves.

Furthermore, by opening access to the Reserves, “more than 379,000 military personnel in thousands of communities across the United States—would be available to assist disaster victims” (National Governors Association 2009, 1). During an interview with Major General Grass, G-3 at NORTHCOM, he stated, “The Reserves are a big benefit to the American people for large and regional scale disasters.” But, these units are currently off-limits. Denying the American people valuable resources during a time of crisis because of arbitrary laws drawn up to protect organizational interests may be



unconscionable, but they exist because many people are “concerned about an incremental acquisition of power by the central government producing a slippery slope to tyranny” (Palin 2009, n.p.).

Figure 51. Response from survey on the usefulness of Reserve units (Q26).

As noted earlier, Mrs. Deborah James, former assistant secretary of defense for reserve affairs, stated that due to the complexity of the system, even the best ideas stand

no chance of implementation unless the “policy and politics are lined up.” Ensuring that a policy is practically implementable is key as this is where most initiatives fail. Lorenda Naylor states, “The success or failure of a given policy, regardless of its origination, is determined by one aspect of the policy process, the implementation process” (Naylor 2004, 22). So, in lieu of rebalancing the force structure or allowing the activation of Reserve units under Title 10 authority, the Department of Defense should consider ways to bring valuable Reserve units into service for domestic operations without agitating the balance of power. One possible solution would be allowing Reserve units to be activated for domestic operations, but having them commanded by a dual-hatted National Guard commander.

Third, the federal government may want to examine the possibility of moving some non-combat related units out of the Department of Defense and designating them as quasi-military organizations for domestic operations, including emergency response. The purpose of the U.S. military is to fight and win the nation’s wars and carry out national political objectives that require military force—not emergency response. The military is capable of doing many things, but anything outside of fighting and winning wars is really outside of its core competency. Former Chief of Staff of the Army, General Eric K. Shinseki, stated, “The Army can do lots of things, but there is one thing it must do and that is defend this nation without fail” (Chunn 2000, 1). While it is undisputed that the military offers unique capabilities that are valuable for emergency response scenarios, some of these resources can be moved outside of the Department of Defense, allowing the DoD to focus on its core competency.

Therefore, government policy makers should consider moving National Guard combat arms units into the Army Reserve and designating the remaining units to a civil support mission, possibly reorganizing them into the Department of Homeland Security. This was also a recommendation made by 2006 Center for Strategic and International Studies report titled *The Future of the National Guard and Reserves*. It also recommended “transferring the Guard’s combat structure to the Army Reserve and dedicating the remaining Guard force structure solely to the civil support mission, perhaps under the command of the Department of Homeland Security” (Wormuth et al. 2006, 73). This would be similar to the United States Coast Guard that is technically a branch of the United States armed forces, but falls under the peacetime control of the Department of Homeland Security and wartime control of the Navy (U.S. Coast Guard 2009).

In summary, many options exist for reorganizing the National Guard to enhance response to emergencies. These include continuing meeting the mission requirements for civil support of emergency management operations on the margins of the federal mission; a state approach with Title 32 units dedicated to emergency response, similar to the CST concept; a regional approach with designated units that rotate in and out or readiness and are task organized to governors when needed; or a federal approach where the federal government’s active and Reserve forces assume primary responsibility of civil support.

Additionally, the following possibilities exist and should be explored by the Department of Defense, the National Guard Bureau, and the federal government: identifying certain units that maintain their dual mission, but greater emphasis is placed on the domestic mission; rebalance DoD organizations throughout its components to

place more combat support and combat service support units in the National Guard, rather than combat units; allow Reserve units to be activated for domestic operations, but having them commanded by a dual-hatted National Guard commander; move any non-combat related missions out of the Department of Defense to the Department of Homeland Security.

No matter which options are pursued, a few themes will remain constant and should be considered. First, funding is a serious concern that needs to be considered for any proposal. During an interview Mr. Frederick Martin, Chief of Staff, Domestic Operations, National Guard Bureau, he stated that “the Army National Guard does not want to become a homeland defense unit . . . this mostly has to do with losing funding that it current gets for its federal missions . . . there is a risk to the funding stream.” Second, the National Guard is highly protective of its combat role. During an interview with General Fick at the National Guard Bureau, he suggested that a prevalent fear is that the National Guard will become irrelevant if its mission is reverted back to a domestic one with a smaller combat role. During an interview with Ms. Deborah James, she suggested that this has always been a concern of the National Guard and that “protection of the traditional combat role of the National Guard was important.” Finally, whatever proposals are put forth, they must protect the principles of federalism and the concept of state sovereignty. This was emphasized when Assistant Secretary of Defense for Homeland Defense Paul McHale stated, “When possible, we should preserve the command authorities of the governor” (McHale 2006, n.p.).

In conclusion, any proposals for change would likely be difficult to implement due to the sheer size of the National Guard and its established culture. The National

Guard represents the 11th largest army in the world; the 5th largest air force; and 38% of the total U.S. military force structure (National Guard Association of the United States 2010). Furthermore, the research indicates that the National Guard will likely continue its dual mission for the foreseeable future without significant and immediate reorganization of military forces or departure from the principles of federalism. However, change is needed. The Department of Defense continues to hold its civil support and emergency response missions “at arm’s length” (Wormuth et al. 2006, x).

Moreover, under the current structure, there is “no substantial evidence that serious attention is given to the Guard’s state mission in DoD force structuring” (National Academy of Public Administration 1997, 85). Because of this, serious consideration should be given to proposals that offer optimized performance of the nation’s full resources. While some of the organizational proposals are lofty, others are sensible. The Department of defense should consider rebalancing the reserve component by moving CS and CSS units to the National Guard and combat units to the Reserves.

Additionally, allowing access to the Reserves for domestic emergency response operations through the use of a dual-hatted National Guard Commander should be supported at all levels of government and military. Still, even the most sensible proposals will require political wrangling and intense negotiations in order to reach a consensus because of the varying interests at stake. Given that the American public is increasingly vulnerable to natural disasters and other emergencies, the Department of Defense should continue to work with their stakeholders to determine the best organization of the National Guard to enable it to fully achieve an optimal level of military emergency response capability.

Secondary Research Question 4 (S4)

The fourth secondary question that the research sought to answer is, Are State Defense Forces a viable alternative or a value-added to the National Guard for domestic military emergency response missions? While State Defense Forces may also be used by a governor as a stand alone resource, or they may be a value to other state organizations, State Defense Forces are military organizations and most are employed with, or in support of, the National Guard. Therefore, while the use and potential value of State Defense Forces may be wider in scope, this research focused on whether State Defense forces are a viable alternative or a value-added specifically with respect to the U.S. National Guard.

This section will briefly review the history of State Defense Forces and their current use and authority. Then, the findings will be presented and analyzed to determine if State Defense Forces are a viable alternative or a value-added to the National Guard for domestic military emergency response missions. The findings will be presented according to the advantages and disadvantages that were uncovered during the research process. Finally, grounded in the quantitative and qualitative research conducted during this study, this section will conclude by making recommendations for the future employment of State Defense Forces.

The literature has demonstrated that the National Guard has slowly transitioned from a pure state militia into a more integrated part of the United States federal military. While this has occurred, State Defense Forces have emerged as the new state militias. Today, State Defense Forces are closer to the original militia concept than the current

National Guard, which many of America's founders would see as a national military. State Defense Forces are not the National Guard—considerable differences exist. However, State Defense Forces have a long history of providing military support to the National Guard and to the nation during times of crisis.

State Defense Forces came into existence during World War I and were based on the concept of Great Britain's Home Guard (Napier 2010). In preparation for the Great War, governors expressed reluctance to allow federalization of their National Guard due to concerns over civil defense (Brinkerhoff 2005). Therefore, Congress authorized "home defense forces" to mitigate the concern in the event that massive numbers of Guardsmen were federalized for the war effort (Sieg 2005). The *Home Defense Act of 1917* authorized the Secretary of War 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" (U.S. War Department 1919, 690). At the peak of World War I, State Defense Forces were active in forty-two states and the ranks swelled to over 100,000 (Sieg 2005). SDFs performed a number of valuable civil defense duties, such as critical infrastructure protection.

However, interest and participation in State Defense Forces waxed and waned throughout the decades. Shortly after the end of World War I, most of the states disbanded their SDFs and there was little interest or need for this type of organization (Brinkerhoff 2005). Interest in State Defense Forces waxed once again in 1933 with the passage of the *National Guard Mobilization Act of 1933*, which "made the National Guard of the United States a component of the Army at all times" (U.S. National Guard

Bureau 2009b, n.p.). Governors were concerned over the ability to provide for the defense of their state if their Guardsmen were now a more integrated and integral part of the federal military (Sieg 2005). Because of this, State Defense Forces once again began to proliferate. Within a few years, World War II had once again expanded the ranks of State Defense Forces to 170,000 throughout forth-seven states and Puerto Rico (Brinkerhoff 2005). After World War II, State Defense Forces faded yet again. Despite their value during the two previous wars, subsequent legislation and policy, such as the *National Security Act of 1947*, essentially ignored the State Defense Forces all together (Sieg 2005).

This trend continued through the Korean War and the Cold War. During the Korean War, State Defense Forces were so valuable that the National Guard Bureau directed that states temporarily maintain state defense forces to assist with planning and military activities (Sieg 2005). Later during the Cold War, SDFs provided valuable coverage of the homeland as “war plan called for mobilization of the entire National Guard to augment the active forces in a global conventional war” (Brinkerhoff 2005, 17). Had State Defense Forces not performed this function, “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” (Brinkerhoff 2005, 17). With each conflict, the nation relied on State Defense Forces to fill the void of National Guard deployments and to share the burden of national defense.

However, as each conflict ended, so did the commitment and resolve from the nation and the federal government. Today, there are between 8,000 and 15,000⁸⁵ State Defense Force members throughout twenty-seven states (Sieg 2005; State Guard

⁸⁵ These numbers vary depending on the source of the information.

Association of the United States 2008; Taylor 2009). Over time, the strength of the state militias weakened as the dual-role National Guard strengthened. Additionally, the significance of the militia precipitously diminished because of the emerging belief that the people's interests "could be protected effectively by the establishment of democratic governments, offering legal guarantees of individual rights" (Fields and Hardy 1992, 31). The State Defense Forces of today are remarkable similar to the original militia—staffed by self-equipped dedicated volunteers.

State Defense Forces derive their authority from the Constitution and federal law. While the Second Amendment of the United States Constitution does authorize states to maintain a "well regulated militia," the definition of the term *militia* has been clarified over the decades. The *Militia Act of 1903* divided the militia into two parts: the organized militia and the reserve militia, which is commonly referred to as the *unorganized militia* in contemporary vernacular. The organized militia consists of today's National Guard, State Defense Forces, and Naval Militias (U.S. Code 2000a). While the unorganized militia is essentially all able-bodied male citizens between seventeen and fourth-five years of age (U.S. Code 2000a). State Defense Forces are also authorized by federal law. U.S. Code, Title 32, section 109 reaffirmed the right of a state to maintain troops "within its borders in time of peace." And although federal law authorizes the existence of State Defense Forces, the state must officially charter and recognize the SDF, which only about half do.

State Defense Forces are not part of the Department of Defense and are not a branch of the Armed Forces. However, they are overseen by the National Guard Bureau, and the Chief of the NGB is the Department of Defense executive agent and the "channel

of communication between the States and the Federal Government on all matters pertaining to the State Defense Forces” (U.S. National Guard Bureau 1987, 1). National Guard Regulation 10-4, *Organization and Functions: State Defense Forces, National Guard Bureau, and State National Guard Interaction*, establishes the “policy regarding the interaction of the National Guard in the nature, status, organization, missions, and employment of State Defense Forces” (U.S. National Guard 1987, 1). Nevertheless, the Chief of the NGB’s role is limited and the National Guard Bureau has no authority over State Defense Forces.

Unlike their National Guard counterparts, State Defense Forces operate solely in a state status under exclusive control of the governor and the adjutant general. SDFs are organized, equipped, trained, employed and funded by the state and are governed by state law. Most State Defense Force units are organized as army units, although some naval units exist, and have taken a homeland security focus in the post-9/11 epoch (Bankus 2006). State Defense Forces cannot receive federal funds, comprise mostly of unpaid volunteers, and cannot be called in federal service. Their members are not exempt from federal military conscription, and members cannot serve in both the state militia and the U.S. Armed Forces (U.S. Code 2000c). So while the National Guard and State Defense Forces are both considered “militias,” significant differences exist. The following few paragraphs discuss the findings of the research, first discussing the advantages, and then discussing the disadvantages, of State Defense Forces for domestic emergency response missions.

Some defense and emergency management experts believe that State Defense Forces possess the potential to provide valuable assistance during domestic emergencies

(Bankus 2006; Carafano 2006; Brinkerhoff 2007). Recent history has already proved this to be true. Throughout the past few decades, State Defense Forces have played a part in many emergency response, disaster recovery, and homeland defense missions. Some examples include the Exxon Valdez oil spill recovery operation in 1989; tornados in Tennessee in 1993; the TWA Flight 800 crash into New York Harbor in 1996; winter storms in New York, Virginia, Oregon, and Maryland in 1996; the 2001 terrorist attack on the World Trade Center; and as part of Operation Noble Eagle, the coastal patrol and maritime homeland security operation around the United States, including critical infrastructure protection of the Alaskan oil pipeline; and security at the Republican National Convention in 2004 (Tulak, Kraft, and Silbaugh 2003; Hunter 2005). Clearly, recent history suggests that State Defense Forces have played a part in many recent support missions for emergency and disaster response and homeland defense.

Despite this, the research indicates that the perception of State Defense Forces varies significantly and is polarized. Those who appreciate the value of State Defense Forces appear to have an understanding of their capabilities through substantial experience gained by working with State Defense Forces on various missions within their state. That is, most Guardsmen who appreciate the State Defense Forces have SDF's in their state and use them. For example, of the states surveyed that had State Defense Forces (46 percent),⁸⁶ over 90 percent include State Defense Forces in support of the National Guard's emergency response mission (Q24; Q25). This represents a significant increase in the use of State Defense Forces since 1997. The National Academy of Public

⁸⁶ The number of survey respondents with active State Defense Forces is about the national average as twenty-seven states have State Defense Forces (State Guard Association of the United States 2008).

Administration (1997) study asked this same question in their survey, but only 31 percent responded affirmatively.

This suggests that those states that have State Defense Forces appreciate their capabilities, consider them a value to the state’s emergence response mission, and are using them in an increasing manner. For example, during an interview with Brigadier General (MD) Adkins, he stated that his State Defense forces are being used more as they are a “tremendous resource” to the state and a “professional force.” In the periodic readiness reviews of the state military resource, Brigadier General (MD) Adkins gets briefed on his state’s SDF force readiness levels so that he can make timely and informed decisions as to their potential use during emergencies. Figure 52 displays the comparative results of the two surveys on State Defense Force emergency response employment.

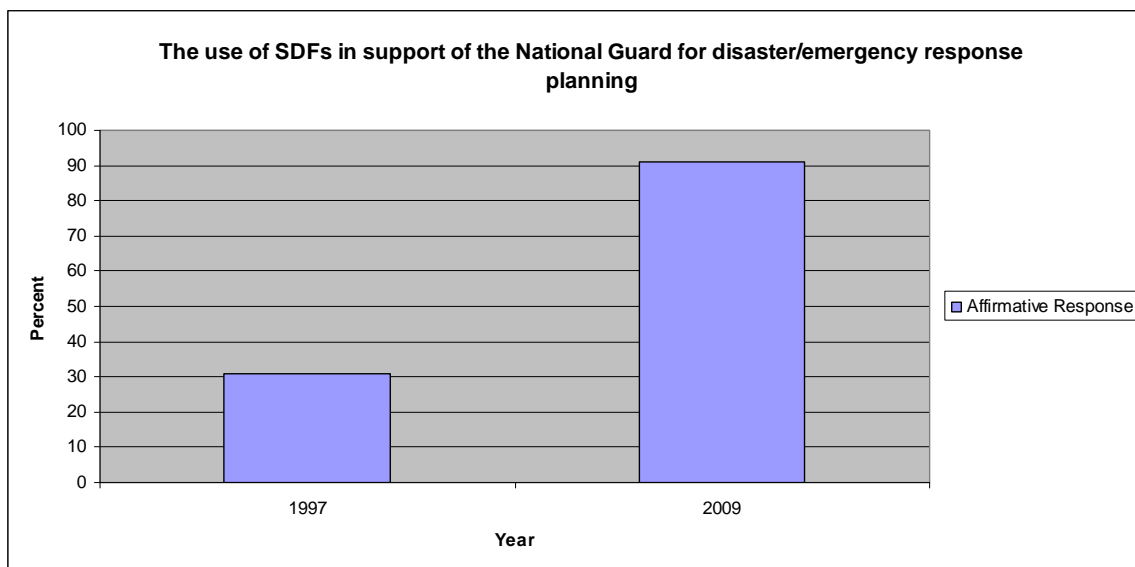


Figure 52. Comparative results of surveys on SDF emergency response employment (Q25).

Since the states that maintain State Defense Forces have an understanding of them, state military leadership recognize their limitations as well of their advantages and employ the SDFs in a way to optimize their value-added by leveraging their strengths. While State Defense Forces can provide a wide range of diverse support activities, many states use their SDFs in a very narrow, focused way—giving them a specific support mission. For example, the Alaska SDF provides a well-trained, deputized, and armed force that may augment the Alaska National Guard and state law enforcement, while the Maryland SDF provides medical support (State of Alaska 2008; Stone 2007). Most states use their State Defense Forces in specific applications of military police support, headquarters support, or in infantry functions (Bankus 2006). Moreover, the research indicates that State Defense Forces' primary value-added falls into two categories: 1) general personnel augmentation; and 2) specialized professional skills.

First, State Defense Force organizations primarily consist of personnel—few assets and little equipment. This point was emphasized during an interview with Brigadier General (NY) Ferg Foley, Commanding General of the New York State Defense Forces as he stated that his “forces have little or no equipment—mostly bodies.” Additionally, of the twenty-seven states with State Defense Forces, the average annual budget is only \$64,000,⁸⁷ with about half of the states having a budget of zero dollars (Bankus 2006). State Defense Forces receive no federal funding or support, so all resourcing and funding must be provided by the state. Of course, some states do have some equipment and greater funding levels. For example, in an interview with Major General (VA) John Taylor, President of the State Guard Association of the United States

⁸⁷ Data used from Bankus (2006) to perform calculations. Calculation uses an average of the Alaska SDF budget, as that budget varies from \$26,500 to \$1,000,000. Even when averaged, the Alaska SDF budget is an outlier; removing this outlier yields a new average of \$43,000 and a median of zero.

and Commanding General of the Virginia Defense Force, he noted that his state purchased its State Defense Force a thirty-eight foot inland boat for flooding rescue operations. And, the State of Alaska funds its State Defense Forces with up to \$1 million annually. However, these cases are exceptional and the biggest resource SDFs provide is personnel.

The ranks of the State Defense Forces vary from state to state. Of the twenty-seven states with SDFs, the average personnel strength per state is 532 members (Bankus 2006). Some of the states with the most active State Defense Forces have over 1,000 personnel, such as New York, Texas, Puerto Rico and South Carolina (Bankus 2006). All of these members are unpaid volunteers who have an unyielding sense of duty and sheer allegiance to civil service and volunteerism. In an interview with Major General (VA) John Taylor, he stated that “service to the community is one of the key reasons they join They get satisfaction out of helping people.” And since SDF members are volunteers, they are a very cost-effective resource.

Since SDFs are poorly funded and equipped, general personnel augmentation is clearly one of their biggest capabilities. One survey participant wrote that SDFs are a value as they “[Leverage] expertise through an organization that has significant numbers of retired military personnel” (Q22). Another survey participant wrote that SDFs “[permit] experienced personnel, former airmen and guardmen, to support surge requirements and backfill mobilized units and individuals” (Q22). Actually, nearly 70 percent of SDF members have some form of prior military service.⁸⁸ In an interview with Brigadier General (NY) Foley, he agreed that his State Defense forces are “primary augmentees for the New York National Guard for homeland defense and emergency

⁸⁸ Data used from Bankus (2006) to perform calculations. Calculated using a national average by state.

response mission.” Since this is their biggest contribution, most states have organized their State Defense Forces into units that can provide general support, such as infantry, or individual augmentee to National Guard units or headquarters elements. To some states, this augmentee support is helpful “due to limited manpower resources at the JFHQ [Joint Forces Headquarters],” as written by one survey respondent (Q22). Table 5 enumerates each state’s SDF details.

State	Active Strength	Budget	Type Unit	Prior Service	Age Range
Alabama	600	30K	Support HQs	75%	22-69
Alaska	274	26.5K – 1 Mil	M.P.	75%	20-72
California	500	225K	Support HQs	80+%	18-62
Connecticut	275	0	Infantry/Cavalry	40%	20-60
Georgia	500	0	Infantry	40%	18-64
Indiana	315	40K	Support HQs	70%	21-75
Louisiana	108	0	Admin HQs	96%	50-65
Maryland	194	0	Support HQs	75%	17-70
Massachusetts	60	0	Admin Det.	60-75%	18-65*
Michigan	130	0	Support HQs	80%	20-70+
Mississippi	185	0	Infantry	85%	18-78
New Mexico	200	7K	M.P.	75%	18-65
New York	1,200	75K	Support HQs	75%	18-65*
Ohio	650	14K	M.P.	50+%	17-67
Oklahoma	28	0	Support HQs	75%	21-75+
Oregon	184	0	Infantry	50%	18-65*
Puerto Rico	1,630	300K	Support Det.	30%	16-65
South Carolina	1,500	100K	Infantry	45-50%	17-75
Tennessee	990	53K	Light Infantry	80%	18-70
Texas	1,518	103K	Infantry	60%	17-79
Vermont	326	0	Infantry	90%	17-70
Virginia	774	0	Light Infantry	70%	18-70*
Washington	95	0	Infantry	90%	18-64

Table 5. State Defense Force unit details (Bankus 2006, 7).

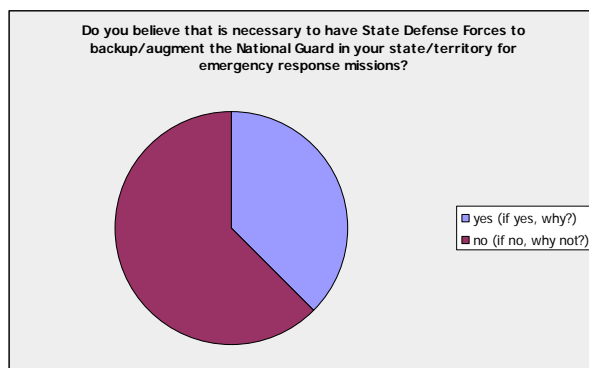
In addition to general personnel support, a second primary value that State Defense Forces provide is specialized professional services. Many SDF’s consist of a cadre of professionals, some with very specialized or unique skill sets, such as

physicians, lawyers, finance personnel, and chaplains. At a time when many National Guard units are facing physician shortages and specialized professionals are in high demand for federal missions due to war efforts, State Defense Forces pick up the slack (Kolpack 2007). In an interview with Brigadier General (NY) Ferg Foley he stated that New York SDF “medical and legal teams are highly used for the force and are a significant cost savings to the state and the National Guard.” Brigadier General (NY) Foley estimates that the professional services “donated” by New York’s State Defense Forces is significant, saving the state hundreds of thousands of dollars per year.

In interviews with Major General (VA) Taylor of Virginia and Brigadier General (MD) Adkins of Maryland, they echoed similar sentiments. Brigadier General (MD) Adkins went on to say these professionals are “fully integrated into state military operations” and SDF physicians even perform National Guard flight physicals in his state. In a final example, the Georgia State Defense Force “shares robust chemical, biological, radiological, and nuclear and explosives capabilities with the Centers for Disease Control and several hospitals in the Atlanta area. The force has acquired the skills of chemists, medical doctors, and other professionals” (Bankus 2006, 5). Clearly, State Defense Forces are able and willing to assist professional services economically to the state. This is especially important when such critical skills are in shortage due to federal missions.

While State Defense Forces present several advantages and appear to have some value-added, many disadvantages also exist. Most service members in the National Guard at both the state and federal level are critical about SDFs’ existence or doubtful in their abilities. In the survey conducted to the offices of the adjutant general, about 63

percent indicated that State Defense Forces are not even needed in a backup or augmentee capacity for the National Guard's emergency response missions (Q22). This finding is not necessarily new and it reconfirms the findings from previous studies. For example, a 1995 RAND survey of the adjutant generals found that 74 percent believed State Defense Forces did not provide any useful capabilities to support the Guard's mission. There was a slight variation in the way the question was asked, but these findings conclude that nearly fifteen years later the perception of State Defense Forces has not changed very much. The research from this study found several reasons for this



lack of appeal: 1) the states do not feel there is a sufficient demand for State Defense Forces; 2) there is a lack of meaningful capability, mostly due to limited resources; and 3) perception of substandard military discipline and standards, and connection to extremism.

Figure 53. Results of survey on SDF necessity (Q22).

First, there does not appear to be a large demand for State Defense Forces because most states are confident they can fulfill their state mission without the assistance of SDFs. In the survey conducted to the offices of the adjutant general, 90 percent of states indicated that even with only 50 percent of their Guardsmen available for state duty, the National Guard would still have enough personnel to adequately response to an emergency in their state, with the exception of major disasters on the scale of Hurricane Katrina (Q5). Moreover, data from the survey indicates that the then-current average of

National Guard personnel availability for state missions was over 80 percent (Q10). Some of the survey respondents supported this finding in their text responses; examples include: “large national guard force,” “never had a shortage of NG personnel to work a mission,” “National Guard Structure is currently sufficient for these responses,” and “Historically, the NG has been capable of augmenting Civilian response forces and in the future will likely be able to sustain the commitment” (Q22).

Additionally, the lack of demand is further legitimized through the use of interstate mutual aid agreements that can share National Guard personnel, like EMAC. Mrs. Deborah James pointed out that “it’s the aggregate level of resources” that need to be examined, suggesting that states can borrow from each other to meet current demand. During an interview with Colonel Schumacher of the Vermont National Guard, he stated that his state would probably “use the EMAC before using their State Defense Forces.” Of course, this is a reasonable argument for small to medium scale emergencies, but may not necessarily be valid for regional or national disasters as the aggregate level of demand may exceed the aggregate level of supply. However, the data is clear that the National Guard does not feel State Defense Forces are needed to fulfill their state missions.

Next, much of the criticism is directed at the State Defense Forces’ lack of ability to provide substantial assistance, mostly due to their lack of resources. While personnel are the greatest resource most State Defense Forces offer, most states only have a few hundred members in their SDF. Conversely, most states have thousands of Guardsmen. Even with states that have a relatively high number of State Defense Forces in comparison to National Guard members have a ratio of 1:10. For example, Texas has a staggering 1,500 State Defense Force members but this number is dwarfed by the nearly

15,000 members of the Texas National Guard. Additionally, some critics also question the value (not necessarily the patriotism) of State Defense Force members because of their lack of training and questionable abilities. However, this will be explored in the following section of this secondary research question analysis.

The real criticism of State Defense Forces is less focused on personnel, as this is one of their relative strengths, and more directed toward the lack of equipment. State Defense Forces have little or no equipment or additional resources beyond manpower. About half of State Defense Forces receive no funding from their state. One of the survey respondents wrote that State Defense Forces are not a value-added because they have a “lack of . . . , capability and resources” (Q22). Additionally, Colonel Schumacher stated that most SDFs “don’t have the logistics trails, sustainment, C2 [Command and Control], or major muscle movement to be effective.” Unfortunately, the question of SDF value appears to be correlated to the lack resources and it appears to an issue of circular logic.

Finally, there appears to be a perception of substandard military discipline and standards among State Defense Forces. One of the survey respondents wrote that SDFs “often lack the standards and discipline necessary to operate within the state” (Q22). Moreover, Colonel Martin Hershkowitz, a retired member of the Maryland Defense Force goes on and writes that State Defense Force members are “sloppy, fat, unfit, lazy, unkempt, old, untrained, unprepared, useless, unmilitary, all they want to do is sit around drinking coffee and telling war stories” (2005, 23). This is a perception that even the President of the State Defense Force Association, Major General (VA) Taylor, acknowledged during an interview. Some states are worse than others. In 2003, the

governor of New Jersey actually dismantled the New Jersey Naval Militia after complaints from the TAG over a lack of military discipline (Sieg 2005). Additionally, in an interview with Major General Sykora, former TAG of South Dakota, he stated that he did not work too much with [SDFs]” because he was “concerned over their lack of standards.”

However, State Defense Force standards vary significantly among states, and some states have higher standards than others. For those states with State Defense Forces, almost every aspect of their existence varies, such as funding, strength, jurisdiction, standards, training, uniform, mission, qualifications, pay and benefits, and command structure (Brinkerhoff 2007). While a set of recommended national State Defense Force standards does exist, it is unofficial and its adherence is strictly voluntary (Brinkerhoff, Bankus, and Peterson 2006). Brigadier General (NY) Foley believes that national standards are not necessarily a critical component to success. In an interview, he stated that SDFs were “better fragmented,” not nationalized, as it gives governors control over the State Defense Forces and allows the “flexibility to adjust to regional differences.” However, unfortunately a lack of national standards facilitates substandard State Defense Forces and these substandard units cast a negative perception on the overall image of the SDF organizations as a whole.

A final perception that hurts State Defense Forces is their perceived connection to extremism. This was a perception that came up during the interview process, but the interviewee made the comments “off the record” and his/her identify will not be revealed. The reluctance to provide an onymous statement to this effect does not appear to be new. Hershkowitz writes that “many TAGs, ranking NG personnel and some in the National

Guard Bureau use some of those unpleasant descriptors for the SDF in conversation; however, they never appear in writing” (2005, 23). This may be because of the potential political ramifications of such a statement or out of respect for those who do volunteer but have no connection to extremism. However, the perception is prevalent. Hershkowitz goes on to note that the term “ultra right wing survivalists” is often used to describe State Defense Force members (2005, 23). Historian Ken Sieg summarizes events that have contributed to this perception:

The Utah State Guard was dismantled in 1987 after it was found that 400 of its members were affiliated with the Aryan Nations. One unit in Texas was commanded by a former soldier of fortune. Officers in the Virginia Defense Force were preparing to purchase a tank and practicing drug raids. Some officers of the Ohio Military Reserve had participated in the Kent State Massacre decades earlier. Various other defense forces had their own anti-terrorist plans devised or engaged in unsanctioned law enforcement activities. (2005, 6)

Given the advantages and disadvantages presented by the research findings, this section will conclude by making general remarks and recommendations for their future employment. First, this research question this research sought to answer can be broken down into two parts: 1) Are State Defense Forces a viable alternative to the National Guard for domestic military emergency response missions? and 2) Are State Defense Forces a value-added to the National Guard for domestic military emergency response missions? The answer to the first part is a resounding “no.” Under current configuration, even the most best trained and well-resourced State Defense Forces do not contain the organic capability to substitute the capabilities offered by the National Guard.

Moving on to the second part of the question, the research indicates that there may some value-added to the National Guard by having SDFs augment or supplement the Guard’s activities. In order to take full advantage of these potential capabilities, State

Defense Forces should consider these three recommendations: 1) gain broader support from the state level and become a fully integrated partner; 2) adopt a set of national standards; and 3) aggressively pursue legislation that supports State Defense Forces.

First, the level of value that the State Defense Forces are capable of offering is highly dependent on the amount of support that is given by the state and the National Guard, primarily at the state level. Many states and the National Guard Bureau have been reluctant to embrace the State Defense Forces as a viable augmentation or supplementation resource. The National Guard Bureau has all but washed their hands of State Defense Forces. This may be the largest impediment to the successful use and integration of SDFs into state military activities during emergency response operations. State Defense Forces are reliant of support from their state for every aspect of their organization—including their very existence. During an interview with Major General (VA) Taylor, he acknowledged the lack of embracement and opined that it was exacerbated by a lack of knowledge about SDF “history, education,” and lack of “respect for the organizations and what they have done.”

State Defense Forces and the State Defense Force Association must aggressively market their value to the National Guard, gaining broader support from the state level and becoming a fully integrated partner. Individual State Defense Force commanders must work closely with TAGs and governors to identify weaknesses in the state emergency response plans and the National Guard’s emergency response role to offer a tailored and focused SDF mission. Additionally, State Defense Forces should become more visible, promoting awareness of their capabilities through all levels of government and the military. For example, at the State Defense Force Association should present “success

stories” at the National Guard’s annual conference. Because the existence and use of State Defense Forces is primarily dependent on their support it received from the state, it is imperative that SDFs gain broader support for their efforts. This will ensure their longer term viability and will bring additional capabilities to the American people during time of need.

Second, State Defense Forces should adopt a set of national standards. Much of the research indicates that State Defense Forces are not seen as a value-added because there is trepidation about their standards. Colonel Schumacher of the Vermont National Guard said during an interview that most State Defense Forces only requirement to entry is that they are “older than eighteen and have no felony.” In all fairness, these are the same standards of most military organizations, including the National Guard. However, the real concern is that the standards of most SDFs do not match the strict military standards of the National Guard, which must adhere to a federally imposed set of standards—the same standards as the active and federal forces. It is this lack of standards that originally gave the National Guard its negative perception before the Guard was more fully integrated with its federal counterparts. And just as the “regulars” once had much concern over the lack of standards of National Guard units, the Guard has the same concern over the standards of State Defense Forces.

If State Defense Forces wish to remain a military organization and hope to be an integrated part of the state’s military operation, they must maintain a minimum set of military standards. While Brigadier General (NY) Foley cited that a set of national standards would not promote the SDFs’ flexibility to adjust to regional differences, the scope of national standards should not be operational. Governors and adjutant generals

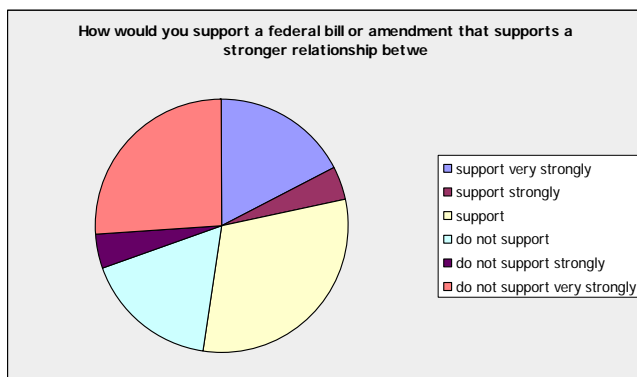
should retain the ability to employ State Defense Forces as best fit for their state, but SDFs should agree on basic level personnel admission and retention standards. For example, one survey respondent wrote that all State Defense Force members “must be former/retired military” (Q22). In order to accomplish this, separating military members should be informed of the option of continuing service in a SDF. Additionally, military members who are discharged from service because they are unfit for combat, but still maintain the desire and capability to serve in other capacities (like some medical discharges), should be recruited for SDF duty.

Finally, State Defense Forces should aggressively pursue legislation at the state and federal levels that support their efforts. Over the years, legislation has been introduced into Congress, but it always faded quickly. Legislation introduced into the U.S. House in 2007 by Representative Joe Wilson of South Carolina attempted to provide federal recognition and support to State Defense Forces, including DoD and DHS training and coordination (U.S. House 2007). However, the bill never made it out of the House Subcommittee on Military Personnel (GovTrack 2007). Representative Wilson made a promise to reintroduce this bill and again and stated on his website that he would include language from the original *State Defense Force Improvement Act* in the *National Defense Authorization Act of 2009*; it states, “As our National Guard troops are fighting overseas, we must ensure that our states still have the resources and manpower to respond to emergencies here at home” (2008, n.p.). As of January 2010, this new bill still remains in Congress and was referred to the House Armed Services, Subcommittee on Terrorism, Unconventional Threats and Capabilities (GovTrack 2010). Brigadier General (NY) Foley stated during an interview that he would like to see the federal government match

state funds for SDFs with federal funds. However, legislative progress needs to be incremental.

In the survey conducted to the offices of the state adjutant generals, it found that support for a bill providing support from the Department of Defense to State Defense Forces was mixed (Q23). About half of the survey respondents supported the concept behind the bill and half did not support it. Some within the Guard do not support the State Defense Forces because they believe that the SDFs are trying to do a job that belongs to the National Guard. One of the survey respondents wrote, “That is what the constitutionally established Militia (i.e. today’s National Guard) was created for” (Q23). However, as noted in an interview with Major General (VA) Taylor, those in the State Defense Forces feel that the National Guard should not feel threatened; rather, they would like to be seen as a partner.

Figure 54. National Guard support for a bill supporting a stronger relationship between DoD and SDFs.



In light of the reach findings, the value State Defense Forces for emergency response operations remains relatively negligible, but they possess certain potential. Many scholars believe that not fully

embracing SDFs is a mistake and that there exists untapped potential (Carafano 2006; Brinkerhoff 2007; Bankus 2006).⁸⁹ Examining solutions holistically requires considering

⁸⁹ Other scholars, such as Barry (2010), believe consideration should be given to disbanding and reorganizing SDFs; however, due to their legal status, this may be difficult at the national level and attempts to disband and reorganize SDFs would be more appropriate at the state level.

the implications for possible amelioration of the research problem by embracing the use of State Defense Forces—epically given their existing legal framework and their members' unyielding sense of duty and sheer allegiance to civil service and volunteerism. Cultural Anthropologist Margaret Mead once stated, "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has" (Sommers and Dineen 1985, 158). Despite this, it will be difficult for State Defense Forces to reach their full potential under the current circumstances.

In closing, the potential importance of the State Defense Forces has again been highlighted in the recent years with the extremely high operational tempo placed on U.S. National Guard units, and with an increased emphasis on homeland defense and emergency management. In an era of persistent conflict, unprecedented demand on the National Guard, and increasing federalization, the National Guard should examine the value-added the State Defense Forces offer, such as general personnel augmentation and specialized professional skills.

History has shown that SDFs have been able to successfully provide these capabilities during past conflicts when the National Guard was occupied with its federal mission (Sheps and Pitcavage 1995). However, this will be a challenging endeavor because the states do not feel there is a sufficient demand for State Defense Forces; there is a lack of meaningful capability, mostly due to limited resources; and there is a perception of substandard military discipline and standards, and connection to extremism. In order to combat these problems State Defense Forces should gain broader support from the state level and become fully integrated partners, adopt a set of national standards, and aggressively pursue legislation that supports State Defense Forces.

CHAPTER FIVE

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

The final chapter of this dissertation presents a summary, conclusion, and recommendations. First, a summary recapitulates the entire project. The summary highlights each of the chapters and many of the sections and subsections—from introduction to findings. Next, a conclusion section is presented. Because the bulk of the analysis and synthesis of data occurred in the previous chapter, the conclusion primarily consolidates the major findings, briefly address the tertiary question posed at the start of the research, and issues concluding commentary on the project. Finally, the dissertation concludes with a recommendations section. This section consolidates the major recommendations made through the research, relates the recommendations to practice, and finally makes recommendations for future research.

Summary

The National Guard is the oldest component of the United States military. Since colonial times, the National Guard has played an invaluable role in a wide variety of domestic and expeditionary missions. Over time, the National Guard has protected the United States from foreign invaders, protected citizen life and property, prepared for and responded to domestic emergencies and disasters, secured the homeland from terrorists, protected borders from threats, quelled violence and supported law enforcement operations, promoted democracy, conducted expeditionary peacekeeping missions, and engaged enemies on foreign soil. The National Guard is one of the most disciplined,

powerful, versatile, flexible, and cost effective resources available to the American people. Yet, the National Guard exists in a federal system of government that gives it unique characteristics and poses certain challenges for policy makers and public administrators that need to be better understood.

Throughout the centuries, the original state militias have transitioned into a fully integrated component of the United States national military, while still maintaining some aspects of their historical roots with the states. Unlike the other components of the United States military, the National Guard is a dual-purpose force with separate state and federal missions and separate and independent command and control authorities. Generally, during peacetime the National Guard has a state mission with state reporting lines to the governor and during conflict or other times when summonsed to national service, the National Guard has a federal mission with a federal reporting line to the president. Still, the Guard's relationship between the state governments and the federal government is intricate, complex, and sometimes adversarial.

The architecture of the National Guard traces its origins back to the colonial militia and the perpetual struggle for power between the state governments and the federal government. The Guard's duality is rooted in America's complex federal system of government, where power is shared between the states and the federal government. This system divides powers, including certain military powers, between the national government and the sovereign state governments. While this system is one of America's greatest strengths, it can also be a hindrance to administration if not perspicaciously understood and navigated with finesse. Currently, palpable contextual changes in the balance of power in the American system of federalism have caused a paradigm shift in

military affairs and emergency management practices—and the National Guard is at the epicenter of the debate.

The main problem in this study revolves around the National Guard's dual federal-state status and the impact on the Guard's emergency response mission. The effects of federalism on the National Guard's emergency response mission are not transpicuous—not sufficiently researched, understood, or addressed. Moreover, the forces of federalism have not been balanced with respect to military affairs: power and responsibility has become more centralized and with greater federal control and influence. The transition has caused the federal mission to take a greater priority for the National Guard. Additionally, a number of other factors in the 20th century have driven the United States National Guard from a strategic reserve to an operational reserve. The protracted nature of the Global War on Terrorism is the contemporary impetus for concern as it has brought to light issues that have been latently brewing for decades. The National Guard is performing more missions with fewer resources, and many governors believe their states are left handicapped in their ability to perform state missions due to the changing state of affairs. This strain creates an enormous problem for military and public leaders, and it puts America's safety and security at risk.

A culmination of contributing conditions exposed the problem of duality to the public in 2005. After several years of combat, a stretched and historically neglected National Guard was tested in its ability to conduct expeditionary federal missions *and* to deal with a major domestic emergency. In August, a cataclysmic one-hundred-year storm slammed into the Gulf Coast causing extraordinary mayhem, destruction, and death. In addition to the rarity of a one-hundred-year storm striking, it happened at a time when

over 75,000 U.S. National Guardsmen were unavailable and mobilized on other missions, mostly on federal expeditionary missions in support of the Global War on Terrorism; and, it happened while deployed National Guard soldiers were near its peak—one-third of deployed Army soldiers in August 2005 were from the Army National Guard (U.S. National Guard Bureau 2009). Other events have contributed to the problem of this study, but this example succinctly encapsulates the main points.

The government has a fundamental responsibility to protect its citizens. Protection not only includes defense against enemies and security of vital national interests but also consists of the government's responsibility to save lives, prevent injuries, and protect property and the environment if an emergency occurs. Most emergencies in the United States are handled by civil authorities at the local or state levels, under a tiered response system consistent with the American principles of federalism. However, during major emergencies, disasters, or other unique incidents, the resources of the National Guard may be required. In an era of persistent conflict, the effects of the National Guard's dual status—especially on its emergency response mission—are not well understood. The citizens of the United States remain at risk until these issues are understood and the problems mitigated. At a time when the United States is the sole superpower in the world, is engaged in two simultaneous wars, and remains increasingly vulnerable to terrorism and other natural disasters, this study was timely and relevant.

The primary purpose of this mixed methods study was to explore and describe how the United States National Guard's dual federal-state nature impacts its domestic emergency response role, and to answer related secondary questions. Since this was an

exploratory study, its purpose was not to prove a theory or falsify a hypothesis. Rather, its purpose was to present findings in an inductive manner in an effort to answer specific research questions and outline a path for future research. It was applied research with a practical aim to provide insight, implications, and recommendations for public administrators of national security, defense, and emergency management matters. Its theoretical aim was to uncover and understand variables that may be used to explain a causal relationship.

Essentially, the importance of this study's outcome was the identification of qualitative variables and the development of a causal explanation that explained the "cause of the consequence of interest" (McNabb 2004, 344). With exploratory research, the identification of variables is significant as a main philosophical assumption of qualitative oriented research is that many variables are unknown and "variables are too interwoven to measure, especially without a contextual framework" (Studentvoice 2009, n.p.). Identifying variables and suggesting causal relationships are not only necessary to understanding the phenomena, but it is "also likely promote policies to remedy the situation" (McEntire 2004, 4). The true value of the research was in describing *how* the dual status of the National Guard affects domestic emergency response and creating a framework to conceptualize the problem.

The primary research question was, (P1) What impact does the dual federal-state nature of the United States National Guard have on the Guard's domestic emergency response mission? Secondary questions were, (S1) How has the prevalence of Emergency Management Assistance Compacts (EMACs) affected the National Guard's domestic emergency response mission? (S2) What military command and control

structure promotes the most effective and efficient military response to emergencies? (S3) How can the National Guard be better organized to support its state emergency response mission? (S4) And, are State Defense Forces a viable alternative or a value-added to the National Guard for domestic military emergency response missions? A final tertiary question that is addressed and discussed in this chapter is, (T1) What are the finding's implications on federalism and intergovernmental relations?

Delimitations to narrow the scope of this study and limitations to identify potential weaknesses in this study were addressed. In summary, this study was framed in the context of public administration, but relied on academic knowledge from other fields as the topic is interdisciplinary. This study focused on the National Guard's domestic mission of emergency response—only one of several domestic missions for the National Guard. Other National Guard missions, such as homeland defense, are related were not the primary focus of this study. Likewise, examining the expeditionary use of the National Guard or the use of active duty forces for domestic or expeditionary missions was not the research focus for this study. In addition to narrowing the scope of the research, potential weaknesses, or limitations, were addressed. Since this was a mixed methods research design with a qualitative predominance, the results may be less generalizable than other research designs, such as a strictly quantitative design. Other weaknesses identified were lack of participation and transparency.

This literature review was organized into five main sections and several subsections: *American federalism and intergovernmental relations*: definitions; background; purpose, benefits, and drawbacks; powers and responsibilities; and military affairs; *emergency management*: definitions and scope, theory, and practice; *the role of*

government: the federal government, the Department of Homeland Security, the Federal Emergency Management Agency (FEMA), and state and local governments; *the role of the U.S. military*: the U.S. Department of Defense, emergency management and homeland defense, the Reserves and the Total Force Policy, the militia and State Defense Forces, and the U.S. National Guard; and *existing studies*. The primary objective of the literature review was to cover enough literature to provide context to the research, frame the research in the field of public administration, and demonstrate how this research builds upon the existing literature and covers research gaps.

While the review of the literature did not reveal any existing studies with a primary focus on examining how the National Guard's dual federal-state nature affects its domestic emergency response mission, many studies have been conducted on the general topics of the National Guard, emergency management, and homeland security—especially after 9/11. Some of these studies have even examined the dual status of the National Guard, but few have studied the impact of the dual status of the National Guard on domestic *emergency response*. Many of the related studies are primarily unpublished recapitulations and analyses of open source data, and there appears to be little original academic research. Much of the literature either falls into one of two categories: 1) historical literature or 2) government reports. One of the closest studies to this research that was uncovered is *The Role of the National Guard in Emergency Preparedness and Response* (1997), by the National Academy of Public Administration (NAPA).

While there is plenty written on the National Guard, emergency management, and homeland security, few papers examine the effects of the Guard's dual status on its domestic emergency response mission. Additionally, Cannon (1993) writes that studies

of disasters and response systems are incomplete and anecdotal. Jerry Cooper (1993) found that literature on the Guard's duties to provide assistance to civil authorities is limited and incomplete. Similarly, Waugh found similar findings but specific to public administration and he states, "The need for public administration research in emergency management is clear" (2005, 3). Until more research is conducted and we can begin to fully understand the problem and all of its variables, the citizens of the United States are at danger and the public administrators remain uninformed.

The research used a mixed methods concurrent nested strategy with a qualitative predominance. The concurrent nested strategy is similar to the more traditional concurrent triangulation model, but a nested approach "has a predominant method that guides the project" (Creswell 2003, 218). Still important, but given less priority in this study, the quantitative method is embedded, or nested, within the qualitative method. Both types of data were collected and then mixed during the analysis phase of the study. Since this is an applied research, exploratory study, the principles of American federalism and intergovernmental relations were the implicit guiding theoretical lens throughout the study, rather than an explicit use, such as theory testing and verification.

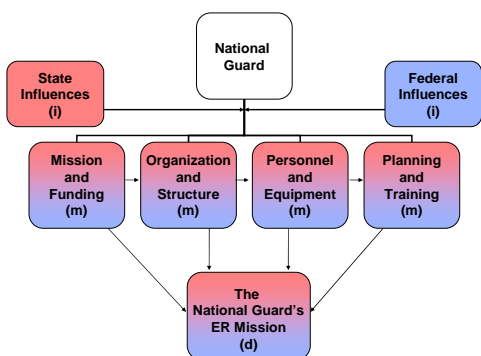
The concurrent nested method was used in order to gain a more holistic understanding of the research problem by converging data and harnesses the advantages of both quantitative and qualitative methods. In this study, a census survey was used to gather trends, attitudes, opinions, and other information of the fifty-four state and territory U.S. National Guard adjutant generals. This quantitative data was simultaneously analyzed with empirical qualitative data gathered from interviews, observation, documented literature, and previous studies. Consistent with a qualitative

predominance, the generation of emergent themes evolved from the study were identified and addressed. Additionally, because qualitative dominate research is fundamentally interpretative, much of the findings were based on the researcher's interpretations of the data and tend to have "broad, panoramic views rather than micro-analyses" (Creswell 2003, 182). The research and subsequent analysis adds to the scholarly and practicable research in the field of public administration by examining its subfield of emergency management through the conceptual lens of federalism and intergovernmental relations.

The response rates from the data collection were acceptable and exceeded expectations. The bulk of data collected during this study was empirical and qualitative in nature. The four major types of qualitative data collected were personal interviews, observation, documented literature, and previous studies. The researcher conducted fifteen interviews with senior level administrators throughout relevant government agencies. The researcher also attended seven observations and reviewed over 300 pieces of literature, including some previous studies. Primary quantitative data was collected through an online survey questionnaire administered to fifty-four offices of the adjutant generals. There were thirty respondents to the survey, equating to approximately a 56 percent final response rate. Of the thirty final respondents, twenty-four completed the entire survey while six completed only part of the survey, either skipping questions or finishing short.

The findings were presented in a narrative format, answering specific research questions using the qualitative and quantitative data. In summary, a framework was created to allow conceptualization of the variables that emerged from the research. The American system of federalism facilitates influences from the state governments and the

federal government. The independent qualitative variables of state and federal influences affect the National Guard's mission and funding, organization and structure, personnel and equipment, and planning and training. These themes emerged from the research as the four categories that represent the moderator qualitative variables—variables that affect the relationship between the independent variables and the dependent variable.



Finally, the dependent variable is the impact on the National Guard's emergency response mission. Figure 55 depicts the variables that have emerged from the research resulting from dual status, affecting the National Guard's emergency response mission.

Figure 55. Emerged variables resulting from dual status affecting the Guard's ER mission.

The research indicated that the two independent variables are the sum of state governments' influences and the sum of the federal government influences—these are products of federalism. Each of the independent variables are infinitely complex and have a countless array of factors feeding the influence. The influences that feed into the variables are also infinite, dynamic, and interwoven. Even the most comprehensive register of influences would be incomplete and impossible to measure. Therefore, to keep the framework simple, the influences were categorized as either providing to the state or federal independent variables. An original time versus power grid was created to

track major events that have influenced the National Guard, including legislation enactment, policy changes, and judicial rulings. Each of the aforementioned events represented a shift toward state control as the result of more powerful state influence or a shift toward federal control as the result of more powerful federal influence.

An analysis of these independent variables demonstrates the outcome of these variables over time. It is clear that these variables are in a state of constant struggle, but the result of this struggle is a significant shift toward federal control through more powerful federal influences. The historical perspective is enlightening, but it does not present the influences that fed into each of the independent variables—it only represents the outcome, which is a single data point. In many cases that data point is the result of years or decades of policy debate and struggle between those who favored a strong national military and those who favored a strong state militia. Over time, these variables significantly affected several aspects of the National Guard, including mission and funding, organization and structure, personnel and equipment, and planning and training. These are labeled moderator variables in the framework.

The independent qualitative variables of state and federal influences affect the National Guard's mission and funding, organization and structure, personnel and equipment, and planning and training. The moderator variables are presented in an ordinal manner according to their relative strength on the dependent variable, which is also the relative influence they receive from the independent variables. Additionally, these variables have some degree of sequential and moderating characteristics of their own. For example, mission and funding have a strong relative impact on organization and structure, and so on. Each additional set of moderator variables is less directly

affected by the independent variable and gains some influence from the previous moderator variables.

First, findings on mission and funding were presented. Strong federal influences have manifested into significant outcomes with respect to the National Guard's mission set and funding. It is clear that the Department of Defense has not yet fully embraced its civil support mission. Moreover, the National Guard's overall mission priority is warfighting—even a large part of the Guard's state mission is preparing for its federal mission. No systematic consideration is given to the National Guard's emergency response mission, and the role of the National Guard for emergency response remains largely undefined. Fortunately, the National Guard's emergency response mission can largely be met on the margins of its federal warfighting mission. Additionally, any mission change that threatens the National Guard's funding stream is met with staunch opposition by the National Guard. The National Guard is funded mostly by the federal government, which has primary responsibility for national defense. Therefore, the Guard is nearly exclusively funded for the federal warfighting mission and significant restrictions are associated with the federal funding, precluding many states from using these funds for emergency response preparation. Although it appears that funding consideration for the National Guard's emergency response mission has increased compared to the previous decade, the Guard's emergency response mission still remains the least important of any of the National Guard's missions and is funded accordingly.

Next, findings on organization and structure were presented. In summary, internal state emergency response institutional structures continue to vary. However, in most states the emergency management director is not the adjutant general, but he or she

reports to the adjutant general. The adjutant general is becoming increasingly important with more direct access to the governor and more responsibly for emergency management. The key to success, regardless of structure, is ensuring coordination and cooperation among state agencies regardless of which structure is used. Additionally, strong federal influences have affected the organization and structure of the National Guard. Specifically, the Guard's organization has shifted to one of warfighting, and its force structure has rebalanced to support this new paradigm. Many combat units ended up in the National Guard, while most combat support and combat service support units now reside with the federal military (active and reserve). However, this force structure balance does not enhance states' emergency response capabilities as CS and CSS units are most valuable for emergency response operations. Moreover, there is no evidence that any systematic or deliberate consideration is given to the National Guard's force structure for its emergency response mission.

Findings on personnel and equipment were presented next. In summary, personnel and equipment are moderator variables that are affected the state and federal influences. Personnel and equipment availability for emergency response missions are often a primary contention point between the states and the federal government. However, some of the friction can be attributed to political sparring. What is indisputable is the fact that the size of the National Guard has decreased over the past decade and the pool of available personnel and equipment has shrunk. At the same time, the demand on the National Guard has been extraordinary—for both federal and state missions. To address some of the states' concerns, the National Guard Bureau implemented a 50 percent policy, assuring that at least 50 percent of a state's Guard is available within the

state for state missions. The findings indicate that the National Guard Bureau has largely abided by this policy and it appears to give the states sufficient personnel to meet most emergency response situations that require the National Guard. Additionally, the research shows that equipment and personnel shortages due to federal missions was significant greater, as expected, for the period from 2001-2009 versus the period from 1993-2001. However, the data suggests that equipment availability has increased since 2007 and further research is needed in this area. Still, the findings suggest that half of the states believe they have little or no input concerning their National Guard's emergency management equipment needs and equipment, and personnel policies are largely created around the Guard's primary mission—warfighting.

The last of the moderator variables are planning and training. In summary, as the National Guard has become a more integrated part of the total force, there are fewer concerns over the Guard's warfighting training and associated readiness and more concerns over the Guard's state mission training. During an interview with Mrs. Deborah James she states that "Gulf War 1 was a true test of the National Guard . . . everyone worried 'will they come, be trained, and ready?' This is less of a concern today." At the moment, the concern is more over whether the federally-focused National Guard will "come, be trained, and ready" for its domestic emergency response mission. While the focus is on warfighting training, most of those skills transfer over emergency response missions. Still, this leaves many skills that require unique training requirements, beyond federal mission training, to adequately respond to emergencies. There is also a need for more training for emergency response as today's most Guardsmen only receive an average of twelve hours of training per year. Unfortunately, many states indicate they are

prohibited or constrained by the federal government in conducting emergency response training. However, emergency response training operations are being conducted with more frequency and are increasingly involving the National Guard. Additionally, coordination between the National Guard Bureau and the states is frequent, but the state's emergency response capability is not taken into account as often. The American style of federalism is full of seams; in order to make a response seamless, training and coordination is the key.

The final variable in the equation is the dependent variable. The purpose of this section was to summarize the findings and present additional research findings on the how the dual status of the National Guard affects the Guard's emergency response mission. In summary, the sum of the National Guard's emergency response capability is the result of state and federal influences affecting a series of moderator variables, such as mission and funding, organization and structure, personnel and equipment, and training and planning—each decreasingly affecting the National Guard's emergency response mission. The National Guard has several missions at both the state and federal levels. The emergency response role of the National Guard remains its lowest overall mission priority and a mission that the Department of Defense and the National Guard Bureau have yet to fully embrace. Federal warfighting missions and domestic homeland defense missions take overpowering priority. Still, the Guard remains an effective organization that maintains significant value for emergency response operations. The National Guard is disciplined, powerful, flexible, and cost effective. The National Guard provides unique capabilities for emergency response operations that are unparalleled to anything found in the civilian sector.

One of the biggest capabilities the National Guard brings in an emergency response operation is general purpose forces and equipment in an effort to produce a surge capacity to assist overwhelmed local authorities. Additionally, many specialized roles, such as WMD response and recovery, are maintained in the National Guard. And although the National Guard is rarely ever the first on the scene, their local presence throughout the thousands of communities across the United States facilitates a timely response when called upon. However, the exact role of the National Guard during emergency response remains largely undefined and unscripted. This remains a precarious situation as the American public becomes increasingly vulnerable to emergencies and disasters, and the National Guard remains the primary military support organization to civil authorities.

Secondary research questions relating to EMACs, command and control, organization alternatives, and State Defense Forces were examined in separate sections. The first secondary question that the research sought to answer is, How has the prevalence of Emergency Management Assistance Compacts (EMACs) affected the National Guard's domestic emergency response mission? This section reviewed interstate compacts, focusing on the authority, history, and the general process of the EMAC. Next, through the research, this section analyzed the findings to determine how the Emergency Management Assistance Compact affects the Guard's emergency response mission. Specifically, it examined the advantages and disadvantages of the EMAC in the context of the National Guard's emergency response mission. Finally, a summary was presented of the data and general recommendations and conclusions were offered.

In summary, the Emergency Management Assistance Compact is a valuable tool for states to share resources during times of emergency and disaster. The EMAC allows resources to be shared in a timely, coordinated, flexible, and decentralized fashion under terms that were mutually agreed upon in advance. The Emergency Management Assistance Compact has already been used well over one hundred times, including during major disasters, and had been relatively successful. Most of the National Guard believe that the EMAC fully meets their needs, and this represents a significant increase since 1997. Because of these benefits, every state now has membership in the Emergency Management Assistance Compact and it is endorsed by the Federal Emergency Management Agency, the Department of Homeland Security, the National Guard Bureau, and the National Governor's Association. However, room for improvement exists. The NGB and EMAC should work collectively to improve the value of the EMAC through training and education, mutual coordination, and the speed of the response process. Additionally, emergency planners and public leaders should consider how excess demand and large scale, national emergencies will affect the Emergency Management Assistance Compact and they should create ways to mitigate any concerns.

The second secondary question that the research sought to answer was, What military command and control structure promotes the most effective and efficient military response to emergencies? Clearly, when the military responds to an emergency, they are in a supporting role to civil authorities. However, military organizations that provide assistance to civil authorities have their own unique internal command and control structure or structures. Given the complexities associated with a massive intergovernmental response to a major emergency or disaster, an innumerable number of

supporting or subordinate command and control structures will exist. Even within the military alone, responding military organizations may even have separate and distinct command and control structures depending on the mix of forces. The crux of this question is not necessarily how the military interfaces with civil authorities or fits into a larger incident command and control structure; rather, it is how the military interfaces with itself—intermilitary relations of command and control during emergencies.

In summary, there are presently four primary structures available to command and control both state and federal forces for domestic emergency response. These structures are 1) all forces under the control of the president and combatant commander; 2) parallel (separate) command and control structures; 3) a “dual-hatted” National Guard commander; and 4) a “dual-hatted” federal commander. The first three structures have been used in the past under different situations. The fourth and final structure has never been employed before and may present significant political challenges if ever implemented. The findings determined that establishing unity of effort through unity of command is a key concept to the successful command and control of state and federal military forces during an emergency response scenario. Each structure has its own unique advantages and disadvantages, which were discussed. However, the research demonstrates that a dual-hatted National Guard commander is not only the predominate preference, but is the most sensible option. For this option to be exercised efficiently and effectively during an actual emergency, the military must embrace this as its primary preference for command and control of mixed military forces and take the appropriate steps necessary to ensure the training, doctrine, policy, and politics support this concept.

Consideration must also be given to how a dual-hatted command and control structure would differ between a pre-planned event and a no-notice emergency.

The third secondary question that the research sought to answer was, How can the National Guard be better organized to support its state emergency response mission? One of the key findings from the National Academy of Public Administration study was the National Guard's current capability to provide emergency response support is not "effectively utilized" (1997, 98). There are a variety of ways to organize the United States National Guard to more effectively utilize the capabilities of the Guard. Over the decades, the organization of the National Guard has transformed from a pure state militia into the current model that is centered on the National Guard's federal mission. Yet, several landmark events in the early 21st century have put a renewed focus on domestic matters—especially military emergency response. This has sparked debate over the National Guard's emergency response role, including the best way to organize the National Guard to enable a more effective response to emergencies and disasters. This section examined the organizational options that emerged from the research, analyzing the strengths and weaknesses and making recommendations on the best way forward.

In summary the research indicated that the National Guard will likely continue its dual mission for the foreseeable future without significant and immediate reorganization of military forces or departure from the principles of federalism. However, change is needed. The Department of Defense continues to hold its civil support and emergency response missions "at arm's length" (Wormuth et al. 2006, x). Furthermore, under the current structure, there is "no substantial evidence that serious attention is given to the Guard's state mission in DoD force structuring" (National Academy of Public

Administration 1997, 85). Because of this, serious consideration should be given to proposals that offer optimized performance of the nation's full resources. There are three dominate options for specializing military units for emergency response: 1) a state approach; 2) a regional approach; and 3) a federal approach. The regional approach has the most support from the states.

Additionally, the Department of defense should consider rebalancing the reserve component by moving CS and CSS units to the National Guard and combat units to the Reserves. Combat support and combat service support units are more valuable for emergency response missions. Moreover, allowing access to the Reserves for domestic emergency response operations through the use of a dual-hatted National Guard Commander should be supported at all levels of government and military. Still, even the most sensible proposals will require political wrangling and intense negotiations in order to reach a consensus because of the varying interests at stake. Given that the American public is increasingly vulnerable to natural disasters and other emergencies, the Department of Defense should continue to work with their stakeholders to determine the best organization of the National Guard to enable it to fully achieve an optimal level of military emergency response capability.

The fourth secondary question that the research sought to answer was, Are State Defense Forces a viable alternative or a value-added to the National Guard for domestic military emergency response missions? While State Defense Forces may also be used by a governor as a stand alone resource, or they may be a value to other state organizations, State Defense Forces are military organizations and most are employment with, or in support of, the National Guard. Therefore, while the use and potential value of State

Defense Forces may be wider in scope, this research focused on whether State Defense forces are a viable alternative or a value-added specifically with respect to the U.S. National Guard. This question examined the history of State Defense Forces and their current use and authority. Then, the findings were presented and analyzed to determine if State Defense Forces are a viable alternative or a value-added to the National Guard for domestic military emergency response missions.

In summary, the potential importance of the State Defense Forces has again been highlighted in the recent years with the extremely high operational tempo placed on U.S. National Guard units, and with an increased emphasis on homeland defense and emergency management. In an era of persistent conflict, unprecedented demand on the National Guard, and increasing federalization, the National Guard should examine the value-added the State Defense Forces offer, such as general personnel augmentation and specialized professional skills. History has shown that SDFs have been able to successfully provide these capabilities during past conflicts when the National Guard was occupied with its federal mission (Sheps and Pitcavage 1995). However, this will be a challenging endeavor because the states do not feel there is a sufficient demand for State Defense Forces; there is a lack of meaningful capability, mostly due to limited resources; and there is a perception of substandard military discipline and standards, and connection to extremism. In order to combat these problems State Defense Forces should gain broader support from the state level and become fully integrated partners, adopt a set of national standards, and aggressively pursue legislation that supports State Defense Forces.

Conclusion

Because a bulk of the analysis and synthesis of data occurred in the previous chapter, the conclusion primarily consolidates the major findings, briefly address the tertiary question posed at the start of the research, and issues concluding commentary on the project. At the start of the research, one of the primary aims of this exploratory project was to uncover variables in the social environment and the development of a causal explanation that can be explained as a cause of the consequence of interest. Recall, the literature stated that identifying variables and suggesting causal relationships is an appropriate outcome for exploratory research. The intent of this study was in no way intended to uncover all of the variables that exist and analyze them. The variables are innumerable and entangled, and the scope of the problem is more complex than originally perceived. However, it was feasible to begin to make certain general and overarching connections. By starting to piece together the major variables and determining their logical relationship in a nomothetic manner, the research identified causal factors that impact a wide class of conditions or events. This is not only necessary to understanding the phenomena, but it is also likely to promote policies that remedy the situation. The outcome of this research met the original objective as it created a basic framework, allowing conceptualization of the complex problem.

One of the characteristics of exploratory research is that findings are based on the researcher's interpretations of the data and will tend to have "broad, panoramic views rather than micro-analyses" (Creswell 2003, 182). Despite this, several specific findings were made and are consolidated in this section. The major findings from this research are

summarized below in a qualitative manner. For more information on each finding please refer to the appropriate section within this study.

- P1
 - A basic framework was established.
 - The American system of federalism facilitates influences from the state governments and the federal government.
 - The two independent variables are the sum of the state governments' influences and the sum of the federal government influence.
 - The independent variables affect the National Guard's mission and funding, organization and structure, personnel and equipment, and planning and training. These are the moderator variables.
 - Finally, the dependent variable is the impact on the National Guard's emergency response mission.
 - Independent variables.
 - The Guard has significantly changed from its inception, gradually shifting power away from the states and toward the federal government, and nearly every aspect of the Guard's existence has aligned accordingly.
 - The most significant influence was the ratification of the Constitution.

- The historical perspective is enlightening, but it does not present the influences that fed into each of the independent variables—it only represents the outcome, which is a single data point.
 - In many cases that data point is the result of years or decades of policy debate and struggle between those who favored a strong national military and those who favored a strong state militia.
 - Over time, these variables significantly affected several aspects of the National Guard, which were categorized as moderator variables.
- Moderator variables.
 - Mission and funding.
 - The National Guard is inherently structured with a dual mission, based on the principles of federalism.
 - The National Guard's current mission focus is on federal priorities with the Guard's highest domestic mission focus on homeland defense and its lowest mission priority is emergency response.
 - No systematic consideration is given to the National Guard's emergency response mission.
 - The exact role of the National Guard during emergency response remains largely undefined and unscripted.

- The National Guard's emergency response mission can largely be met on the margins of its federal warfighting mission.
 - Any mission change that threatens the National Guard's funding stream is met with staunch opposition by the National Guard.
 - The federal government may be giving more funding consideration to the Guard's emergency response mission than before; however, it is not enough.
 - Restrictions come along with federal funding, precluding funding from being used for emergency response preparation; however, restrictions are loosening.
 - National Guard is funded mostly by the federal government, which has primary responsibility for national defense; therefore, the Guard is nearly exclusively funded for the federal warfighting mission.
- Organization and structure.
 - Internal state emergency response institutional structures continue to vary. There is no best to structure these institutions, but coordination and cooperation among state agencies is paramount to success.

- Some characteristic of the National Guard's organization and structure remain determined by the state but most reside with the federal government.
 - This current force structure balance does not enhance states' emergency response capabilities.
 - There is no evidence that any systematic or deliberate consideration is given to the National Guard's force structure for its emergency response mission.
 - There is no substantial evidence that serious attention is given to the Guard's state mission in current DoD force structuring.
 - The organization of the National Guard is subject to both state and federal influences, which drive organization policy and implementation.
 - The adjutant general is becoming increasingly important with more direct access to the governor and more responsibly for emergency management.
- Personnel and equipment.
 - The most valuable units for emergency response as indicated by the survey of the offices of the adjutant general come from are aviation, military police, engineering, transportation, medical, and communications.

- Many states believe that individual states have little or no input concerning their National Guard's emergency management equipment needs.
 - Equipment and personnel shortages due to federal missions was significant greater for the period from 2001-2009 versus the period from 1993-2001.
 - States have a significant buffer of personnel and equipment at current level—even while the National Guard is engaged in two major expeditionary missions.
 - Many believe they have little or no input concerning their National Guard's emergency management equipment needs and equipment, and personnel policies are largely created around the Guard's primary mission—warfighting.
 - The National Guard Bureau has largely abided by its 50 percent policy and it appears to give the states sufficient personnel to meet most emergency response situations that require the National Guard.
 - Some of the friction between state governments and the local government can be attributed to political sparring.
- Planning and training.
 - While the focus is on warfighting training, most of those skills transfer over emergency response.

- Most states indicate that unique training requirements, beyond federal mission training, are needed to adequately respond to emergencies.
 - There is a need for more training for emergency response as today's most Guardsmen only receive an average of twelve hours of training per year.
 - Emergency response training operations are being conducted with more frequency and are increasingly involving the National Guard.
 - Coordination between the National Guard Bureau and the states is frequent, but the state's emergency response capability is not taken into account as often.
 - Training for emergency response is constrained and limited by the federal government.
 - Much of the success to these operations is attributed to an intimate working relationship between the National Guard and other government agencies involved in the response efforts.
- Dependent variable and additional findings.
 - Each of the aforementioned variables have an impact on the National Guard's emergency response mission.

- The National Guard is disciplined, powerful, flexible, cost effective, and brings significant value to emergency response operations.
- The National Guard is a cost-effective resource, consisting of a larger part of the total force at a fraction of the total cost.
- The biggest capabilities the National Guard brings in an emergency response operation are general purpose forces and equipment in an effort to produce a surge capacity to assist overwhelmed local authorities, and specialized roles, such as WMD response and recovery.
- The wide geographical distribution of the National Guard throughout the hundreds of communities across the nation allows the Guard to respond quickly and with local knowledge.
- There exist respect for the intergovernmental system and a commitment from those at all levels of government to respond to emergencies at the lowest levels feasible.
- The American people are increasingly becoming more vulnerable to natural disasters and emergencies.
- The National Guard delivers unparalleled capabilities that do not exist outside of military organizations.
- American people are likely to rely on the National Guard for its unique response capabilities.

- The National Guard's emergency response mission is likely to remain.
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- S1
 - The Emergency Management Assistance Compact is a valuable tool for states to share resources during times of emergency and disaster.
 - The EMAC allows resources to be shared in a timely, coordinated, flexible, and decentralized fashion under terms that were mutually agreed upon in advance.
 - Most of the National Guard believe that the EMAC fully meets their needs, although some concerns exist.
 - The National Guard can currently meet emergency response demand, regardless of the resources in any particular state, as long as aggregate national supply of resources is more than aggregate national demand.
 - The EMAC will be used increasingly in the future, especially as the National Guard is used more for federal missions.

 - S2
 - Four primary structures available to command and control both state and federal forces for domestic emergency response.
 - Establishing unity of effort through unity of command is a key concept to the successful command and control of state and federal military forces during an emergency response scenario.

- A dual-hatted National Guard commander is not only the predominate preference, but is the most sensible option.
- The dual-hatted commander option has mostly been practiced and only been used for non-emergency events.
- Responses that elicit a mix of non-federalized National Guard and federal forces are likely to increase.
- S3
 - The National Guard's force structure is combat focused and these types of units bring less value to emergency response missions compared with combat support (CS) and combat service support (CSS) units.
 - Several options exist for reorganizing to allow an optimized allocation of resources for emergency response missions, including a regional approach, a state approach, and a federal approach.
 - The regional approach is the most supported by the states.
 - It is unlikely that the National Guard will reorganize around dedicated forces for emergency response.
 - There are many Reserve units in states that would add value to emergency response mission, but due to current laws they cannot be activated for domestic use.
- S4
 - State Defense Forces are a potential force multiplier for the National Guard's emergency response mission have and successfully provided

these capabilities during past conflicts when the National Guard was occupied with its federal mission.

- States that have State Defense Forces appreciate their capabilities, consider them a value to the state's emergence response mission, and are using them in an increasing manner.
- Most states do not feel there is a sufficient demand for State Defense Forces; believe SDFs have lack of meaningful capability, mostly due to limited resources; and there exist a perception of substandard military discipline and standards, and connection to extremism.
- Legislation to support SDFs has never it through the legislative process, and it is unlikely to ever happen given the lack of the support.
- The value State Defense Forces for emergency response operations remains relatively negligible, but they posses certain potential.

Next, the tertiary question posed at the start of the research is briefly addressed. At the start of the research, it was decided that after having conducted the research, it would be interesting to make some brief comments on the findings' potential implications on federalism and intergovernmental relations. Since this was not a primary aim of the research, it was appropriate to examine this question as a tertiary question rather than a secondary question. Essentially, this question seeks to explore how this study fit into the bigger theoretical picture of federalism. Of course, there are more practical implications of this research than theoretical, but those implications are discussed in the next and final section.

Fundamentally, the goal of the United States system of government is to balance and limit the full power of American government through division. This division of government includes separation of power, federalism, and judicial review. In an effort to form a “more perfect union,” the U.S. Constitution, adopted in 1787 and ratified in 1788, provided for a federal system of government. Under this system, some powers are intended to be delegated to the national government and the rest are intended to be reserved to the states and the people. The ratification of the Constitution and the resulting federal system of government was not easily achieved. It is essentially a compromise between the federalist, who lobbied for a strong national government, and the anti-federalist, who were advocates of strong state governments. Nearly every aspect of government organization follows this basic paradigm of compromise. For example, the United States has a bicameral Congress, where the lower house is based on state population while the upper house is based equal state representation.

Much of the United States government is the result of compromise. However, compromise represents the culminating point of years or decades of struggle between the state governments and the federal governments—which have “opposite and rival interests.” Additionally, the U.S. military is similarly structured through compromise, consisting of both state militias (National Guard) and a national military. The current state of the National Guard also represents its own characteristics of compromise. Therefore, the National Guard is organized no differently than many other organizations in American government. Moreover, the challenges the National Guard faces are not necessary unique to the National Guard. However, the National Guard is unique in the sense that it has remained a “shared resource” throughout the centuries and has become

an iconic measuring stick of the balance of powers between the sovereign state governments and the supreme federal government with respect to military affairs.

In the review of the literature, it was discovered that many scholars indicate that the United States is in a period of contemporary federalism. Today's contemporary federalism is "characterized by shifts in the intergovernmental grant system, the growth of unfunded federal mandates, concerns about federal regulations, and continuing disputes over the nature of the federal system" (Boyd 1997, 1). Additionally, some experts believe that power is gradually becoming more centralized, slipping away from the states and toward the national government (Elazar 1980; Walker 2000). Grodzins (1966) suggested decades ago that there is hardly any state or local government activity that does not involve the federal government. This trend continues. Characterized by the current state of contemporary federalism, the federal government is currently playing a larger part in what used to be primary responsibilities of the states, such as healthcare, education, welfare, transportation, housing and urban development, and domestic security and safety. Proponents of this belief in the homeland security and emergency response arena point to evidence of the federalization of airline screeners and the trend toward the federalization of local law enforcement, local first responder, and state military activities.

Some scholars believe this shift toward centralization of power was accelerated in the post 9/11 environment as the federal government used "opportunistic federalism" to expand its powers in the midst of haze and fear (Lester and Krejci 2007). In the context of homeland defense and emergency management, both practitioners and scholars consider this arena to be a key testing ground for the principles of federalism. Events such as the 9/11 attacks and Hurricane Katrina have contributed to expectations that

during times of major crisis, responsibility for first response falls to the federal government (Krane 2002). A recent example of this shift toward centralization was apparent with the 2007 amendment to the *Insurrection Act*, which widened its applicability. Federalism scholar Samuel Clovis goes on to broadly state, “Throughout history, power has shifted toward the central government whenever the country faced a crisis . . . , faced an increase in the complexity of government . . . or faced times of incredible creation of wealth” (2008, 4).

Much of the data from his research suggests that the National Guard is following suit with the trends of contemporary federalism. While in theory federalism is supposed to provide equilibrium of power, the balance is uneven. It is clear from the research that the state governments and the federal government are in a state of constant struggle over military affairs, but the result of this struggle is a significant shift toward federal control through more powerful federal influences. At the end of the American Civil War, President Lincoln began to refer to the United States as a singular term rather than a plural term—“the Unites States *are*” became the United States *is*” (Zimmerman 2005). Certainly, there are advantages of having a united country. However, the federal system of government was put in place by the founding fathers for very deliberate reasons as they were averse to establishing another strong central government. The answer is not anti-federalism—the answer is balance. Providing a balanced government diversifies power and protects the people. Future public policy and administration should honor the sacred principles of federalism and begin to rebalance the powers of government.

Finally, some general concluding commentary on this project is presented. As I proceeded with this study, I was constantly reminded of the constraints upon which

nearly every aspect of government works within—the constraints imposed by federalism. One story that resonates with me was told during an interview with Brigadier General Foley. He told about a time when he was seeking approval to buy a defibrillator for his National Guard office. After he submitted the paperwork, the state contracting officer called General Foley and wanted to know if the state bought the defibrillator, would it be used on state or federal employees. I am sure that even a scholar could find humor in that story. And, it would not surprise me if at some point in the future the defibrillator was used on a federal employee and the state tried to bill the federal government. The story was an amusing reminder of the practical considerations that must be given to any decision by government that works within the framework of federalism.

Also, researching and writing this dissertation has been an incredible experience. The point of writing this dissertation was not only to expand the knowledge base of the selected research topic, but also to expand and refine the research skills that have gotten me to this point. Throughout the process, I honed my skills and began to develop research expertise. At the conclusion of this research project, I now feel I have the proficiency and capacity to do significant research in any career setting on nearly any topic. By employing a mixed methods research strategy, I have experience with both qualitative and quantitative methods. I now have a better understanding of where to find data, how to manage it, how to examine it, and how to use that data to support an argument or hypothesis. I am a more astute reader, interpreting and inferring, analyzing, and evaluating; I am more critical of findings and conclusions of other researchers' work, considering the methods or procedures taken to get there and any potential biases; and I

understand the resolve needed to accomplish such an arduous feat, feeling the satisfaction from such a commitment.

It has been hard work. I have often related writing this dissertation to building a house—but only laying a brick a day. And, sometimes mistakes were made along the way or revisions were needed. In that case, it was analogous to removing a brick a day to later rebuild that same wall, just in a slightly different way, still a brick a day. But, after two years of laying bricks, my house is complete. This is my house—my house of knowledge that stands before you today. Just like any house, it may become old and outdated, but the foundation remains firmly planted. Over time, the research substance may become irrelevant or surpassed, but my research skills—my foundation—remain relevant and generalizable to whatever undertaking I choose to pursue. Furthermore, just like any good homeowner, I will outgrow this house one day and I may become inclined to add an addition. Hopefully, this dissertation is the start of an academic career and I hope to build many additions in the future.

Of course, I also learned a great deal about my specific research subject and gained resounding respect for the men and women of the U.S. National Guard—and, I hope to make a contribution to their practice. Hopefully this study aids public officials in their fiduciary duty of creating sound policy and making reasoned decisions in the administration of military affairs and emergency management, while preserving the principles and tradition of American federalism. Because in an era of persistent conflict and increased vulnerability to the homeland from both man-made catastrophes and natural disasters, it is paramount to have a strong, reliable, and relevant National Guard focused on the battles of today and preparing for the challenges of the next threat. The

last and final section of this study consolidates the major recommendations made through the research, relates the recommendations to practice, and finally makes recommendations for future research.

Recommendations

This final section consolidates the major recommendations made through the research, describes forthcoming efforts to relate the recommendations to practice, and finally makes recommendations for future research. First, the major recommendations are consolidated. When this project began, the scope and complexity of the problem was not realized. The problem has been called a “wicked” one in the existing literature, only subject to amelioration—not a solution. The tangled web of complex and intricate relationships among governments and organizations makes the problem difficult to solve. However, amelioration of the problem is not insurmountable and recommendations are made throughout the study and are consolidated below. It is important to emphasize that any progress toward amelioration must consider the practical realities associated with implementation. Additionally, some of the recommendations are generalizable not only the National Guard’s emergency response mission, but to their domestic homeland defense mission also. The recommendations below are only qualitative summaries; please refer to the appropriate section of this study for more details. Major recommendations include:

- P1
 - More of an emphasis should be given to the National Guard's emergency response mission, and the DoD's civil support mission should be embraced.
 - The role of the National Guard for emergency response should be clearly defined and articulated.
 - The Department of Defense should remove or reduce restrictions associated with federal funding.
 - The emergency response capability of each state should be taken into consideration when determining National Guard units for federal activation.
 - The National Guard Bureau should consider a standardized risk-management model, similar to that discussed in the chapter two and found in appendix H, to evaluate each state's readiness for emergency response and take the results into consideration for planning purposes.
 - The National Guard Bureau's arbitrary 50 percent policy should be reexamined, applying more detail with specific information on the types and quality of personnel available.
 - The National Guard should receive more training for emergency response missions.
 - The states should determine which institutional structure works best for emergency response, but because of the relative advantages of the

structure where the emergency management director reports to the TAG, it should be given preferential consideration.

- The key to success, regardless of structure, is ensuring coordination and cooperation among state agencies regardless of which structure is used.
 - More CS and CSS units should be transitioned into the National Guard, and some combat units should be transitioned into the Reserves.
 - Any National Guard focus on civil support must be done in supplement to the Guard's warfighting mission, not in a way that takes away from it.
 - As the National Guard should be equipped with the same priority as the active military.
 - The National Guard should train with local civil authorities on a minimum quarterly basis in order to improve efficiencies.
 - The cost-effectiveness of the National Guard should remain a major policy consideration.
- S1
 - Emergency planners and public leaders should consider how excess demand and large scale, national emergencies will affect the Emergency Management Assistance Compact and they should create ways to mitigate any concerns.
 - Changes must be made to address many of the National Guard's concerns of training and education, and improving coordinating thought policy, practice, and procedures.
 - Speed of response and the EMAC process needs improvement.

- Speed of reimbursement of effected states needs improvement.
- S2
 - The military must embrace a dual hatted National Guard commander as its primary preference for command and control of mixed military forces and take the appropriate steps necessary to ensure the training, doctrine, policy, and politics support this concept.
 - Consideration must be given to how a dual-hatted command and control structure would differ between a pre-planned event and a no-notice emergency.
 - The Department of Defense should conduct its training scenarios for no-notice emergencies using a dual-hatted commander.
- S3
 - The National Guard should consider identifying certain units that maintain their dual mission, but place a greater emphasis on the domestic mission. These units should not be dedicated exclusively for domestic missions.
 - The Department of Defense should examine the possibility rebalancing DoD organizations throughout its components to place more combat support (CS) and combat service support (CSS) units in the National Guard, rather than combat units.
 - The Department of Defense should consider ways to bring valuable Reserve units into service for domestic operations without agitating the balance of power. One possible solution would be allowing Reserve units

to be activated for domestic operations, but having them commanded by a dual-hatted National Guard commander.

- Government policy makers should consider moving National Guard combat arms units into the Army Reserve and designating the remaining units to a civil support mission, possibly reorganizing them into the Department of Homeland Security.
- S4
 - State Defense Forces should adopt a set of national standards.
 - State Defense Forces should aggressively pursue legislation at the state and federal levels that support their efforts.
 - State Defense Forces and the State Defense Force Association must aggressively market their value to the National Guard, gaining broader support from the state level and becoming a fully integrated partner.
 - Individual State Defense Force commanders must work closely with TAGs and governors to identify weaknesses in the state emergency response plans and the National Guard's emergency response role to offer a tailored and focused SDF mission.
 - State Defense Forces should become more visible, promoting awareness of their capabilities through all levels of government and the military.

Next, since this was an applied research study, the results should have some direct relevance to the practical and contemporary problem that was studied. Applied research is intended “solve *practical problems* of the modern world, rather than to acquire

knowledge for knowledge's sake" (U.S. Department of Energy 2009, n.p.). This study should have some impact on the real world, and practitioners should be made aware of the research. Therefore, the findings and recommendations of this study will be shared with those who participated in the study. An electronic copy of the dissertation will be given to each of the interviewees and major participants. Additionally, the findings and recommendations of this study will be reworked and focused into smaller papers, targeted to the appropriate audiences and published in trade journals. Hopefully this study will aid National Guard, Department of Defense, Department of Homeland Security, and other relevant government organizations' leaders in the practice of keeping America safe from emergencies and disasters, while preserving the principles and tradition of American federalism. Additional work will continue and there exist opportunity for future research. Suggestions for additional research are summarized below.

Future research may consist of follow-on studies as a line of research or a new research direction. As a follow-on line of research, future studies could expand on the framework or findings created from this dissertation. Now that the major variables have been identified and related, future research can begin to test the framework or even create concepts or theories around the framework. Pine states, "The appropriate use of a management concept or theory is thus contingent or dependent on a set of variables that allow the user to fit the theory to the situation and particular problems" (2007, 12). Ideally, future research can look for ways to measure the variables and create and test hypotheses—although this will be challenging. Otherwise, future research can attempt to uncover the reasoning behind some of the specific discrepancies or uncertainties discovered in this study. For example, there was a significant difference between the two

results on equipment availability obtained from this dissertation survey and the 2007 *USA Today* survey. It is unclear whether the difference can be attributed to time series (2007 v. 2009), the way the question was asked (dual use equipment v. equipment), or the results indicate some real meaning of change. Regardless, any future line of research will continue to broaden our collective understanding of the research topic.

Conversely, future research may take an entirely new direction rather than a follow-on line of research. A new research direction may include a new theory or framework based on new findings. New findings are certain. For example, the National Guard Bureau has a final draft of its After Action Review (AAR) of the National Guard's response to Hurricane Katrina, which was in final review as of December 2009 and could not be released early. This report and any new data should be considered in future research. Additionally, other scholars may look at the problem from a different perspective. For example, while the premise of this research began with concern over how the federal influence of the Guard impacts the Guard's domestic emergency response mission, Weiss (2002) suggest that the military's increase in domestic involvement may actually "increase the threat to the United States by decreasing the military's ability to perform its primary [combat] role" (Weiss 2002, 11). This hypothesis is based on a premise that is the direct converse of the direction of this study and would make an interesting research project subsequent to this study.

However, in lieu of any new frameworks or theories, all research may be challenged or verified. Future research may attempt to confirm or invalidate the findings of this study based on a different research approach, new findings, or overlooked data—and this is welcome. Additionally, future research may choose to expand the scope of the

topic to specific areas for further exploration. For example, one type of emergency that was given no consideration during the pre-prospectus stage but emerged from the research as valuable for future research is cyber emergencies, which the National Guard is playing an increasingly important role.

Regardless of the path forward, some research method and procedure recommendations can be learned from this study and should be applied to future research. First, consideration should be given to a sequential mixed-methods research design rather than a concurrent mixed-methods design. The concurrent nested strategy used in this study collected the quantitative and qualitative data in one phase and then subsequently analyzed that data. However, a sequential research design is conducted in two phases, where data collection and data analysis are conducted separately and then the researcher conducts an interpretation of the entire analysis. At its most basic level, the purpose of this strategy is to use one data set and its results to assist in the interpretation of the other data set (Creswell 2003). In the case of this research project, a sequential design may have yielded better results as the information and insight gained through the interview and observation process could have resulted in better, more poignant survey questions and resultantly more informative analysis.

In addition, the collection of additional primary data is recommended. The best way to increase the response and participation rates for future research would be to gain official government research affiliation or endorsement. For example, had this research project been funded, endorsed, or mandated by an official government entity, it is highly probable the response rate would have been higher—near 100 percent. Also, any future research should apply scope limitations to the research. Since this was an exploratory

study, the scope of the problem was not fully realized at the start of the research. Because of this, the research process consistently attempted to push the scope of the research to vaster boundaries. Keen awareness should be applied to focus the topic of the research. Finally, as scholars progress with research they should ensure that their efforts produce realistic findings and attainable recommendations that policymakers and practitioners can apply with success in the field, where the real life outcomes are one of life and death.

In closing, as I finish the conclusion chapter of this dissertation I do so in a cold room with no power (working off of a battery powered laptop), during one of the worst blizzards in Maryland history. At this moment, hundreds of Maryland National Guardsmen have volunteered for state duty to assist Marylanders in need. Last night on television, I watched Brigadier General Adkins, one of my interviewees, stand next to Governor O'Malley as he outlined the state's emergency response plan. The governor emphasized how the Maryland National Guard was playing an invaluable role in supporting civil authorities, providing personnel, Humvees, five-ton trucks, and military ambulances. News reports indicated that one Guardsman delivered a baby, another saved a man's life by performing CPR, and hundreds of others were assisting stranded motorists and citizens without power. Fortunately, I am safe. But, when the next disaster strikes your town, will your National Guard be "ready and there"?

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APPENDIX A

ASPA'S CODE OF ETHICS

I. Serve the Public Interest

Serve the public, beyond serving oneself. ASPA members are committed to:

1. Exercise discretionary authority to promote the public interest.
2. Oppose all forms of discrimination and harassment, and promote affirmative action.
3. Recognize and support the public's right to know the public's business.
4. Involve citizens in policy decision-making.
5. Exercise compassion, benevolence, fairness and optimism.
6. Respond to the public in ways that are complete, clear, and easy to understand.
7. Assist citizens in their dealings with government.
8. Be prepared to make decisions that may not be popular.

II. Respect the Constitution and the Law

Respect, support, and study government constitutions and laws that define responsibilities of public agencies, employees, and all citizens. ASPA members are committed to:

1. Understand and apply legislation and regulations relevant to their professional role.
2. Work to improve and change laws and policies that are counterproductive or obsolete.
3. Eliminate unlawful discrimination.
4. Prevent all forms of mismanagement of public funds by establishing and maintaining strong fiscal and management controls, and by supporting audits and investigative activities.
5. Respect and protect privileged information.
6. Encourage and facilitate legitimate dissent activities in government and protect the whistleblowing rights of public employees.
7. Promote constitutional principles of equality, fairness, representativeness, responsiveness and due process in protecting citizens' rights.

III. Demonstrate Personal Integrity

Demonstrate the highest standards in all activities to inspire public confidence and trust in public service. ASPA members are committed to:

1. Maintain truthfulness and honesty and to not compromise them for advancement, honor, or personal gain.
2. Ensure that others receive credit for their work and contributions.
3. Zealously guard against conflict of interest or its appearance: e.g., nepotism, improper outside employment, misuse of public resources or the acceptance of gifts.
4. Respect superiors, subordinates, colleagues and the public.

5. Take responsibility for their own errors.
6. Conduct official acts without partisanship.

IV. Promote Ethical Organizations

Strengthen organizational capabilities to apply ethics, efficiency and effectiveness in serving the public. ASPA members are committed to:

1. Enhance organizational capacity for open communication, creativity, and dedication.
2. Subordinate institutional loyalties to the public good.
3. Establish procedures that promote ethical behavior and hold individuals and organizations accountable for their conduct.
4. Provide organization members with an administrative means for dissent, assurance of due process and safeguards against reprisal.
5. Promote merit principles that protect against arbitrary and capricious actions.
6. Promote organizational accountability through appropriate controls and procedures.
7. Encourage organizations to adopt, distribute, and periodically review a code of ethics as a living document.

V. Strive for Professional Excellence

Strengthen individual capabilities and encourage the professional development of others. ASPA members are committed to:

1. Provide support and encouragement to upgrade competence.
2. Accept as a personal duty the responsibility to keep up to date on emerging issues and potential problems.
3. Encourage others, throughout their careers, to participate in professional activities and associations.
4. Allocate time to meet with students and provide a bridge between classroom studies and the realities of public service.

APPENDIX B

IRB Approval Request Letter

3373 Garrison Circle
Abingdon, MD 21009

July 31, 2009

Margarita M. Cardona
Director of Sponsored Research
University of Baltimore
1420 N. Charles St.
Baltimore, MD 21201

Dear Ms Cardona:

The purpose of this letter is to request an Institutional Review Board (IRB) exemption for a Doctor of Public Administration dissertation titled "An Exploratory Study on the Impact of the Dual Status of the United States National Guard on its Domestic Emergency Response Mission" by Aaron Sean Poynton.

As you can determine from the attached for titled "Application for Approval of Research Involving Human Subjects," the research methods only include human interaction in the form of surveys and interviews with non-vulnerable adults about non-sensitive subjects.

Additionally, every aspect of this research project and every phase of research (research planning, gathering data, processing and interpreting data, and disseminating results) will be performed in accordance with the ethics guidelines set forth by the American Society for Public Administration and the U.S. administrative law for the protection of human subjects (45 CFR 46).

Your expeditious consideration and approval is kindly appreciated. Should you have any questions I can be reached at aaron.poynton@ubalt.edu or 410-937-3324.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Sean Poynton". The signature is stylized and written in cursive.

Aaron Sean Poynton
Candidate, Doctor of Public of Administration

APPENDIX C

IRB FORM

UNIVERSITY OF BALTIMORE**Application for Approval of Research Involving Human Subjects**

This form is to be completed by the investigator who will submit it to the Institutional Review Board (IRB) for review and approval. Answer all the questions completely and spell out any acronyms. Include a copy of any applicable survey instruments with your application. When the IRB has approved the application, the investigator will be notified in writing. **Any changes to an approved protocol will have to be re-submitted for review and approval.**

	Researcher 1	Researcher 2	
Name	Aaron Sean Poynton		
Department	Public Administration		
Phone #	410-937-3324		
Status Faculty/ Staff/Student	Student		
If student, faculty sponsor	Dr John J Callahan		
Project Information			
Project Title	An Exploratory Study on the Impact of the Dual Status of the United States National Guard on Domestic Emergency Response		
Agency Sponsor (if applicable)	None		
Grant number (if applicable)	n/a		
Project Duration	Estimated Start Date	July 2009	Estimated End Date
			October 2009
Submission Date	July 2009		
Exempt Status Do you believe your proposal is exempt from IRB Review?	In order to be exempt, you must answer the questions and satisfy the criteria in Parts A and B below. (Please answer after you complete checklists A & B.)		
	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
Expedited Review: Are you applying for expedited review?	Expedited review is possible only in one of two circumstances: 1. There is minimal risk to the participants <u>and</u> the researcher is not requesting the IRB to waive the normally required informed consent procedures. or 2. The IRB review is to evaluate minor changes in previously approved research.		
	<input type="checkbox"/>	Yes	<input type="checkbox"/> No

It is possible that your research is exempt from IRB review. Please complete Parts A and B below, regardless of whether you believe your research is exempt.

Part A – Please check Yes or No for each item, To be considered exempt, all answers must be No.		
Yes	No	Item
	x	1 Does the research involve as subjects prisoners, fetuses, pregnant women, the seriously ill, or mentally or cognitively compromised adults.
	x	2 Does the research involve the collection or recording of behavior which, if known outside the research, could reasonably place subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation.
	x	3 Does the research involve the collection of information regarding sensitive aspects of subjects' behavior (e.g., drug or alcohol use, illegal conduct, sexual behavior)?
	x	4 Does the research involve subjects under the age of 18 (except as they are participating in projects that fall under categories 1, 3, 4, and/or 5 in Part B)? Category B 2 studies that include minors should be submitted for expedited review.
	x	5 Does the research involve deception?
	x	6 Do the research procedures generate any evident or foreseeable risk to the subjects?
	x	7 Is the researcher requesting that the IRB grant a waiver of the required informed consent procedures? (Note: informed consent procedures are not required when the research involves only observation of public behavior and in those cases a request for a waiver is unnecessary.)

Part B – Please mark Yes or No for each item below, regardless of whether you believe your research is exempt. To be considered exempt, at least one must be marked yes.		
Yes	No	Item
	x	1 Will the research be conducted in established or commonly accepted educational settings and involve normal educational practices (e.g., research on regular and special education instructional strategies, research on instructional techniques, curricula, or classroom management methods).
	x	2 Will the research involve the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, <u>where information is recorded anonymously</u> (i.e., so that the human subject cannot be identified, directly or indirectly through identifiers linked to the subject)? [Note - All survey/interview/observational research in which elected or appointed public officials or candidates for public office serve as subjects is exempt, whether or not data collection is anonymous.]
x		3 If the research involves the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens then are these sources either a.) publicly available <u>or</u> b.) is the information being collected and recorded anonymously (i.e., in such a manner that subjects cannot be identified, directly or through identifiers linked to the subject)?

	x	4 Is the research (including demonstration projects) being conducted by or subject to the approval of federal department or agency heads <u>and</u> is it designed to study, evaluate, or otherwise examine one or more of the following: (i) public benefit or service programs (e.g., social security, welfare, etc.); (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in or alternatives to those programs or procedures; or (iv) possible changes in methods or levels of payment for benefits or services under those programs?
	x	5 Does the research involve taste or food quality evaluations or consumer acceptance studies and are the tested products wholesome foods without additives, or foods which contain additives at or below levels found to be safe by the EPA of the Food Safety and Inspection Service of the U.S. Department of Agriculture?

Is Your Research Exempt?

If your answers to Part A above are all No and at least one of your answers in Part B is yes, please answer YES to the exempt status question on the cover page of this application before continuing on.

Even if you believe you satisfy the criteria for exemption, the Institutional Review Board needs to review your proposal to confirm that.

Therefore, whether or not you have indicated that you are seeking exempt status, please CONTINUE ON to answer the questions in Part C.

Part C: About the Proposed Research – please answer all the questions in this section. Please be clear and concise, but provide enough detail so the Board can make an informed determination.

1. Describe the purpose of the proposed research and your research protocol. Avoid using acronyms or technical jargon, unless they are defined. Attach additional pages when necessary. SEE ATTACHMENT

2. Describe the human subject population (size, age, gender, and racial distribution) and how participants will be selected for inclusion in the research. SEE ATTACHMENT

3. Describe the type of data you will be collecting and how it will be collected, e.g., survey, interview, focus group, record review, etc. (Attach a copy of the questionnaire, interview guide, or other collection instruments.) SEE ATTACHMENT

<p>4. Does the research involve potential discomfort or harassment to human subjects beyond levels encountered in daily life? Describe the potential discomfort to the human subjects as the research is carried out. NO</p>		
<p>5. Describe the potential benefits of the research. SEE ATTACHMENT</p>		
<p>6. Describe here the informed consent procedures and attach the informed consent statement: SEE ATTACHMENT</p>		
<p>7. Please answer the following:</p>		
Yes	No	
	X	a. Does the research involve protected subjects including prisoners, pregnant women, minors?
	X	b. Does the research involve UB Students as subjects/participants?
	X	c. Does the research involve UB Faculty or Staff as subjects/participants?
	X	d. Does the research involve deception?
<p>8. Might the <i>disclosure</i> of the subjects' responses reasonably be expected to cause the subjects to feel embarrassed or that their privacy has been violated? Might disclosure place the subjects at risk of criminal or civil liability or potentially damage the subjects' financial standing, employability, or reputation? NO</p> <p>If so, describe the procedures in place for protecting,privacy and prevent breach of confidentiality as well as the rights of the human subjects generally</p>		
<p>9. Describe how and where the data (original documents and electronic databases) will be stored and protected. SEE ATTACHMENT</p>		
<p>10. Describe who will have access to the data. SEE ATTACHMENT</p>		

Note: Any future additions or changes in procedures involving human subjects after the proposal has been approved must be brought to the attention of the Committee.

I agree to provide proper surveillance of this project to ensure that the rights and welfare of the human subjects are properly protected.

Signed, Researcher 1
(Date)

Signed Researcher 2
(Date)

Signed, Faculty Advisor
(Date)
(If Applicable)

We are familiar with and approve of the procedures involving human subjects associated with this project.

Signed, IRB Committee Chair

(Date)

Signed, Dean

(Date)

1. Describe the purpose of the proposed research and your research protocol. Avoid using acronyms or technical jargon, unless they are defined. Attach additional pages when necessary.

The purpose of this concurrent mixed methods study is to explore and describe how the United States National Guard's dual federal-state status impacts its domestic emergency response role. The dissertation is an applied research study with direct relevance to a practical and contemporary problem affecting policy makers and administrators at all levels of government. The research uses a mixed methods concurrent nested strategy with a qualitative predominance in order to gain a more holistic understanding of the research problem by converging data and harnesses the advantages of both quantitative and qualitative methods.

2. Describe the human subject population (size, age, gender, and racial distribution) and how participants will be selected for inclusion in the research.

In this study, a census survey will be used to trends, attitudes, and opinions and other relevant information of the 54 state and territory Adjutant Generals. Once gathered, this quantitative data will be simultaneously analyzed with qualitative data gathered from interviews, open source government data, documented literature, and previous studies.

3. Describe the type of data you will be collecting and how it will be collected, e.g., survey, interview, focus group, record review, etc. (Attach a copy of the questionnaire, interview guide, or other collection instruments.)

Semi-structured qualitative style personal interviews will be used for senior level administrators who have a panoramic view of their organization (such as the NGB, FEMA, NORTHCOM, etc); a quantitative style survey instrument will be administered to the 54 State Adjutant Generals. All of the participants will be surveyed through an online questionnaire administered through SurveyMonkey.

5. Describe the potential benefits of the research.

The research and subsequent analysis adds to the scholarly and practicable research in the field of public administration by examining its subfield of emergency management through the conceptual lens of public administration.

The study's practical aim is to provide insight, implications, and recommendations for public administrators of national security and emergency management matters—effectively to arm administrators with information to be able to make informed decisions.

Although many studies exist on the National Guard and emergency management, relatively few studies research how the dual status of the Guard affects its domestic emergency response mission. However, this study fills more than a simple literature

gap—the practical implications of this gap may be profound. This scarcity of information and analysis leaves the citizens of the United States vulnerable and public administrators handicapped. This is critical since emergency management is a fundamental and fiduciary responsibility of government and the success or failure of policy or actions fall squarely on the shoulders of public administrators. Military historian Michael Doubler notes that studies such as this dissertation are increasingly important because “more and more Americans, including elected officials, have less and less first hand knowledge of the military” (2003, 399). Yet, these public officials are charged with creating sound policy and making reasoned decisions in the administration of national security and emergency management matters.

6. Describe here the informed consent procedures and attach the informed consent statement:

In general, the following recommended guidelines will be followed: participants of the research study will: 1) “be informed of the general nature of the investigation and, within reasonable limits, of their role in terms of time and effort”; 2) “be informed of procedures used to protect their anonymity”; 3) affirm that “they have been informed of the nature of the investigation and have consented to give their cooperation”; 4) “be explicitly instructed that they are free to withdraw their consent and to discontinue participation in the study at any time”; 5) “be provided with the name of the person responsible for the study, to whom they can direct questions related to their role or any consequence of their participation”; and 6) “be offered the opportunity to receive feedback about the results of the study” (Locke, Spriduso, and Silverman 2000, 31-32).

9. Describe how and where the data (original documents and electronic databases) will be stored and protected.

Once raw data is analyzed, it will remain in the researcher’s safeguarded possession (encrypted hard drive) for five years and then will be destroyed.

10. Describe who will have access to the data.

Only the research will have access to the complete data set.

APPENDIX D

INTRODUCTION TO SURVEY FOR TAGS

The University of Baltimore
School of Public Affairs
1420 N. Charles St.
Baltimore, MD 21201

Dear Sir or Ma'am:

I'm currently a doctoral candidate at the University of Baltimore and I am requesting your assistance with my dissertation.

I am conducting an exploratory study on the effects of the National Guard's dual federal-state status on the Guard's domestic emergency response mission. As part of this study, I am issuing a brief online survey to the 54 Adjutant Generals. The information collected from this survey would be used in conjunction with other data to answer certain research questions and the results will be benchmarked against data from previous studies. The results may be used to help senior military leaders and public administrators make sound decisions and policies involving matters of defense and emergency management.

Since there are only 54 TAGs, I need maximum participation in order for the results to be meaningful. Participation is voluntary and you may withdraw participation at any time. Additionally, results are strictly confidential and no survey responses will be attributed to any one individual. Survey results and the full report will be available to you upon completion.

Please let me know if you have questions or concerns. I can be reached at aaron.poynton@ubalt.edu or 410-937-3324. Thank you in advance for your support of this important project.

Respectfully,

A handwritten signature in black ink, appearing to read 'Aaron Sean Poynton', is written over a light gray rectangular background.

Aaron Sean Poynton
Principal Researcher

APPENDIX E
SURVEY FOR TAGS

ORGANIZATION

- 1) My current position
 - a) is the Adjutant General (TAG)
 - b) reports directly to the Adjutant General
 - c) is in the Office of the Adjutant General, but not reporting directly to the TAG
 - d) other (please specify)

- 2) The Adjutant General in my state/territory*⁹¹
 - a) is a cabinet level position
 - b) is not a cabinet level position but reports directly to the governor
 - c) reports directly to the governor through a cabinet level official
 - d) other (please specify)

- 3) In your state/territory who has primary responsibility for emergency management?*

 - a) a cabinet level officer
 - b) an official reporting to a cabinet level officer
 - c) a non-cabinet official reporting directly to the governor
 - d) the Adjutant General
 - e) an official reporting to the Adjutant General
 - f) other (please specify)

PERSONNEL AND EQUIPMENT AVAILABILITY

- 4) The Chief of the National Guard Bureau has pledged that at least 50 percent of each state's/territory's National Guard personnel will be available to the Governor/TAG at all times to perform state/territory missions. For your state/territory, how often has the NGB followed through with this policy since its implementation? (P1)⁹²
 - a) Always⁹³
 - b) Very Frequently
 - c) Occasionally
 - d) Rarely
 - e) Very Rarely
 - f) Never

If possible, provide details to substantiate your rating (especially for ratings of c-f) or any other details that you feel are important.

⁹¹ * indicates this question can be benchmarked against the 1997 NAPA study.

⁹² Indicates applicable research question this survey question intends to provide supporting data to answer.

⁹³ A six point likert scale was chosen over a five point scale on several of the questions in order to force respondents away from a neutral response (Iraossi 2006).

- 5) Do you believe the NGB's "50 percent" policy described in the previous question is one that at the minimum threshold allows enough National Guard personnel to adequately respond to most emergencies that occur in your state/territory that require assistance from the National Guard (excluding major disasters, on the scale of Hurricane Katrina)? (P1)
- Definitely
 - Probably
 - Possibly
 - Probably not
 - Definitely Not

If answered c-e, estimate the percentage of National Guard personnel that you recommend are available in your state/territory at all times to adequately respond to most emergencies that require assistance from the National Guard

- 6) From 1993 to 2001, what is the average percentage of your state/territory National Guard's *personnel* that were unavailable due to federal Title 10 missions (indicate if estimate or actual)? (P1)
- 7) From 1993 to 2001, what is the average percentage of your state/territory National Guard's *dual use equipment* that was unavailable due to federal Title 10 missions (indicate if estimate or actual)? (P1)
- 8) Since 2001, what is the average percentage of *personnel* that were unavailable due to federal Title 10 missions (indicate if estimate or actual)? (P1)
- 9) Since 2001, what is the average percentage of *dual use equipment* that was unavailable due to federal Title 10 missions (indicate if estimate or actual)? (P1)
- 10) What the percentage of your National Guard's *personnel* is currently not available due to federal Title 10 missions? (indicate if estimate or actual) (P1)
- 11) What percentage of your National Guard's *dual-use equipment* is currently not available due to federal Title 10 missions? **⁹⁴ (indicate if estimate or actual) (P1)

PLANNING AND TRAINING

- 12) A number of studies that have been conducted concerning the dual federal and state/territory missions of the National Guard indicate that individual states and territories have little or no input concerning their Guard's emergency management needs, such as training, equipment, or funding. Do you find this conclusion to be true? ⁹⁵ (P1, S3)

⁹⁴ ** indicates this questions can be benchmarked against the 2007 *USA Today* survey.

⁹⁵ It has been noted by Dr. Barry that this is a double binding question; while this is a correct observation, this question, as presented, is the exact question asked in the 1997 NAPA study, *The Role of the National Guard on Emergency Preparedness and Response*. While double binding questions are considered "bad

- a) yes
 - b) no (please specify)
- 13) Does your state/territory participate in interstate operational planning and/or training where the National Guard is involved?* (P1, S1, S3)
- a) yes
 - b) no
- If yes, how often?
- 14) On average, how much time does the National Guard in your state/territory spend on training for emergency response per year, per Guardsmen?* (P1, S3)
- Number of hours ____
- 15) Are you prohibited or constrained in using federal funds related to either annual training or inactive drill training for emergency response training?***⁹⁶ (P1, S3)
- a) yes (If yes, how?)
 - b) no
- 16) How often does the NGB maintain open two way communications with your state/territory throughout the early planning/pre-identification process for federal missions involving your state's/territory's National Guard? (P1, S3)
- a) Always
 - b) Usually
 - c) Sometimes
 - d) Seldom
 - e) Never (skip to question 14)
- 17) How often is your state's/territory's emergency response capability taken into consideration when deciding which and how many of your state's/territory's National Guard units to activate for federal missions? (P1, S3)
- a) Always
 - b) Usually
 - c) Sometimes
 - d) Seldom
 - e) Never

INTERSTATE COMPACT AGREEMENTS

- 18) Do you find that the EMAC (Emergency Management Assistance Compact) *fully* addresses the emergency response mission needs of your state's/territory's National Guard? (P1, S1, S3)
- a) yes
 - b) no (please explain)

questions" (University of Texas at Austin 2007) and may weaken analytical conclusions, changing the question would impact the accuracy in comparing results from the 1997 NAPA survey to this survey.

⁹⁶ See previous footnote.

19) Does the EMAC allow you to commit more of your state's/territory's National Guard to federal missions while maintaining the same level of readiness for emergency response? (P1, S1, S3)

a) yes

b) no

If no, why not?

20) Nearly every state/territory committed National Guard troops and equipment to the Hurricane Katrina response effort through EMAC. Instead of a hurricane, if the same level of out of state resources were needed to respond to a major terrorist attack in Louisiana, and intelligence estimated that other attacks may be pending somewhere else in the United States, do you believe your state/territory would? (P1, S1, S3)

a) send the same number of troops or equipment

b) send fewer troops or equipment

c) send significantly fewer troops or equipment

d) not send any troops or equipment at all

e) other (please explain)

COMMAND AND CONTROL

21) If an emergency within your state/territory required the use of federal military forces along side your state's/territory's National Guard, which command and control structure would promote the best response to that emergency? (P1, S2, S3)

a) all forces under the control of the governor and the TAG (swearing in an active duty officer into your state's/territory's National Guard)

b) all forces under the control of the president and combatant commander (federalization of your state's/territory's National Guard, such as LA Riots)

c) a hybrid C2 with National Guard controlled by the governor/TAG and federal forces controlled by the president and combatant commander (such as Hurricane Katrina)

d) a "dual-hatted" commander, commanding both non-federalized National Guard and federal forces (such as 2004 G8 Summit, Democratic and Republican National Conventions)

e) other (please explain)

STATE DEFENSE FORCES

22) Do you believe that is necessary to have State Defense Forces to backup/augment the National Guard in your state/territory for emergency response missions? (P1, S4)

a) yes (if yes, why?)

b) no (if no, why not?)

23) How would you support a federal bill or amendment that supports a stronger relationship between the Department of Defense and State Defense Forces, such as DoD

support and training, authorization to allow SDFs to use DoD property and equipment, and authorization to allow State Defense Forces to receive surplus DoD equipment—all at no cost to DoD? (P1, S4)

- a) support very strongly
- b) support strongly
- c) support
- d) do not support
- e) do not support strongly
- f) do not support very strongly

24) Does your state/territory have an active and official militia or other auxiliary/backup in support of the National Guard (e.g. State Defense Force)?* (S3, S4)

- a) yes
- b) no (if no, then skip to question 25)

25) Does your state/territory emergency response plan include the use of the State Defense Force in support of your National Guard for emergency response?* (P1, S3, S4)

- a) yes
- b) no

STRUCTURE AND RESOURCES

26) Are there military reserve units (federal) in your state/territory that would be useful in an emergency?*(P1, S3)

- a) yes
- b) no

If yes, what kind of units or capabilities or units (e.g. medical, military police, engineering, water purification, aviation, etc)

27) How would you support a new *state approach* to emergency response, positioning a non-deployable Title 32 National Guard organization in each state/territory dedicated to emergency response, similar to the Civil Support Team concept? (P1, S3)

- a) support very strongly
- b) support strongly
- c) support
- d) do not support
- e) do not support strongly
- f) do not support very strongly

28) How do you support a new *regionally based* approach to emergency response, where specific National Guard operational organizations and assets dedicated to emergency response are located throughout the various states within each of the 10 FEMA regions? Under this concept, units are placed on a rotating one-year, quick reaction status, but would not be eligible for overseas deployment during their year. In peacetime they

would work for their own state governors, but in an emergency they could deploy and work for any governor in the impacted region. (P1, S3)

- a) support very strongly
- b) support strongly
- c) support
- d) do not support
- e) do not support strongly
- f) do not support very strongly

29) What types of military units (e.g. medical, military police, engineering, water purification, aviation, etc) are of most value for your state's/territory's emergency response mission (list in order of preference with 1 as the most valuable)? (P1, S3)

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

30) What types of equipment (e.g. Humvees, generators, forklift trucks, helicopters, fixed wing aircraft, heavy lifter trucks, communications equipment, etc) are of most value to your state's/territory's emergency response mission (list in order of preference with 1 as the most valuable)? (P1, S3)

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

OPTIONAL

31) Add any additional comments that you feel are relevant:

APPENDIX F

OUTLINE FOR INTERVIEWS

- Inform interviewees of the purpose of the interview.
- Gain interviewee's consent and discuss terms of interview.
- Record information on the interviewee's background, current position, and potential biases.
- Begin asking questions using the general framework of questions below:
 - Can you describe the dual status of the National Guard as you see it?
 - How do you feel the dual status of the National Guard affects the Guard's domestic mission of emergency response?
 - What type of National Guard forces and equipment are most beneficial to the Guard's domestic emergency response mission?
 - What aspects of the National Guard's dual status have the biggest affect on the Guard's domestic emergency response mission?
 - Would you restructure the National Guard or even the military in general to be able to meet the demands of both the federal and state missions? If so, how? And how would that affect the Guard's domestic emergency response mission?
 - Would you support new non-deployable Title 32 National Guard units dedicated to emergency response, similar to the CST program?
 - What value to feel EMACs bring to the National Guard with respect to domestic emergency response?
 - Does the EMAC address all for the needs of the National Guard? Why or why not?
 - What value do SDFs offer the citizens during time of emergency?
 - How do you feel the Global War on Terrorism and its associated expeditionary deployments of the National Guard affect the National Guard—particularly its domestic emergency response missions?
 - Why do agree or disagree with the Chief of the National Guard Bureau's pledged that 50 percent of Army and Air Guard forces will be available to a Governor at all times to perform state missions. Is it working?
 - What takes priority, the Guard's state missions or its federal mission? Or are they equal? Explain.
 - What constraints do you feel are placed on the National Guard, whether implicit or explicit, that come attached to federal funding?
 - What C2 structure is best for domestic emergency response—especially when it involved both state and federal military forces?
 - Are there any other persons that you suggest I speak with regarding this topic?
- Thank the interviewee for his or her time and inform the interviewee that the results of the study will be available at the conclusion of the study.

APPENDIX G

TIMELINE

<u>Dates</u>	<u>Action</u>
2005-2007	Pre-prospectus Research
2008-2009	Prospectus Research/Writing
July 20, 2009	Prospectus Turned into Committee for Review
August 5, 2009	Defended Prospectus/Prospectus Approved
August 6, 2009	Began Prospectus Modifications per Committee
September 7, 2009	IRB Letter Sent (Expedited Waiver Request)
September 21, 2009	IRB Approved ⁹⁷
October 16, 2009	First Interview Commenced
November 27, 2009	Survey Sent to National Guard for Review
December 11, 2009	Survey Posted Online
December 20, 2009	Survey Reminder Sent
December 24, 2009	Survey Closed
December 28, 2009	Last Interview Completed
January, 2010	Data Analysis and Write up
February, 2010	Data Analysis and Write up
March 1, 2010	Final Dissertation Draft Sent to Committee for Review
March 12, 2010	Defended Dissertation/Dissertation Approved
March 13, 2010	Post-Defense Modifications per Committee
March 15, 2010	Dissertation Submitted

⁹⁷ Approval received by e-mail on September 21, 2009 despite the fact that the letter dated in appendix J is dated October 13, 2009.

APPENDIX H

EXAMPLE OF U.S. ARMY RISK MANAGEMENT MODEL

While there is a plethora of emergency management models in existence, this study focus on a few relevant models to provide as examples. The first examines the Army's risk management procedures where assessors follow a five step qualitative risk management process: identify hazards; assess hazards to determine risks; develop controls and make risk decisions; implement controls; and supervise and evaluate. This model categorizes risk by examining the probability of an occurrence and the severity of the hazard. While the primary purpose of this model is to reduce risk of operational missions, the basic concept can be used for disaster and emergency management by nearly any organization or government. For example, NASA uses a very similar model to avert accidents, such as the Space Shuttle Challenger and Columbia losses.



Figure 56. The Army's 5 step risk management model.

The risk management process begins when Soldiers identify the potential hazards. The Army defines a hazard as an actual or potential condition that can cause injury, illness, or death of personnel; damage to or loss of equipment and property; and mission degradation (FM 100-14, 1998). To facilitate the identification of hazards, the Army uses the "5-M" factor: man, machine, medium, management, and mission. When commanders identify hazards they take into account the following considerations (Risk Management Manual 2004):

- *Man*- Review the proficiency, psychology, and physiology aspects of the unit/individual;
- *Machine*- Review the adequacy of design and maintenance aspects of the equipment, weapon or vehicle used;
- *Medium*- Review the environmental conditions such as visibility, weather and terrain, and their effects on the mission or task;

- *Management-* Review the planning, preparation and control aspects of the mission;
- *Mission-* Review the clarity and compatibility aspects of the task or mission.

Identifying the hazard is the first step and one of the most important steps in the risk management process. If a hazard is not initially identified it can not be properly assessed and mitigated through subsequent steps. The Army suggests a variety of hazard identification techniques such as preliminary hazard analysis, scenario creation technique, what if techniques, next accident assessment, mission accident analysis, interview technique, cause and effect technique, realism training assessment technique, and accident investigation technique. The most commonly used technique is the preliminary hazard identification technique. This technique is based on the task analysis or flow diagram and it simply lists hazards that are associated with each task. When identifying hazards commanders must also be aware that a changing environment can often create a new hazard.

The second step of the risk management process is to assess the previously identified hazards. The objective of the risk assessment step is to determine the potential impact the hazard could have on the mission or task. This potential impact is determined by examining the probability of hazard occurring and the severity of the hazard's outcome. After the probability and severity are determined, the final step involves determining the level of risk by using a risk assessment matrix (RAM). The initial sub step of risk assessment (step two) is to determine the probability of the event occurring. Field Manual (FM) 100-14 describes five categories for probability: frequent, likely, occasional, seldom, and unlikely. The details of each category are in the figure below.

FREQUENT (A) Occurs very often, continuously experienced	
Single item	Occurs very often in service life. Expected to occur several times over duration of a specific mission or operation. Always occurs.
Fleet or inventory of items	Occurs continuously during a specific mission or operation, or over a service life.
Individual soldier	Occurs very often in career. Expected to occur several times during mission or operation. Always occurs.
All soldiers exposed	Occurs continuously during a specific mission or operation.

LIKELY (B) Occurs several times	
Single item	Occurs several times in service life. Expected to occur during a specific mission or operation.
Fleet or inventory of items	Occurs at a high rate, but experienced intermittently (regular intervals, generally often,).
Individual soldier	Occurs several times in career. Expected to occur during a specific mission or operation.
All soldiers exposed	Occurs at a high rate, but experienced intermittently.
OCCASIONAL (C) Occurs sporadically	
Single item	Occurs some time in service life. May occur about as often as not during a specific mission or operation.
Fleet or inventory of items	Occurs several times in service life.
Individual soldier	Occurs some time in career. May occur during a specific mission or operation, but not often.
All soldiers exposed	Occurs sporadically (irregularly, sparsely, or sometimes).
SELDOM (D) Remotely possible; could occur at some time	
Single item	Occurs in service life, but only remotely possible. Not expected to occur during a specific mission or operation.
Fleet or inventory of items	Occurs as isolated incidents. Possible to occur some time in service life, but rarely. Usually does not occur.
Individual soldier	Occurs as isolated incident during a career. Remotely possible, but not expected to occur during a specific mission or operation.
All soldiers exposed	Occurs rarely within exposed population as isolated incidents.
UNLIKELY (E) Can assume will not occur, but not impossible	
Single item	Occurrence not impossible, but can assume will almost never occur in service life. Can assume will not occur during a specific mission or operation.
Fleet or inventory of items	Occurs very rarely (almost never or improbable). Incidents may occur over service life.
Individual soldier	Occurrence not impossible, but may assume will not occur in career or during a specific mission or operation.
All soldiers exposed	Occurs very rarely, but not impossible.

Figure 57. Five categories for probability.

The next sub step of risk assessment is to determine the severity of each of the identified hazards. Commanders may use knowledge of the results of similar past events

to help determine the severity of the hazard. FM 100-14 describes four categories for severity: catastrophic, critical, marginal, and negligible. The details of each category are provided in the figure below.

CATASTROPHIC (I)	Loss of ability to accomplish the mission or mission failure. Death or permanent total disability (accident risk). Loss of major or mission-critical system or equipment. Major property (facility) damage. Severe environmental damage. Mission-critical security failure. Unacceptable collateral damage.
CRITICAL (II)	Significantly (severely) degraded mission capability or unit readiness. Permanent partial disability, temporary total disability exceeding 3 months time (accident risk). Extensive (major) damage to equipment or systems. Significant damage to property or the environment. Security failure. Significant collateral damage.
MARGINAL (III)	Degraded mission capability or unit readiness. Minor damage to equipment or systems, property, or the environment. Lost day due to injury or illness not exceeding 3 months (accident risk). Minor damage to property or the environment.
NEGLIGIBLE (IV)	Little or no adverse impact on mission capability. First aid or minor medical treatment (accident risk). Slight equipment or system damage, but fully functional and serviceable. Little or no property or environmental damage.

Figure 58. Four categories for severity.

The final sub step in risk assessment is to determine the level of risk by using the probability and severity estimates from the previous steps. This is done by finding the intersect point of the probability and severity on the risk assessment matrix below. For example, a hazard that is estimated to have a *seldom* chance of occurring with a severity of *critical* would have a *moderate* risk. The Army's risk assessment matrix is the figure below.

Risk Assessment Matrix						
		Probability				
Severity		Frequent A	Likely B	Occasional C	Seldom D	Unlikely E
Catastrophic	I	E	E	H	H	M
Critical	II	E	H	H	M	L
Marginal	III	H	M	M	L	L
Negligible	IV	M	L	L	L	L
E – Extremely High Risk H – High Risk M – Moderate Risk L – Low Risk						

Figure 59. Army's risk assessment worksheet.

E - Extremely High:

Loss of ability to accomplish the mission if hazards occur during mission. A frequent or likely probability of catastrophic loss (IA or IB) or frequent probability of critical loss (IIA) exists.

H - High:

Significant degradation of mission capabilities in terms of the required mission standard, inability to accomplish all parts of the mission, or inability to complete the mission to standard if hazards occur during the mission. Occasional to seldom probability of catastrophic loss (IC or ID) exists. A likely to occasional probability exists of a critical loss (IIB or IIC) occurring. Frequent probability of marginal losses (IIIA) exists.

M - Moderate:

Expected degraded mission capabilities in terms of the required mission standard will have a reduced mission capability if hazards occur during mission. An unlikely probability of catastrophic loss (IE) exists. The probability of a critical loss is seldom (IID). Marginal losses occur with a likely or occasional probability (IIIB or IIIC). A frequent probability of negligible (IVA) losses exists.

L - Low:

Expected losses have little or no impact on accomplishing the mission. The probability of critical loss is unlikely (IIE), while that of marginal loss is seldom (IIID) or unlikely (IIIE). The probability of a negligible loss is likely or less (IVB through (IVE).

Step three of the risk management process is to develop controls and make decisions on options to eliminate the hazards or reduce the risk. Controls can be taken in three forms: educational, physical and avoidance (Field Manual 100-14, 1998). Educational controls include the skill and knowledge of units and individuals. It may also include the increase in skill and knowledge of units and individuals through training, communication and education. Physical controls include physical barriers, guards or signs, etc. that are used to warn other individuals or units about the potential danger. Avoidance controls are controls that are applied to prevent personnel from coming in contact with the potential hazard.

When commanders decide which controls to implement they must take into consideration certain factors that would make the controls effective and realistic. Commanders must ensure the controls are suitable and remove or mitigate the hazard to an acceptable risk level. They must also ensure that the individual or unit has the capability to implement the controls. Finally, commanders must make certain that the benefit gained by implementing the control justifies the associated cost and time spent mitigating the hazard.

Once commanders decide on the appropriate controls they must determine the residual risk. A residual risk will only exist if the controls are implemented. The example above, where the risk level is *moderate* because of its *seldom* chance of occurring with a severity of *critical*, could have controls implemented which could reduce the risk level. If a certain control is implemented to reduce the chance of occurring from *seldom* to *unlikely* then the residual risk would be reduced to *low*.

Once commanders implement controls for all hazards for a certain task or mission then the overall residual risk level is determined. If a task or mission has only one hazard then the overall risk is the risk level of that specific hazard. However, it is more realistic to see many hazards identified for a single task or mission. In this case the overall residual risk is determined based on the hazard having the greatest residual risk level. For example, if a mission has seven hazards identified as having residual risk levels of *low* and one hazard has a residual risk level of *high* then the overall risk residual risk level for the task or mission is *high*.

The approving authority of the risk assessment may vary by command, location or situation. Risk decision should be made directly by the commander responsible for the task or mission. A commander may place constraints on his subordinates to restrict their acceptance of risk that might jeopardize his or higher command's intent or mission. However, many Army units follow the following approval authority hierarchy: *low*, Company Commander; *moderate*, Battalion Commander; *high*, Brigade Commander; and *extremely high*, Commanding General.

The commander responsible for the mission or task at hand will complete the Army risk management worksheet shown in the figure 58 on the following page. This worksheet describes the task and provides a summary of the hazards, the initial assessment, the controls, the residual risk level, and guidance on how to implement those controls. The commander will then circle the overall risk level as determined by the

procedures outlined above. In the example below, conduct a deliberate attack, the commander has assessed the mission with a residual overall risk of *moderate* because the highest residual risk for any individual hazard is *moderate*.

A. Mission or Task: Conduct a deliberate attack		B. Date/Time Group Begin: 010035R May XX End: 010600R May XX		C. Date Prepared: 29 April XX	
D. Prepared By: (Rank, Last Name, Duty Position) CPT William Wallace, Cdr					
E. Task	F. Identify Hazards	G. Assess Hazards	H. Develop Controls	I. Determine Residual Risk	J. Implement Controls ("How To")
Conduct obstacle breaching operations	Obstacles	High (H)	Develop and use obstacle reduction plan	Low (L)	Unit TACSOP, OPORD, training handbook
	Inexperienced soldiers	High (H)	Additional instruction and increased supervision	Moderate (M)	Modified training schedule, additional instruction
	Operating under limited visibility	Moderate (M)	Use NVDs; use IR markers on vehicles	Low (L)	Unit TACSOP, OPORD
	Steep cliffs	High (H)	Rehearse use of climbing ropes	Moderate (M)	FM 90-6, <i>Mountain Operations</i> TC 90-6-1, <i>Mountaineering</i>
	Insufficient planning time	High (H)	Plan and prepare concurrently	Moderate (M)	OPORD, troop-leading procedures
K. Determine overall mission/task risk level after controls are implemented (circle one)					
LOW (L) MODERATE (M) HIGH (H) EXTREMELY HIGH (E)					

Figure 60. Army risk management worksheet.

After the risk assessment has been approved, the commander of the task or mission may begin the next step of implementing controls. Implementation must focus on the users, the goals and the standards. Control measures selected to eliminate the hazard or reduce the risk must be integrated into the mission or task requirements in a timely manner. When possible, these controls should be implemented into the unit's standard operating procedures. Control measures must be communicated effectively to all personnel involved, especially those personnel who are responsible for implementing the controls. Commanders must also ensure that safety briefings covering the hazards and their control measures are conducted.

The final step of the five step risk management process is to supervise and evaluate the effectiveness of the controls that have been implemented. Commanders at all levels must supervise and evaluate the execution of the mission or task to ensure that standards and controls are being enforced. Commanders must be aware of changing environments and situations which may render the controls ineffective. Furthermore, commanders must instill discipline and enforce standards to guard against complacency-

which could also degrade or neutralize the effectiveness of the controls. Commanders should remain flexible and must modify controls as the changes warrant. In addition, commanders must be proactive and anticipate, identify, and assess new hazards and implement new controls. After the mission or task is complete the commander should conduct an after action review to evaluate the effectiveness of the controls and the risk management process.

APPENDIX I

PROSPECTUS APPROVAL FORM

APPENDIX D: APPROVAL FORM

Dissertation Proposal¹
Approval Form

Please print:
Student Name AARON SEAN POYNTON

Program D.P.A.

Date 8/5/09

Thesis or Dissertation Proposal Title

DUEL OVER DUALITY: EXPLORATORY STUDY OF THE DUAL
IMPACT OF THE U.S. NATIONAL GUARD ON DOMESTIC
EMERGENCY RESPONSE

Approval of the attached Dissertation proposal is indicated by our signatures below. The proposal conforms to IRB guidelines for research with human subjects.

[Signature] Ph.D. August 5, 2009
Dissertation Chair Date

[Signature] Ph.D. August 5, 2009
Committee Member Date

[Signature] August 5, 2009
Committee Member Date

Committee Member Date

[Signature]
Student August 5, 2009
Date

[Signature]
Program Director 8/18/07
Date

¹ A copy of the Thesis or Dissertation Proposal is attached. Copy to student and original to student's file.

APPENDIX J

IRB APPROVAL LETTER



October 13, 2009

Aaron Sean Poynton
School of Public Affairs
University of Baltimore
1420 N. Charles Street
Baltimore, MD 21201

Dear Mr. Poynton,

This letter serves as official confirmation of our earlier communication regarding the Institutional Review Board's review and approval of your protocol for a study of the impact of the dual status of the US National Guard on domestic emergency response, submitted on September 8.

In your proposal, you indicated that the study consists of surveys of the 52 Adjutant Generals of the National Guard to be administered on-line, as well as semi-structured interviews with senior level Federal officials, conducted as part of the normal execution of their duties. Data from these instruments will be compared to other existing secondary data as part of this analysis.

The Board had concerns with your survey invitation (Appendix D), as it seemed to somewhat coerce participation. To address this concern, the second sentence in the third paragraph needs to be reworded to ensure that participants truly feel that participation is voluntary:

"Participation is voluntary and you may withdraw participation at any time. In addition, MG Gregory Wayt, AGAUS President, and MG (R) Harry Sykora, Chairman of the Joint Homeland Security Task Force, ask for your support of this research."

In addition, you are reminded of your duty to protect the confidentiality of the participants.

The Institutional Review Board considered your protocol and based on your application concluded that your project poses minimal risk to human subjects. In addition, research involving the study or evaluation of public benefit or service programs where public officials are the subject of the research is exempt from IRB full-committee review per 45 CFR 46.101 (b) (5). As a result, the Institutional Review Board approved your proposal.

University of Baltimore
1420 N. Charles St., AC 245
Baltimore, MD 21201-5779

T: 410.837.6191/6199
F: 410.837.5249
www.ubalt.edu/grants

Poynton, Page 2

If you have any questions, please do not hesitate to contact me directly by phone or via email.

As authorized by Thomas Mitchell, Ph.D.
Industrial & Organizational Psychologist
Chair, Institutional Review Board



Margarita M Cardona, MS, CRA
Director of Sponsored Research
Secretary, Institutional Review Board

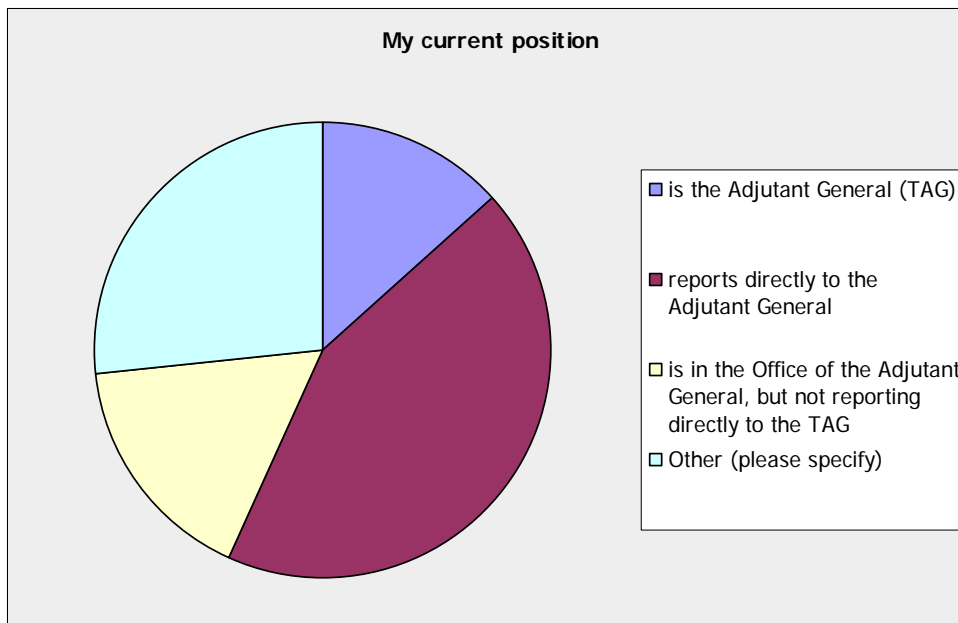
Cc: John J. Callahan, Faculty Advisor

APPENDIX K
SURVEY RESULTS

National Guard State Emergency Response Survey

My current position		
Answer Options	Response Percent	Response Count
is the Adjutant General (TAG)	13.3%	4
reports directly to the Adjutant General	43.3%	13
is in the Office of the Adjutant General, but not reporting directly to the TAG	16.7%	5
Other (please specify)	26.7%	8
<i>answered question</i>		30
<i>skipped question</i>		0

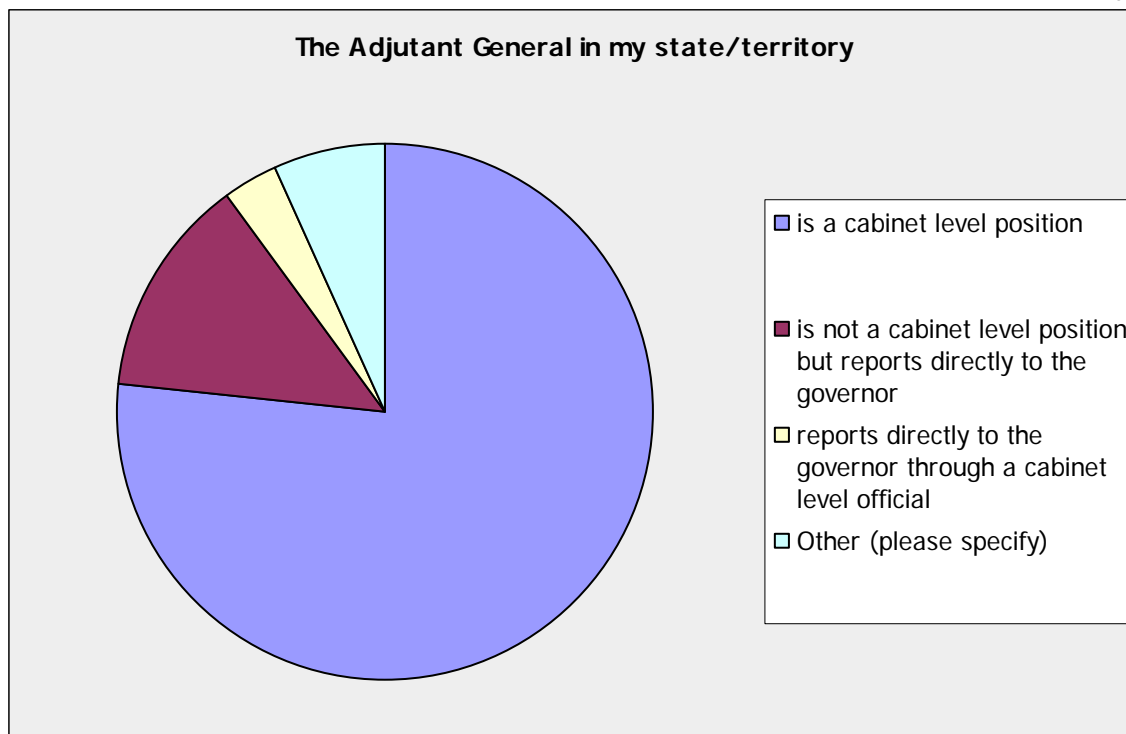
Number	Response Date	Other (please specify)
1	Dec 16, 2009 8:56 PM	Director of Joint Operations for Texas Military Forces
2	Dec 17, 2009 3:55 PM	J3-Operations, Plans & Policies
3	Dec 18, 2009 3:07 PM	Director of Operations (J3)
4	Dec 21, 2009 9:50 PM	Deputy J3
5	Dec 21, 2009 10:11 PM	G3 & J3
6	Dec 22, 2009 12:29 PM	Deputy J3 Director of Military Support Joint Operations Center Supervisor/Physical Security
7	Dec 22, 2009 10:35 PM	Manager
8	Dec 24, 2009 12:32 AM	J3



National Guard State Emergency Response Survey

The Adjutant General in my state/territory		
Answer Options	Response Percent	Response Count
is a cabinet level position	76.7%	23
is not a cabinet level position but reports directly to the governor	13.3%	4
reports directly to the governor through a cabinet level official	3.3%	1
Other (please specify)	6.7%	2
answered question		30
skipped question		0

Number	Response Date	Other (please specify)
1	Dec 16, 2009 2:13 AM	Elected by popular vote of the people. A State Constitutional Officer
2	Dec 17, 2009 3:55 PM	Commissioner of Department of Military Affairs

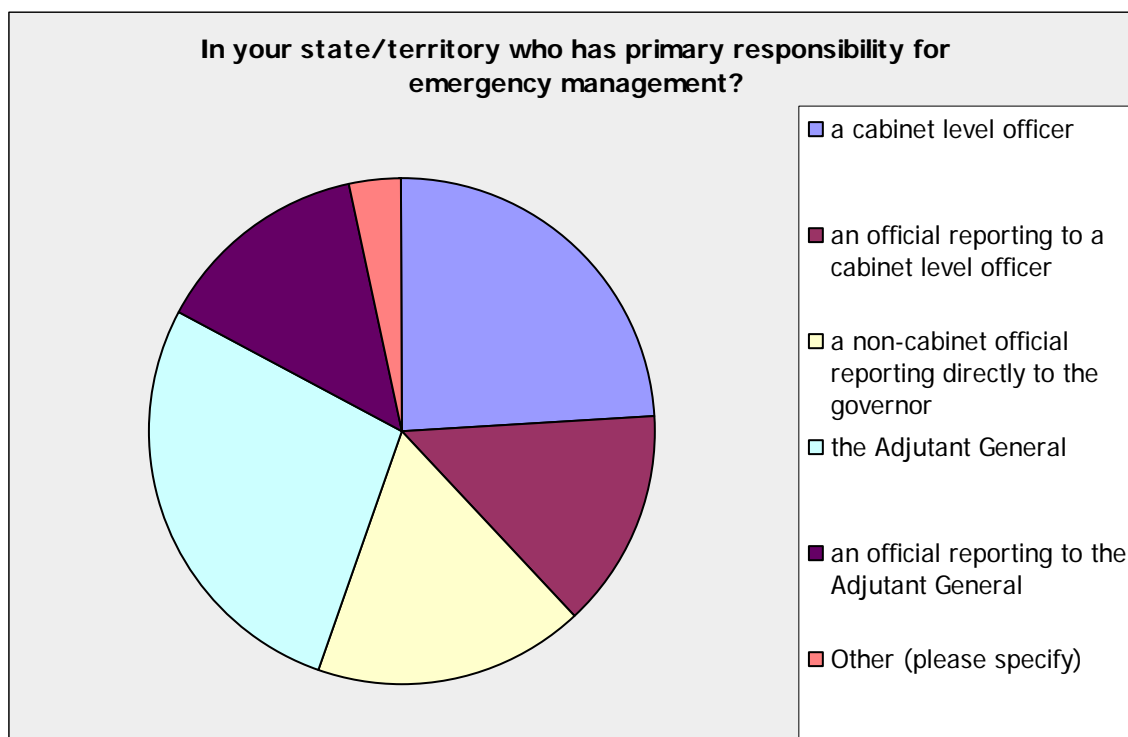


National Guard State Emergency Response Survey

In your state/territory who has primary responsibility for emergency management?

Answer Options	Response Percent	Response Count
a cabinet level officer	24.1%	7
an official reporting to a cabinet level officer	13.8%	4
a non-cabinet official reporting directly to the governor	17.2%	5
the Adjutant General	27.6%	8
an official reporting to the Adjutant General	13.8%	4
Other (please specify)	3.4%	1
answered question		29
skipped question		1

Number	Response Date	Other (please specify)
1	Dec 17, 2009 3:55 PM	Department of Public Safety

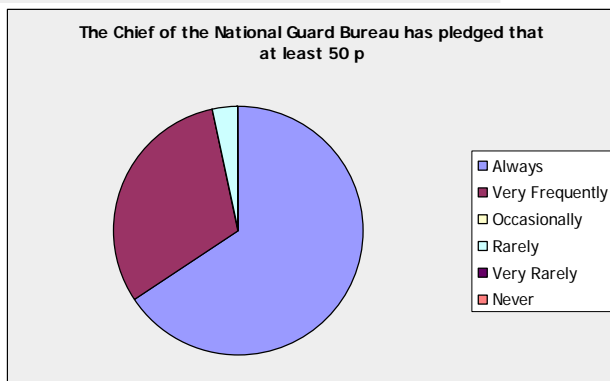


National Guard State Emergency Response Survey

The Chief of the National Guard Bureau has pledged that at least 50 percent of each state's/territory's National Guard personnel will be available to the Governor/TAG at all times to perform state/territory missions. For your state/territory, how often has the NGB followed through with this policy since its implementation?

Answer Options	Response Percent	Response Count
Always	65.5%	19
Very Frequently	31.0%	9
Occasionally	0.0%	0
Rarely	3.4%	1
Very Rarely	0.0%	0
Never	0.0%	0
If possible, provide details to substantiate your rating (especially for ratings of "Occasionally" through "Never") or any other details that you feel are important.		5
answered question		29
skipped question		1

Number	Response Date	If possible, provide details to substantiate your rating (especially for ratings of "Occasionally" through "Never") or any other details that you feel are important.
1	Dec 16, 2009 8:56 PM	It depends on what category you are looking at. For instance, the rotor wing support in Texas has been far lower than 50 percent for several years due to deployments, but the over percentage of the Texas Military Forces was above 50 percent.
2	Dec 18, 2009 3:19 PM	Even with the OCONUS deployment of our brigade, at least 50% of our soldiers remain available for DOMOPS
3	Dec 21, 2009 10:34 PM	there has never been more then 48% of our National Guard pernonnel mobilized
4	Dec 22, 2009 7:40 PM	For a three month period in 2008 we had both our IBCT and FiB deployed. Our available strength was very near 50%.
5	Dec 24, 2009 12:33 AM	The most deployed at one time was up to approx 45%.

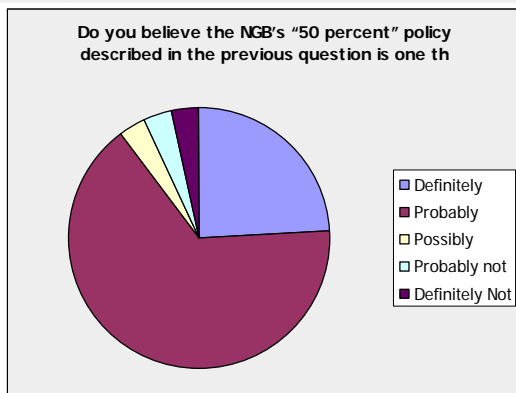


National Guard State Emergency Response Survey

Do you believe the NGB's "50 percent" policy described in the previous question is one that at the minimum threshold allows enough National Guard personnel to adequately respond to most emergencies that occur in your state/territory that require assistance from the National Guard (excluding major disasters, on the scale of Hurricane Katrina)?

Answer Options	Response Percent	Response Count
Definitely	24.1%	7
Probably	65.5%	19
Possibly	3.4%	1
Probably not	3.4%	1
Definitely Not	3.4%	1
If answered "Possibly," "Probably not," or "Definitely Not," estimate the percentage of National Guard personnel that you recommend are available in your state/territory at all times to adequately respond to most emergencies that require assistance from the National Guard		2
answered question		29
skipped question		1

Number	Response Date	If answered "Possibly," "Probably not," or "Definitely Not," estimate the percentage of National Guard personnel that you recommend are available in your state/territory at all times to adequately respond to most emergencies that require assistance from the National Guard
1	Dec 21, 2009 10:34 PM	this does not take in to account levels of mobilization of certain capabilities
2	Dec 24, 2009 12:33 AM	Total numbers don't tell the story of "capability" not all personnel are capable of providing essential emergency response capabilities such as aviation



National Guard State Emergency Response Survey

<u>From 1993 to 2001,</u> what is the average percentage of your state/territory National Guard's <i>personnel</i> that were unavailable due to federal Title 10 missions (indicate if estimate or actual)?

Answer Options	Response Count
	28
<i>answered question</i>	28
<i>skipped question</i>	2

Number	Response Date	Response Text
1	Dec 15, 2009 1:34 PM	2% est
2	Dec 15, 2009 7:41 PM	Estimate 85-90%
3	Dec 15, 2009 9:03 PM	12 percent estimate
4	Dec 15, 2009 9:29 PM	12% estimate
5	Dec 16, 2009 2:17 AM	5% Estimated
6	Dec 16, 2009 7:43 PM	Do not know.
7	Dec 16, 2009 8:56 PM	est 5 percent
8	Dec 17, 2009 4:02 PM	estimate 5-10 %
9	Dec 18, 2009 2:00 PM	10%
10	Dec 18, 2009 3:19 PM	est 10%
11	Dec 19, 2009 8:09 PM	2 (estimate)
12	Dec 20, 2009 3:18 AM	All were available
13	Dec 21, 2009 1:26 PM	0% Actual
14	Dec 21, 2009 2:41 PM	5% (Est)
15	Dec 21, 2009 9:55 PM	10
16	Dec 21, 2009 10:34 PM	estimated at less than 10%
17	Dec 22, 2009 12:38 PM	<5%
18	Dec 22, 2009 7:40 PM	Estimate - less than 5%
19	Dec 22, 2009 8:37 PM	estimate < 10%
20	Dec 22, 2009 8:42 PM	15%
21	Dec 22, 2009 10:49 PM	zero percent (estimate)
22	Dec 23, 2009 2:50 PM	Less than 8 percent est.
23	Dec 23, 2009 4:08 PM	0 to 10
24	Dec 23, 2009 6:49 PM	EST 2%
25	Dec 23, 2009 11:43 PM	Estimate <5%
26	Dec 24, 2009 12:33 AM	10
27	Dec 25, 2009 2:50 AM	Less than 5%
28	Dec 28, 2009 6:29 PM	T-10 Mobilization records for this period are not available. There were several small Company size deployments during this period to Kuwait for security operations. The percentage is estimated to be less than 2%.

National Guard State Emergency Response Survey

<u>From 1993 to 2001,</u> what is the average percentage of your state/territory National Guard's *dual use equipment* that was unavailable due to federal Title 10 missions (indicate if estimate or actual)?

Answer Options	Response Count
	28
<i>answered question</i>	28
<i>skipped question</i>	2

Number	Response Date	Response Text
1	Dec 15, 2009 1:34 PM	2% est
2	Dec 15, 2009 7:41 PM	Estimate 15%
3	Dec 15, 2009 9:03 PM	3 per cent estimate
4	Dec 15, 2009 9:29 PM	3% estimate
5	Dec 16, 2009 2:17 AM	5% Estimated
6	Dec 16, 2009 7:43 PM	Do not know.
7	Dec 16, 2009 8:56 PM	5 percent
8	Dec 17, 2009 4:02 PM	estimate 1-5 %
9	Dec 18, 2009 2:00 PM	5%
10	Dec 18, 2009 3:19 PM	est less than 10%
11	Dec 19, 2009 8:09 PM	2 (estimate)
12	Dec 20, 2009 3:18 AM	All were available
13	Dec 21, 2009 1:26 PM	0% Actual
14	Dec 21, 2009 2:41 PM	0% (Actual)
15	Dec 21, 2009 9:55 PM	10%
16	Dec 21, 2009 10:34 PM	estimated at less then 10%
17	Dec 22, 2009 12:38 PM	<5%
18	Dec 22, 2009 7:40 PM	Estimate - less than 5%
19	Dec 22, 2009 8:37 PM	estimate < 10%
20	Dec 22, 2009 8:42 PM	15%
21	Dec 22, 2009 10:49 PM	zero percent (estimate)
	Dec 23, 2009 2:50 PM	Less than 2 percent est however never had 100% to begin with - tiered readiness issue
22		
23	Dec 23, 2009 4:08 PM	0 to 10
24	Dec 23, 2009 6:49 PM	EST2%
25	Dec 23, 2009 11:43 PM	Estimate <5%
26	Dec 24, 2009 12:33 AM	10 Less than 5% of assigned equipment, does not account for authorized equipment that was not assigned.
27	Dec 25, 2009 2:50 AM	
28	Dec 28, 2009 6:29 PM	2.6% - estimate

National Guard State Emergency Response Survey

Since 2001, what is the average percentage of *personnel* that were unavailable due to federal Title 10 missions (indicate if estimate or actual)?

Answer Options	Response Count
	28
<i>answered question</i>	28
<i>skipped question</i>	2

Number	Response Date	Response Text
1	Dec 15, 2009 1:34 PM	15% est
2	Dec 15, 2009 7:41 PM	Estimate 40%
3	Dec 15, 2009 9:03 PM	20 percent estimate
4	Dec 15, 2009 9:29 PM	20% estimate
5	Dec 16, 2009 2:17 AM	25% Estimated
6	Dec 16, 2009 7:43 PM	10-15% estimate annual
7	Dec 16, 2009 8:56 PM	est of 15 to 25 percent
8	Dec 17, 2009 4:02 PM	estimate 20%
9	Dec 18, 2009 2:00 PM	High water mark - 65%, low water mark - 10%
10	Dec 18, 2009 3:19 PM	est 40%
11	Dec 19, 2009 8:09 PM	8 (estimate)
12	Dec 20, 2009 3:18 AM	Estimate 65%
13	Dec 21, 2009 1:26 PM	30% Estimated.
14	Dec 21, 2009 2:41 PM	25% (Est)
15	Dec 21, 2009 9:55 PM	20%
16	Dec 21, 2009 10:34 PM	estimated at 25% per year
17	Dec 22, 2009 12:38 PM	Approximatley 14%
18	Dec 22, 2009 7:40 PM	Estimate - 20%
19	Dec 22, 2009 8:37 PM	estimate on more than 30%
20	Dec 22, 2009 8:42 PM	45%
21	Dec 22, 2009 10:49 PM	8.3 percent (estimate) (total, not individual year percent)
22	Dec 23, 2009 2:50 PM	20% (est)
23	Dec 23, 2009 4:08 PM	0 to 35
24	Dec 23, 2009 6:49 PM	EST 40%
25	Dec 23, 2009 11:43 PM	Estimate 15%
26	Dec 24, 2009 12:33 AM	20
27	Dec 25, 2009 2:50 AM	This question would depend on the specific year; 2005 through 2007 was our most difficult period with key battalions and HQ's deployed.
28	Dec 28, 2009 6:29 PM	14.8% esitmate

National Guard State Emergency Response Survey

Since 2001, what is the average percentage of dual use equipment that was unavailable due to federal Title 10 missions (indicate if estimate or actual)?

Answer Options	Response Count
	28
<i>answered question</i>	28
<i>skipped question</i>	2

Number	Response Date	Response Text
1	Dec 15, 2009 1:34 PM	15% est
2	Dec 15, 2009 7:41 PM	Estimate 25-30%
3	Dec 15, 2009 9:03 PM	2 percent estimate
4	Dec 15, 2009 9:29 PM	2% estimate
5	Dec 16, 2009 2:17 AM	25% Estimated
6	Dec 16, 2009 7:43 PM	5-10% estimate annual
7	Dec 16, 2009 8:56 PM	est 30 to 35 percent
8	Dec 17, 2009 4:02 PM	estimate 15%
9	Dec 18, 2009 2:00 PM	high water mark - 85%, low water mark - 10%
10	Dec 18, 2009 3:19 PM	est 50%
11	Dec 19, 2009 8:09 PM	4 (estimate)
12	Dec 20, 2009 3:18 AM	All were available
13	Dec 21, 2009 1:26 PM	30% Estimated.
14	Dec 21, 2009 2:41 PM	15% (Est)
15	Dec 21, 2009 9:55 PM	10%
16	Dec 21, 2009 10:34 PM	estimated at less then 10% per year
17	Dec 22, 2009 12:38 PM	0%
18	Dec 22, 2009 7:40 PM	Estimate - 20%
19	Dec 22, 2009 8:37 PM	estimate < 20%
20	Dec 22, 2009 8:42 PM	35%
21	Dec 22, 2009 10:49 PM	one percent (estimate)
	Dec 23, 2009 2:50 PM	44% est but only had about 70% of required equipment to begin with based on tiered readiness
22		
23	Dec 23, 2009 4:08 PM	0 to 35
24	Dec 23, 2009 6:49 PM	EST 80%--units stripped of gear to support war
25	Dec 23, 2009 11:43 PM	Estimate 20%
26	Dec 24, 2009 12:33 AM	10
	Dec 25, 2009 2:50 AM	2005-2007 virtually all of our EN Equipment, Heavy Transporters, and Helicopters were deployed at some point during this time period.
27		
28	Dec 28, 2009 6:29 PM	4.7 % esitmate

National Guard State Emergency Response Survey

What the percentage of your National Guard's <i>personnel</i> is <u>currently</u> not available due to federal Title 10 missions (indicate if estimate or actual)?	
Answer Options	Response Count
	28
<i>answered question</i>	28
<i>skipped question</i>	2

Number	Response Date	Response Text
1	Dec 15, 2009 1:34 PM	11% est
2	Dec 15, 2009 7:41 PM	Actual 5%
3	Dec 15, 2009 9:03 PM	26 percent estimate 26%
4	Dec 15, 2009 9:29 PM	estimate
5	Dec 16, 2009 2:17 AM	10% 25%
6	Dec 16, 2009 7:43 PM	estimate est 25
7	Dec 16, 2009 8:56 PM	percent estimate
8	Dec 17, 2009 4:02 PM	10%
9	Dec 18, 2009 2:00 PM	50%
10	Dec 18, 2009 3:19 PM	act 40%
11	Dec 19, 2009 8:09 PM	25 (actual) Estimate
12	Dec 20, 2009 3:18 AM	35%
13	Dec 21, 2009 1:26 PM	10% Actual
14	Dec 21, 2009 2:41 PM	40% (Actual)
15	Dec 21, 2009 9:55 PM	10%
16	Dec 21, 2009 10:34 PM	approximately 10%
17	Dec 22, 2009 12:38 PM	Approximatley 16%
18	Dec 22, 2009 7:40 PM	5%
19	Dec 22, 2009 8:37 PM	estimate < 10%
20	Dec 22, 2009 8:42 PM	25%
21	Dec 22, 2009 10:49 PM	two percent (estimate)
22	Dec 23, 2009 2:50 PM	6 percent est.
23	Dec 23, 2009 4:08 PM	20
24	Dec 23, 2009 6:49 PM	EST 50% Estimate
25	Dec 23, 2009 11:43 PM	15%
26	Dec 24, 2009 12:33 AM	10
27	Dec 25, 2009 2:50 AM	15
28	Dec 28, 2009 6:29 PM	7.6% esitmate

National Guard State Emergency Response Survey

What percentage of your National Guard's *dual-use* equipment is currently not available due to federal Title 10 missions (indicate if estimate or actual)?

Answer Options	Response Count
	28
<i>answered question</i>	28
<i>skipped question</i>	2

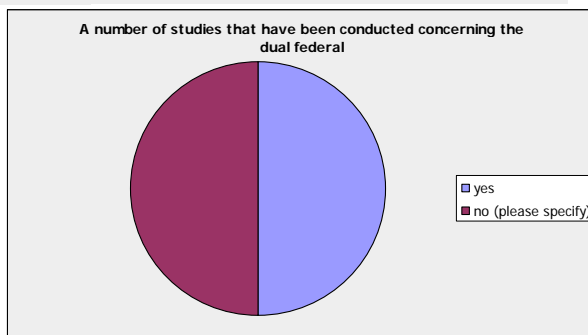
Number	Response Date	Response Text
1	Dec 15, 2009 1:34 PM	1% est Estimate
2	Dec 15, 2009 7:41 PM	15%
3	Dec 15, 2009 9:03 PM	5 percent estimate
4	Dec 15, 2009 9:29 PM	5% estimate
5	Dec 16, 2009 2:17 AM	10% 10%
6	Dec 16, 2009 7:43 PM	estimate
7	Dec 16, 2009 8:56 PM	est 30 to 35 percent
8	Dec 17, 2009 4:02 PM	estimate 5%
9	Dec 18, 2009 2:00 PM	50%
10	Dec 18, 2009 3:19 PM	est 40%
11	Dec 19, 2009 8:09 PM	3 (estimate) All are available
12	Dec 20, 2009 3:18 AM	available
13	Dec 21, 2009 1:26 PM	20% Actual
14	Dec 21, 2009 2:41 PM	30% (Actual)
15	Dec 21, 2009 9:55 PM	10% estimated at less than
16	Dec 21, 2009 10:34 PM	2%
17	Dec 22, 2009 12:38 PM	0%
18	Dec 22, 2009 7:40 PM	5%
19	Dec 22, 2009 8:37 PM	estimate 5%
20	Dec 22, 2009 8:42 PM	40%
21	Dec 22, 2009 10:49 PM	two percent (estimate)
22	Dec 23, 2009 2:50 PM	less than 10% est.
23	Dec 23, 2009 4:08 PM	<1
24	Dec 23, 2009 6:49 PM	EST 35% Estimate
25	Dec 23, 2009 11:43 PM	10%
26	Dec 24, 2009 12:33 AM	10
27	Dec 25, 2009 2:50 AM	15
28	Dec 28, 2009 6:29 PM	1% estimate

National Guard State Emergency Response Survey

A number of studies that have been conducted concerning the dual federal and state/territory missions of the National Guard indicate that individual states and territories have little or no input concerning their Guard's emergency management needs, such as training, equipment, or funding. Do you find this conclusion to be true?

Answer Options	Response Percent	Response Count
yes	50.0%	11
no (please specify)	50.0%	11
If no, please specify		9
answered question		22
skipped question		8

Number	Response Date	If no, please specify
1	Dec 17, 2009 4:11 PM	NGB is funding improvements to Joint Operations Center, Communications Platforms and Computers.
2	Dec 18, 2009 2:26 PM	Partly true - within assigned equipment constraints, some ability to impact training
3	Dec 18, 2009 3:21 PM	We currently have some Army funding, and have initiated a process to receive Air funding (the ANG Domestic Ops Essential 10 Requirements Validation Conference)
4	Dec 21, 2009 2:45 PM	All of our issues, as they are surfaced, are adequately addressed w/i funding available
5	Dec 22, 2009 12:42 PM	We participate with IDHS with exercises and CONPLANS
6	Dec 22, 2009 8:39 PM	Aggressive Domestic ops program, Good relationship with NGB and state EMA
7	Dec 22, 2009 10:49 PM	Oklahoma has identified training and equipment required, but lacks the funding for state mission training.
8	Dec 23, 2009 2:54 PM	very close relationship between guard and state emergency management agency plans are linked
9	Dec 24, 2009 12:34 AM	No, we work closely with the Washington State Emergency Management Division

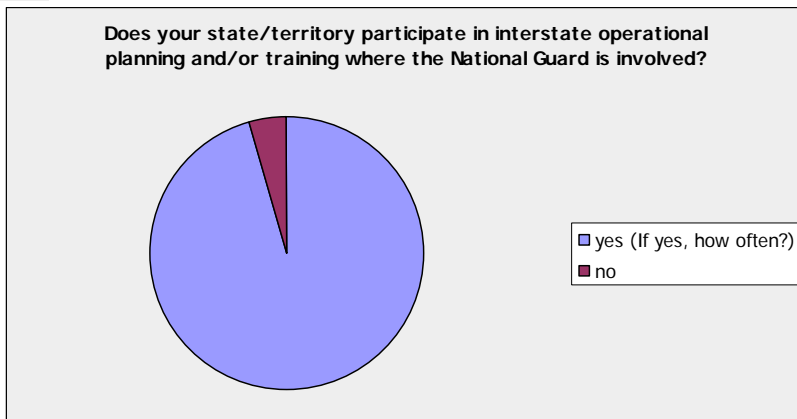


National Guard State Emergency Response Survey

Does your state/territory participate in interstate operational planning and/or training where the National Guard is involved?

Answer Options	Response Percent	Response Count
yes (If yes, how often?)	95.5%	21
no	4.5%	1
If yes, how often?		17
answered question		22
skipped question		8

Number	Response Date	If yes, how often?
1	Dec 15, 2009 3:18 PM	Annual Regional Civil Support Team events/exercises
2	Dec 15, 2009 7:44 PM	It depends on the type of unit; Some train annually; some train monthly and quarterly
3	Dec 16, 2009 2:19 AM	Multiple times per year
4	Dec 16, 2009 7:48 PM	as required; 2-3 times a year
5	Dec 17, 2009 4:11 PM	Quarterly
6	Dec 18, 2009 2:26 PM	at least once a quarter
7	Dec 18, 2009 3:21 PM	Semi-annually
8	Dec 19, 2009 8:10 PM	4-6 times per year
9	Dec 21, 2009 2:45 PM	No less than twice annually
10	Dec 22, 2009 12:42 PM	We are part of exercises at all levels and our planners with IDHS several times a month
11	Dec 22, 2009 8:39 PM	Annual
12	Dec 22, 2009 8:42 PM	At least quarterly
13	Dec 22, 2009 10:49 PM	three times a year (National/Regional Hurricane and earthquake)
14	Dec 23, 2009 2:54 PM	3 to 4 times per year
15	Dec 23, 2009 6:52 PM	2 per year
16	Dec 23, 2009 11:46 PM	approx. quarterly
17	Dec 24, 2009 12:34 AM	Planning meetings weekly, regular participation in training and exercises.



National Guard State Emergency Response Survey

On average, how much time does the National Guard in your state/territory spend on training for emergency response per year, per Guardsmen?

Answer Options	Response Average	Response Total	Response Count
Number of Hours	1,830.14	40,263	22
	<i>answered question</i>		22
	<i>skipped question</i>		8

Number	Response Date	Number of Hours
1	Dec 15, 2009 3:18 PM	4
2	Dec 15, 2009 7:44 PM	24
3	Dec 15, 2009 9:26 PM	8
4	Dec 16, 2009 2:19 AM	48
5	Dec 16, 2009 7:48 PM	40
6	Dec 17, 2009 4:11 PM	4
7	Dec 18, 2009 2:26 PM	4
8	Dec 18, 2009 3:21 PM	16
9	Dec 19, 2009 8:10 PM	2
10	Dec 20, 2009 3:19 AM	8
11	Dec 21, 2009 2:45 PM	4
12	Dec 22, 2009 12:42 PM	40000
13	Dec 22, 2009 8:39 PM	8
14	Dec 22, 2009 8:42 PM	8
15	Dec 22, 2009 10:49 PM	1
16	Dec 23, 2009 2:54 PM	8
17	Dec 23, 2009 4:14 PM	12
18	Dec 23, 2009 6:52 PM	16
19	Dec 23, 2009 11:46 PM	4
20	Dec 24, 2009 12:34 AM	16
21	Dec 25, 2009 2:50 AM	20
22	Dec 28, 2009 6:29 PM	8

National Guard State Emergency Response Survey

Are you prohibited or constrained in using federal funds related to either annual training or inactive drill training for emergency response training?

Answer Options	Response Percent	Response Count
yes (If yes, how?)	50.0%	11
no	50.0%	11
If yes, how?		10
answered question		22
skipped question		8

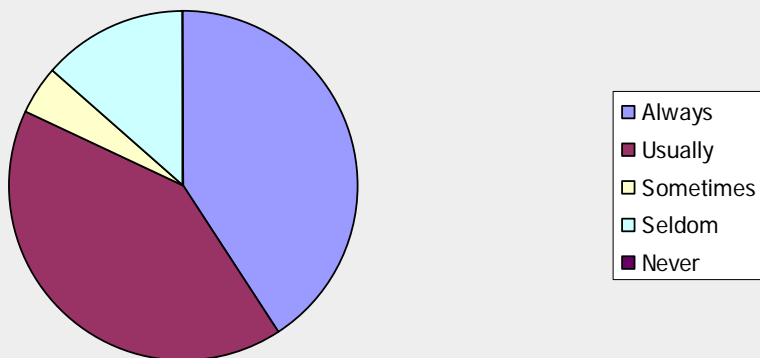
Number	Response Date	If yes, how?
1	Dec 15, 2009 3:18 PM	Example: A maintenance unit cannot conduct training on how to set up a logistics staging area to distribute commodities because it is not part of their war-time mission essential task list.
2	Dec 15, 2009 7:44 PM	Funding appropriations restrict TAG discretion on training for emergency response
3	Dec 16, 2009 7:48 PM	TRNG must also have applicability to specific MOS/AFSC skills trng to expend federal funds
4	Dec 18, 2009 2:26 PM	ADA and Purpose Clause etc, within these constraints federal funds can
5	Dec 21, 2009 2:45 PM	Constraints are centered on units' preparation for war-time mission
6	Dec 22, 2009 10:49 PM	significantly constrained due to MOSQ and federal mission training.
7	Dec 23, 2009 6:52 PM	outdated regs
8	Dec 23, 2009 11:46 PM	Tasks trained must be part of unit METL, and not just support state mission requirements
9	Dec 24, 2009 12:34 AM	Yes, we may not expend federal funds/resources on a State specific mission The constraint is a false constraint imposed by individuals who do not understand the Army Training Management System. Our process is based on two key points Mission Essential Task Approval Authority or METL (KEY POINT) and the purpose of Title 32 funds. I have discussed this with our USPF0 and our JAG.
10	Dec 25, 2009 2:50 AM	The key point is METL approval authority. This is backed up on the Army side by Army Doctrine.

National Guard State Emergency Response Survey

How often does the NGB maintain open two way communications with your state/territory throughout the early planning/pre-identification process for federal missions involving your state's/territory's National Guard?

Answer Options	Response Percent	Response Count
Always	40.9%	9
Usually	40.9%	9
Sometimes	4.5%	1
Seldom	13.6%	3
Never	0.0%	0
<i>answered question</i>		22
<i>skipped question</i>		8

How often does the NGB maintain open two way communications with your state/territory throughout the early planning/pre-identification process for federal missions involving your state's/territory's National Guard?

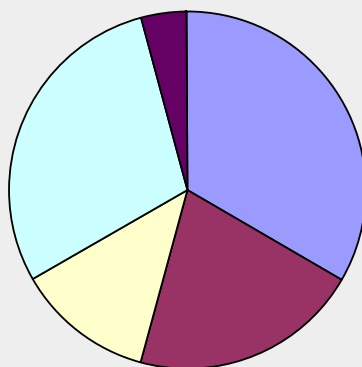


National Guard State Emergency Response Survey

How often is your state's/territory's emergency response capability taken into consideration when deciding which and how many of your state's/territory's National Guard units to activate for federal missions?

Answer Options	Response Percent	Response Count
Always	33.3%	8
Usually	20.8%	5
Sometimes	12.5%	3
Seldom	29.2%	7
Never	4.2%	1
<i>answered question</i>		24
<i>skipped question</i>		6

How often is your state's/territory's emergency response capability taken into consideration when deciding which and how many of your state's/territory's National Guard units to activate for federal missions?



■ Always
■ Usually
■ Sometimes
■ Seldom
■ Never

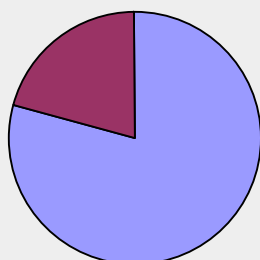
National Guard State Emergency Response Survey

Do you find that the EMAC (Emergency Management Assistance Compact) *fully* addresses the emergency response mission needs of your state's/territory's National Guard?

Answer Options	Response Percent	Response Count
yes	79.2%	19
no (please explain)	20.8%	5
If no, please explain		4
<i>answered question</i>		24
<i>skipped question</i>		6

Number	Response Date	If no, please explain
1	Dec 15, 2009 3:27 PM	In order to fully address state needs in an emergency, one has to take timeliness into consideration. This is especially true in situations of life and death. It takes time to process EMAC and get another state's military resources to the affected area in your own state.
2	Dec 18, 2009 2:33 PM	Under tiered response, local state and federal resources support a response. EMAC fully addresses the interstate needs with regard to state resources.
3	Dec 19, 2009 8:10 PM	Does not specifically address the issue of moving arms and ammunition. If armed soldiers are sent in support of an EMAC, an additional agreement, outside of the EMAC is required
4	Dec 23, 2009 11:50 PM	Slow process with additional state-level approvals required - would prefer interstate missions be T32 502f

Do you find that the EMAC (Emergency Management Assistance Compact) *fully* addresses the emergency response mission needs of your state's/territory's National Guard?



yes
 no (please explain)

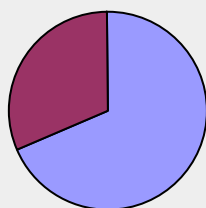
National Guard State Emergency Response Survey

Does the EMAC allow you to commit more of your state's/territory's National Guard to federal missions while maintaining the same level of readiness for emergency response?

Answer Options	Response Percent	Response Count
yes	68.2%	15
no (If no, why not?)	31.8%	7
If no, why not?		7
answered question		22
skipped question		8

Number	Response Date	If no, why not?
1	Dec 15, 2009 3:27 PM	Same as previous question...readiness is affected by timeliness. "Flash-to-bang" time is very different when deploying units you have in state vs units coming via EMAC through another state.
2	Dec 18, 2009 2:33 PM	N/A - We do not commit our NG to federal missions. We mobilize NG for federal missions when directed.
3	Dec 23, 2009 2:57 PM	assumes option to select federal missions - not true. state national must be ready to respond
4	Dec 23, 2009 4:15 PM	EMAC is not used for that purpose (Federal).
5	Dec 23, 2009 11:50 PM	still must do regional coordination to see who has critical assets (i.e. helicopters); emac doesn't show that status
6	Dec 24, 2009 12:35 AM	you can not take away forces and maintain the same level of readiness – you may be able to maintain adequate readiness but that is different..
7	Dec 28, 2009 6:30 PM	We would still maintain a 50% threshold regardless of EMAC

Does the EMAC allow you to commit more of your state's/territory's National Guard to federal missions while maintaining the same level of readiness for emergency response?



yes
 no (If no, why not?)

National Guard State Emergency Response Survey

Nearly every state/territory committed National Guard troops and equipment to the Hurricane Katrina response effort through EMAC. Instead of a hurricane, if the same level of out of state resources were needed to respond to a major terrorist attack in Louisiana, and intelligence estimated that other attacks may be pending somewhere else in the United States, do you believe your state/territory would?

Answer Options	Response Percent	Response Count
send the same number of troops or equipment	8.3%	2
send fewer troops or equipment	37.5%	9
send significantly fewer troops or equipment	12.5%	3
not send any troops or equipment at all	4.2%	1
Other (please explain)	37.5%	9
<i>answered question</i>		24
<i>skipped question</i>		6

Number	Response Date	Other (please explain)
1	Dec 15, 2009 9:34 PM	depends on thorough threat assessment and geographic/regional threat
2	Dec 16, 2009 2:22 AM	The answer is situation dependent and this is a speculative question
3	Dec 16, 2009 7:49 PM	Would support based upon careful analysis of the threat and potential FP requirements in-state that would be required As long as there is continuity of government at the state level, such that the state can articulate actionable requests for assistance, EMAC is the proper solution for the interstate transfer of state resources, regardless of the type of event. EMAC is highly effective in this regard, regardless of whether the event is a hurricane or terrorist event. The Governor approves the sending of resources out-of-state, therefore the determination of what should be send out-of-state for a terrorism event would be situation specific.
4	Dec 18, 2009 2:33 PM	
5	Dec 22, 2009 12:46 PM	If the intelligence report indicated a region of the US that was near the State of Indiana, the INNG would determine what troops and equipment we might need to respond to an attack near or in our state and then determine if we would have any additional forces, if any to send
6	Dec 23, 2009 2:57 PM	high threat areas in the state would probably be a mitigating factor
7	Dec 23, 2009 4:15 PM	depends

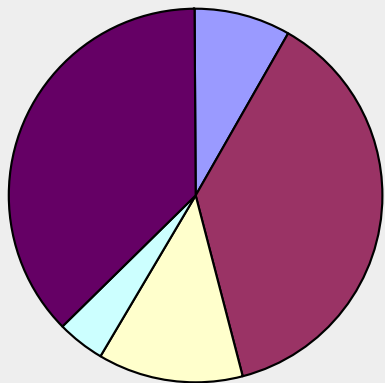
8 Dec 24, 2009 12:35 AM

Additional analysis would allow the boss to choose the proper Course of Action

9 Dec 28, 2009 6:30 PM

Commitment is based on the mission analysis of all events and threats at the time of the event

Nearly every state/territory committed National Guard troops and equipment to the Hurricane Katrina response effort through EMAC. Instead of a hurri



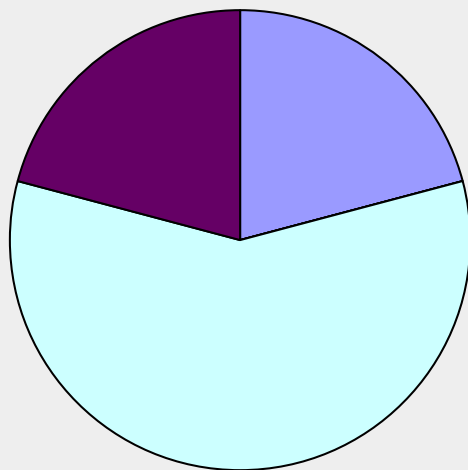
- send the same number of troops or equipment
- send fewer troops or equipment
- send significantly fewer troops or equipment
- not send any troops or equipment at all
- Other (please explain)

National Guard State Emergency Response Survey

If an emergency within your state/territory required the use of federal military forces along side your state's/territory's National Guard, which command and control structure would promote the best response to that emergency?		
Answer Options	Response Percent	Response Count
all forces under the control of the governor and the TAG (swearing in an active duty officer into your state's/territory's National Guard)	20.8%	5
all forces under the control of the president and combatant commander (federalization of your state's/territory's National Guard, such as LA Riots)	0.0%	0
a hybrid C2 with National Guard controlled by the governor/TAG and federal forces controlled by the president and combatant commander (such as Hurricane Katrina)	0.0%	0
a "dual-hatted" commander, commanding both non-federalized National Guard and federal forces (such as 2004 G8 Summit, Democratic and Republican National Conventions)	58.3%	14
Other (please explain)	20.8%	5
answered question		24
skipped question		6

Number	Response Date	Other (please explain)
1	Dec 15, 2009 9:34 PM	GOV and TAG with C2 over all forces
2	Dec 18, 2009 2:34 PM	Federal forces should employ in support of JFHQ-State, to enable a synchronized military response. Two separate chains of command are maintained, with unity of effort.
3	Dec 23, 2009 6:56 PM	TACON of federal forces by Governor.
4	Dec 24, 2009 12:35 AM	A Guardsmen, dual-hatted would be most effective
5	Dec 28, 2009 6:30 PM	a "dual-hatted" National Guard General Officer commanding both non-federalized National Guard and federal forces

If an emergency within your state/territory requires federal military forces along side your state's/territory's National Guard, which command and control structure would be the best response to that emergency?



■ all forces under the control of the governor and the TAG (swearing in an active duty officer into your state's/territory's National Guard)

■ all forces under the control of the president and combatant commander (federalization of your state's/territory's National Guard, such as LA Riots)

■ a hybrid C2 with National Guard controlled by the governor/TAG and federal forces controlled by the president and combatant commander (such as Hurricane Katrina)

■ a "dual-batted" commander

National Guard State Emergency Response Survey

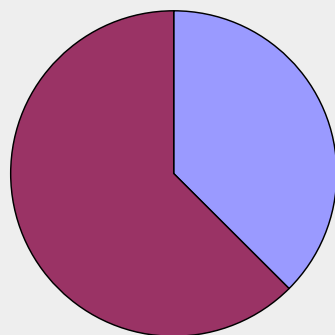
Do you believe that is necessary to have State Defense Forces to backup/augment the National Guard in your state/territory for emergency response missions?

Answer Options	Response Percent	Response Count
yes (if yes, why?)	37.5%	9
no (if no, why not?)	62.5%	15
Why/Why not?		22
<i>answered question</i>		24
<i>skipped question</i>		6

Number	Response Date	Why/Why not?
		It would be beneficial to have augmented capability to respond to emergencies. Right now, the NG is responsible for all aspects of ER without appropriate resourcing.
1	Dec 15, 2009 3:37 PM	SDF Conditions: -SDF must be former/retired military -A paid professional force -Under the C2 of the JFHQ -Fed funding must make SDF self sufficient with no adverse impact on mission & budgets of NG or State
2	Dec 15, 2009 7:48 PM	Historically, the NG has been capable of augmenting Civilian response forces and in the future will likely be able to sustain the commitment
3	Dec 15, 2009 9:34 PM	Not active or needed in Delaware
4	Dec 16, 2009 2:25 AM	Yes, they are volunteers and are free help in a disaster/emergency situation,
5	Dec 16, 2009 7:50 PM	We don't have SDF.
6	Dec 17, 2009 4:19 PM	ORF is designated with Ready Reaction Force (RRF) designated as additional forces Leverages expertise through an organization that has significant numbers of retired military personnel
7	Dec 18, 2009 2:36 PM	That is what the constitutionally established Militia(i.e. today's National Guard) was created for
8	Dec 18, 2009 3:25 PM	

9	Dec 19, 2009 8:11 PM	National Guard Structure is currently sufficient for these responses.
10	Dec 20, 2009 3:22 AM	My State does not have State Defense Forces
11	Dec 21, 2009 1:37 PM	They often lack the standards and discipline necessary to operate within the state.
12	Dec 21, 2009 2:49 PM	This is necessary IOT maintain the local armory base at some acceptable level of operational capability....
13	Dec 22, 2009 12:50 PM	There are some DSCA Missions that the Indiana Guard Reserve can augment the INNG forces, i.e. County Liaison Officer, Point of Distribution workers.
14	Dec 22, 2009 8:45 PM	Force multiplier at low cost and high effectiveness
15	Dec 22, 2009 8:46 PM	Lack of training, capability and resources
16	Dec 22, 2009 10:50 PM	never had a shortage of NG personnel to work a mission.
17	Dec 23, 2009 2:58 PM	large national guard force
18	Dec 23, 2009 4:16 PM	Permits experienced personnel, former airmen and guardmen, to support surge requirements and backfill mobilized units and individuals.
19	Dec 23, 2009 11:53 PM	Lack of oversight, training, command and control; additional cost to taxpayers, liability to name a few.
20	Dec 24, 2009 12:35 AM	Yes, our State Guard is trained to fulfill our Liaison Officer requirements at our state and county Emergency Operation Centers as required.
21	Dec 25, 2009 2:52 AM	Currently this is not something we consider to be vital to our overall response capability. The value added is questionable in our State
22	Dec 28, 2009 6:30 PM	Due to limited manpower resources at the JFHQ

Do you believe that is necessary to have State Defense Forces to backup/augment the National Guard in your state/territory for emergency response missions?

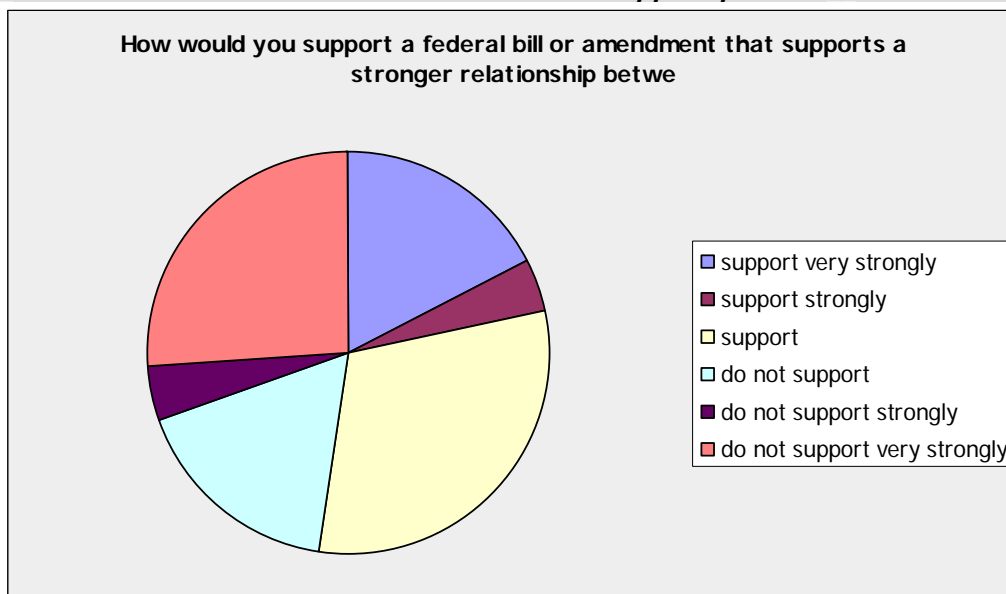


■ yes (if yes, why?)
■ no (if no, why not?)

National Guard State Emergency Response Survey

How would you support a federal bill or amendment that supports a stronger relationship between the Department of Defense and State Defense Forces, such as DoD support and training, authorization to allow SDFs to use DoD property and equipment, and authorization to allow State Defense Forces to receive surplus DoD equipment—all at no cost to DoD?

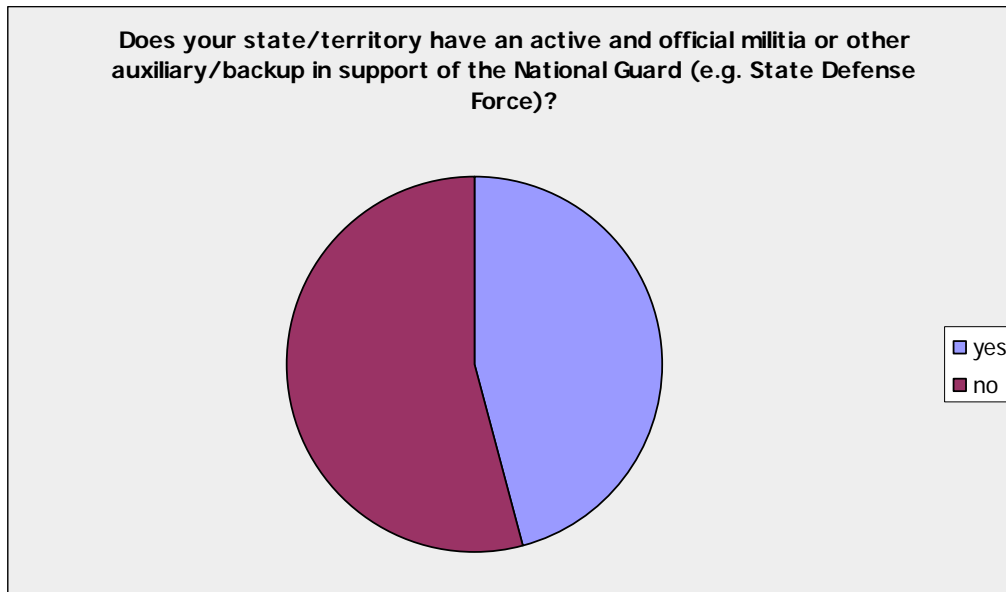
Answer Options	Response Percent	Response Count
support very strongly	17.4%	4
support strongly	4.3%	1
support	30.4%	7
do not support	17.4%	4
do not support strongly	4.3%	1
do not support very strongly	26.1%	6
<i>answered question</i>		23
<i>skipped question</i>		7



National Guard State Emergency Response Survey

Does your state/territory have an active and official militia or other auxiliary/backup in support of the National Guard (e.g. State Defense Force)?

Answer Options	Response Percent	Response Count
yes	45.8%	11
no	54.2%	13
<i>answered question</i>		24
<i>skipped question</i>		6

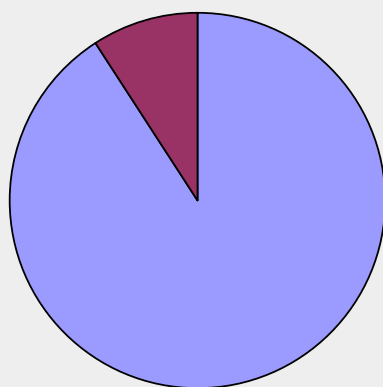


National Guard State Emergency Response Survey

Does your state/territory emergency response plan include the use of the State Defense Force in support of your National Guard for emergency response?

Answer Options	Response Percent	Response Count
yes	90.9%	10
no	9.1%	1
<i>answered question</i>		11
<i>skipped question</i>		19

Does your state/territory emergency response plan include the use of the State Defense Force in support of your National Guard for emergency response?



■ yes
■ no

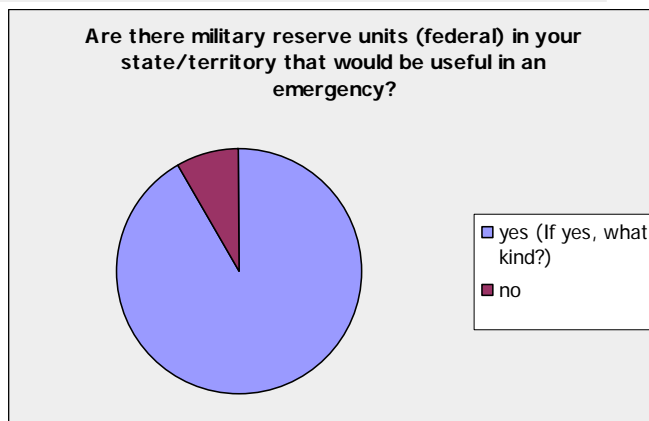
National Guard State Emergency Response Survey

Are there military reserve units (federal) in your state/territory that would be useful in an emergency?

Answer Options	Response Percent	Response Count
yes (If yes, what kind?)	91.7%	22
no	8.3%	2
If yes, what kind of units or capabilities or units (e.g. medical, military police, engineering, water purification, aviation, etc)		20
answered question		24
skipped question		6

Number	Response Date	If yes, what kind of units or capabilities or units (e.g. medical, military police, engineering, water purification, aviation, etc)
1	Dec 15, 2009 3:48 PM	Med/Trans
2	Dec 15, 2009 7:51 PM	MP. Medical, transportation
3	Dec 15, 2009 9:34 PM	Army, Navy, Air Force and Marine Reserve forces
4	Dec 16, 2009 7:52 PM	Various Army, Navy, & Marine units; capabilities include engineering.
5	Dec 17, 2009 4:30 PM	Civil Affairs, Transportation, Postal, Engineer, NBC
6	Dec 18, 2009 2:38 PM	Limited engineering
7	Dec 19, 2009 8:11 PM	Water purification and general response
8	Dec 20, 2009 3:25 AM	USAR, USAFR, USCGR, USNR
9	Dec 21, 2009 1:40 PM	Transportation and medical units.
10	Dec 21, 2009 2:54 PM	Engineers, Transportation, and Medical

11	Dec 22, 2009 12:54 PM	The Reserve Forces could possess these capabilities based on a Type 1 or 2 Incident where the State of Indiana National Guard would anticipate gaps in their capabilities: Air Refueling Engineering Company/Detachments/Platoon Chemical Company Communications Company/Detachments Medical Company/Detachments/Group
12	Dec 22, 2009 8:48 PM	USAF, USMC, AUS, USN Reserve units including EPLOs
13	Dec 22, 2009 8:59 PM	Engineer, Medical, Military police, Civil Affairs
14	Dec 22, 2009 10:50 PM	engineer, military police, transportation.
15	Dec 23, 2009 3:01 PM	general purpose forces
16	Dec 23, 2009 7:04 PM	USAR Ribbon Bridge CO--all others have no equipment to speak of
17	Dec 23, 2009 11:59 PM	CH-47, Medical
18	Dec 24, 2009 12:37 AM	Maritime \ Chemical (Decon)
19	Dec 25, 2009 2:53 AM	Hospital and transportation Assets.
20	Dec 28, 2009 6:32 PM	Navy CB's, USMC General Purpose forces, Navy Special Warfare Boat units, USAR General Purpose Forces, AF C-17's, C-130's, C5 and KC 135

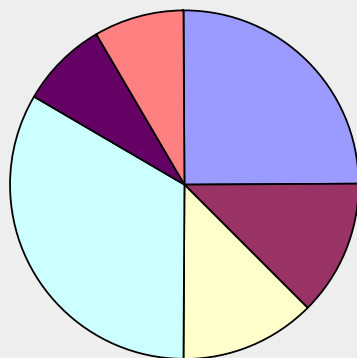


National Guard State Emergency Response Survey

How would you support a new <i>state approach</i> to emergency response, positioning a non-deployable Title 32 National Guard organization in each state/territory dedicated to emergency response, similar to the Civil Support Team concept?

Answer Options	Response Percent	Response Count
support very strongly	25.0%	6
support strongly	12.5%	3
support	12.5%	3
do not support	33.3%	8
do not support strongly	8.3%	2
do not support very strongly	8.3%	2
<i>answered question</i>		24
<i>skipped question</i>		6

How would you support a new <i>state approach</i> to emergency response, positioning a non-deployable title 32 National Guard organization in each state/territory dedicated to emergency response, similar to the Civil Support Team concept?

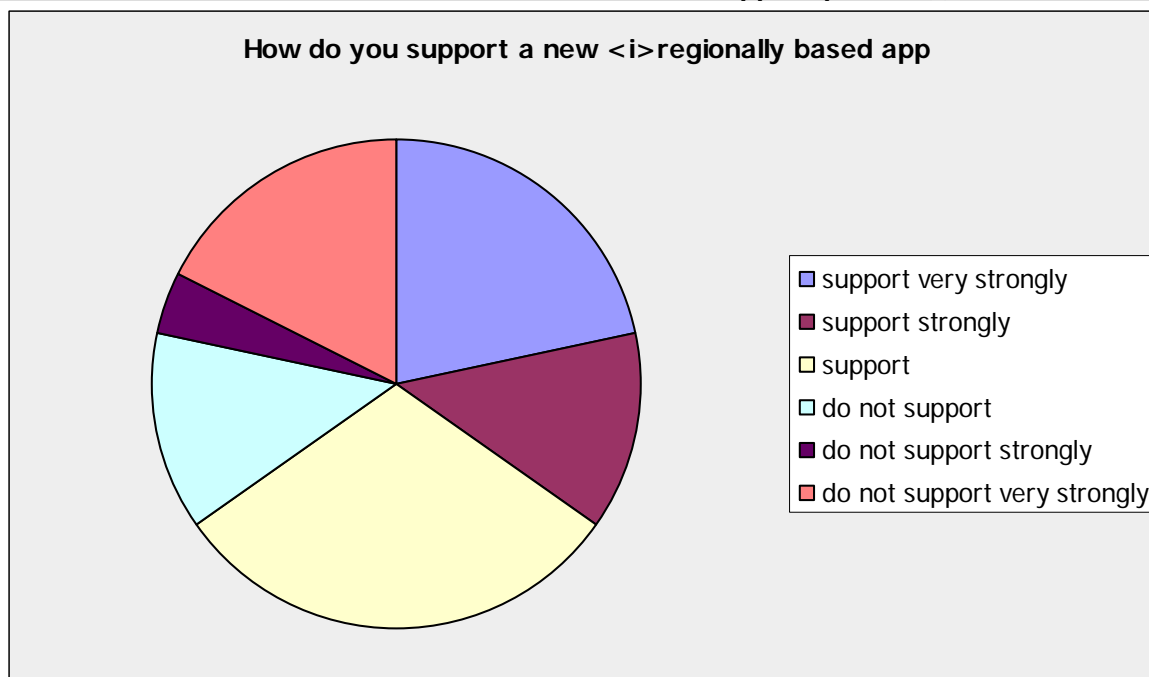


- support very strongly
- support strongly
- support
- do not support
- do not support strongly
- do not support very strongly

National Guard State Emergency Response Survey

How do you support a new *regionally based approach* to emergency response, where specific National Guard operational organizations and assets dedicated to emergency response are located throughout the various states within each of the 10 FEMA regions? Under this concept, units are placed on a rotating one-year, quick reaction status, but would not be eligible for overseas deployment during their year. In peacetime they would work for their own state governors, but in an emergency they could deploy and work for any governor in the impacted region.

Answer Options	Response Percent	Response Count
support very strongly	21.7%	5
support strongly	13.0%	3
support	30.4%	7
do not support	13.0%	3
do not support strongly	4.3%	1
do not support very strongly	17.4%	4
<i>answered question</i>		23
<i>skipped question</i>		7



National Guard State Emergency Response Survey

What types of military units (e.g. medical, military police, engineering, water purification, aviation, etc) are of most value for your state's/territory's emergency response mission (list in order of preference with 1 as the most valuable)?

Answer Options	Response Percent	Response Count
1	100.0%	23
2	100.0%	23
3	100.0%	23
4	100.0%	23
5	82.6%	19
<i>answered question</i>		23
<i>skipped question</i>		7

Num ber	Response Date	1	2	3	4	5
1	Dec 15, 2009 3:48 PM	AVN	MP	MED	EN	H2O
2	Dec 15, 2009 7:51 PM	Aviation	Medical Air Med Evac (fixed and rotary)	MP	Maneuver	Engineer
3	Dec 15, 2009 9:34 PM	MP/SF		Transportation	Engineers (H)	Signal
4	Dec 16, 2009 2:31 AM	Military Police	Aviation	Engineers	Infantry (multipurpose soldiers)	
5	Dec 16, 2009 7:52 PM	Aviation	Engineering	MP	Medical	CST
6	Dec 17, 2009 4:30 PM	military police	infantry	armor	transportation	maintenance
7	Dec 18, 2009 2:38 PM	Engineering	Military Police / Security Forces	Transportation	Aviation	Communications troop command
8	Dec 18, 2009 3:34 PM	engineering	medical	aviation	signal	Water Purification
9	Dec 19, 2009 8:11 PM	Aviation	Engineering	Military Police	Transportation	
10	Dec 20, 2009	Engineer	Infantry	Medical	Signal	

	2009					
	3:25 AM					
	Dec 21, 2009					
11	1:40 PM	Transportation	Aviation	Military Police	Command and Control	General Purpose Water Purification
12	2:54 PM	Aviation	Military Police	Medical	Transportation	
	Dec 22, 2009					
	12:54 PM	Engineer	Transportation	Aviation	Military Police	Communications
14	8:48 PM	Aviation	Medical	Communication	Logistics/Transportation	
15	8:59 PM	Transportation	Engineers	Military Police	Infantry	Logistics
	Dec 22, 2009					
	10:50 PM	aviation	infantry/MP	transportation	engineers	communications
17	3:01 PM	Engineering	Aviation - rotary wing Engineer_____	medical Signal/Commo_____	general purpose Medical	Military Police
18	4:17 PM	Aviation	—	—	—	—
19	7:04 PM	aviation	engineer	military police	infantry brigade	ANG JISCC
	Dec 23, 2009					
	11:59 PM	Aviation	Prefer to speak in capabilities: traffic control	transportation	communications	c2
21	12:37 AM	Aviation	Communications	Combat Arms (Man Power)	Medical	Engineering
22	2:53 AM	Aviation	Engineers	Medical	Utility Troops (INF, FA, AR etc)	Transportation
	Dec 25, 2009					
	2:53 AM	Aviation Battalions medium lift and heavy lift Company	Civil Support Teams	Military Police Battalion	General Purpose Combat Arms Battalions	Engineer Battalion (CERFP)
23	6:32 PM					
	Dec 28, 2009					

National Guard State Emergency Response Survey

What types of equipment (e.g. Humvees, generators, forklift trucks, helicopters, fixed wing aircraft, heavy lifter trucks, communications equipment, etc) are of most value to your state's/territory's emergency response mission (list in order of preference with 1 as the most valuable)?

Answer Options	Response Percent	Response Count
1	100.0%	23
2	100.0%	23
3	95.7%	22
4	91.3%	21
5	82.6%	19
<i>answered question</i>		23
<i>skipped question</i>		7

N u m b e r	Response Date	1	2	3	4	5
1	Dec 15, 2009 3:48 PM	Helo	Comms	Humvees	Forklift trucks	Fixed Wing
2	Dec 15, 2009 7:51 PM	Helicopters	Interoperable Communications	HMMWVs	FMTVs	Generators
3	Dec 15, 2009 9:34 PM	HMMWV	FMTV	Fixed Wing	Rotary Wing	Generators
4	Dec 16, 2009 2:31 AM	Communications	Helicopters	Generators	Heavy Trucks ground transpo assets / high-wheeled vehicles	Humvees
5	Dec 16, 2009 7:52 PM	Rotary Wing Aviation	Engineer Equipment: dozers, loaders, dumps, etc.	Commo Equip		CST
6	Dec 17, 2009 4:30 PM	HEMMET	LMTV	HMMWV	helicopter	communications
7	Dec 18, 2009	Engineering	Transportation	Aviation	Communication	Medical

	2:38 PM Dec 18, 2009					
8	3:34 PM Dec 19, 2009	high mobility vehicle	humvee	fixed wing	helicopter	comm (JISCC)
9	8:11 PM Dec 20, 2009	Communicatio ns	Helicopters	Front End Loaders	Dump Trucks	High water/clear ance trucks (5 ton)
10	3:25 AM Dec 21, 2009	Rolling Stock High Water Vehicles (HUMMWV, 5 T, etc)	Comm equipment			
11	1:40 PM Dec 21, 2009		Helicopters	Communi cations	Fixed Wing Aircraft	Forklifts
12	2:54 PM Dec 22, 2009	Rotary Wing Aircraft	Humvees	Generato rs	Forklifts	Water Purification Equipment
13	12:54 PM Dec 22, 2009	Aviation	Transportation	Engineer Equipme nt	Communication	
14	8:48 PM Dec 22, 2009	Communicatio ns	Rotary Wing aircraft	Fixed Wing aircraft		
15	8:59 PM Dec 22, 2009	Prime Movers	Humvees	End loaders	Dump trucks	Communcat ions
16	10:50 PM Dec 23, 2009	generators	helicopters	Humvees /LMTV	heavy truck	communicat ions
17	3:01 PM Dec 23, 2009	heavy engineer equipment	wheel vehicles	helicopte rs	medical	cominatio ns equipment
18	4:17 PM Dec 23, 2009	Helicopter Medium lift/SAR	Heavy Lift Trucks	Generato rs	Engineer Trucks & Heavy Movers	Communica tion
19	7:04 PM Dec 23, 2009	utility/observa tion helicopters	utility fixed wing	modern trucks/fm tv communi cations equipme	horizontal engineer equipment	JISCC
20	11:59	helicopters	Humvees		medium trucks	

	PM			nt		
	Dec 24,					
	2009					
	12:37					
21	AM	Helicopters	Communications	LMTVs	HMMWVs	Generators
	Dec 25,					
	2009			Heavy		
	2:53			EN		
22	AM	Helicopters	HUMMV	EQUIP	5 Ton Trucks	NTV's
	Dec 28,					
	2009			Medium		
	6:32			Lift		
23	PM	UH-60 and CH-47 Aircraft	C-130 , C-12, C- 23 , C-27	trucks	Communication s	Engineering Equipment

National Guard State Emergency Response Survey

Add any additional comments that you feel are relevant:	
Answer Options	Response Count
	4
<i>answered question</i>	4
<i>skipped question</i>	26

Number	Response Date	Response Text
1	Dec 21, 2009 2:55 PM	Current Emergency Management planning and deployment cycles are acceptable given the efforts put into refining the EMAC process. More of the prioritized equipment list O/H or accessible would always help.... General focus should be on warfighting skills.....they are what make us effective in anything less than war (ie. domestic/crisis response).
2	Dec 22, 2009 9:02 PM	Exceptions are special CBRNE units (CST). Need Civil Affairs capability in NG.
3	Dec 23, 2009 3:02 PM	none
4	Dec 24, 2009 12:38 AM	for regionally based approach to emergency response: How do you fit this into the deployment cycle? When a unit comes back from a deployment there is great disruption in the C2 of the entire structure, that is not the time to make them responsible for Domestic Operations. Once you assign a unit this mission – wherever they are in the deployment cycle – it takes them time to get into the right mind-set and trained properly – the gap would be too great and reduce everyone's safety.

APPENDIX L

ADJUTANT GENERAL CONTACT INFORMATION

State	Rank	First	Last	Address	City	State	Phone
AK	Maj Gen	Thomas	Katkus	PO Box 5800	Ft. Richardson	AK	(907) 428-6007
AL	MG	A.C.	Blalock	PO Box 3711	Montgomery	AL	(334) 271-7200
AR	MG	William D.	Wofford	Camp Robinson	N. Little Rock	AR	(501) 212-5001
AZ	MG	Hugo E.	Salazar	5636 E. McDowell Road	Phoenix	AZ	(602) 267-2710
CA	MG	William H.	Wade	PO Box 269101	Sacramento	CA	(916) 854-3500
CO	Maj Gen	H. Michael	Edwards	6848 S. Revere Parkway	Centennial	CO	(720) 250-1500
CT	Maj Gen	Thaddeus J.	Martin	360 Broad Street	Hartford	CT	(860) 524-4953
DC	MG	Errol R.	Schwartz	2001 E. Capitol Street	Washington	DC	(202) 685-9798
DE	MG	Francis D.	Vavala	First Regiment Road	Wilmington	DE	(302) 326-7001
FL	Maj Gen	Douglas	Burnett	PO Box 1008	St. Augustine	FL	(904) 823-0101
GA	MG	Terry	Nesbitt	PO Box 1970	Atlanta	GA	(678) 569-6001
GU	MG	Donald J.	Goldhorn	430 Army Drive, Bldg. 300	Barrigada	GU	(671) 735-0406
HI	MG	Robert G.F.	Lee	3949 Diamond Head Road	Honolulu	HI	(808) 733-4246
IA	BG	Timothy E.	Orr	7105 NW 70th Avenue	Johnston	IA	(515) 252-4211
ID	MG	Lawrence F.	Lafrenz	4040 W. Guard Street	Boise	ID	(208) 422-5242
IL	MG	William L.	Enyart	1301 N. MacArthur Blvd	Springfield	IL	(217) 761-3500
IN	MG	R. Martin	Umbarger	2002 S. Holt Road	Indianapolis	IN	(317) 247-3559
KS	Maj Gen	Tod M.	Bunting	2800 SW Topeka Boulevard	Topeka	KS	(785) 274-1001
KY	Maj Gen (KY)	Edward W.	Tonini	100 Minuteman Parkway	Frankfort	KY	(502) 607-1558
LA	MG	Bennett C.	Landreneau	304 F Street	Pineville	LA	(318) 641-3858
MA	MG (MA)	Joseph C.	Carter	50 Maple Street	Milford	MA	(508) 233-6552
MD	BG (MD)	James A.	Adkins	5th Regiment Armory	Baltimore	MD	(410) 576-6097
ME	MG	John W.	Libby	Camp Keyes	Augusta	ME	(207) 626-4271
MI	Maj Gen	Thomas G.	Cutler	3411 N. MLK Blvd.	Lansing	MI	(517) 481-8083
MN	MG	Larry W.	Shellito	20 W. 12th Street	St. Paul	MN	(651) 268-8924
MO	BG	Stephen L.	Danner	2302 Militia Drive	Jefferson City	MO	(573) 638-9710
MS	MG MS)	William L.	Freeman	1410 Riverside Drive	Jackson	MS	(601) 313-6232
MT	BG (MT)	John E.	Walsh	PO Box 4789	Fort Harrison	MT	(406) 324-3010
NC	MG	William E.	Ingram	4105 Reedy Creek Road	Raleigh	NC	(919) 664-6101
ND	MG	David A.	Sprynczynatyk	PO Box 5511	Bismarck	ND	(701) 333-2001
NE	BG (NE)	Judd	Lyons	1300 Military Road	Lincoln	NE	(402) 309-7099
NH	BG	William	Reddel	4 Pembroke Road	Concord	NH	(603) 225-1200
NJ	MG	Glenn K.	Rieth	101 Eggert Crossing Road	Lawrenceville	NJ	(609) 530-6957
NM	MG (NM)	Kenny C.	Montoya	47 Bataan Boulevard	Santa Fe	NM	(505) 474-1210
NV	BG	William R	Burks	2460 Fairview Drive	Carson City	NV	(775) 887-7302
NY	MG	Joseph J.	Taluto	330 Old Niskayuna Road	Latham	NY	(518) 786-4502
OH	MG	Gregory L.	Wayt	2825 W. Dublin Granville Road	Columbus	OH	(614) 336-7070
OK	MG	Myles L.	Deering	3501 Military Circle	Oklahoma City	OK	(405) 228-5201
OR	MG	Raymond F.	Rees	PO Box 14350	Salem	OR	(503) 584-3991
PA	MG	Jessica L.	Wright	Fort Indiantown Gap	Annaville	PA	(717) 861-8500
PR	BG (Ret)	Antonio J.	Vicens	PO Box 9023786	San Juan	PR	(787) 289-1631

RI	MG	Robert	Bray	645 New London Avenue	Cranston	RI	(401) 275-4102
SC	MG (Ret)	Stanhope S.	Spears	1 National Guard Road	Columbia	SC	(803) 806-4217
SD	Maj Gen	Steven R.	Doohen	2823 W Main Street	Rapid City	SD	(605) 737-6702
TN	MG	Gus L.	Hargett	PO Box 41502	Nashville	TN	(615) 313-3001
TX	MG	Jose	Mayorga	PO Box 5218	Austin	TX	(512) 782-5006
UT	MG	Brian L.	Tarbet	12953 S. Minuteman Drive	Draper	UT	(801) 432-4402
VA	Maj Gen	Robert B.	Newman	202 N. 9th Street	Richmond	VA	(804) 371-2526
VI	BG (VI)	Renaldo	Rivera	4031 LaGrande Princesse, Lot 1B	Christiansted	VI	(340) 712-7710
VT	Maj Gen	Michael D.	Dubie	789 Vermont National Guard Road	Colchester	VT	(802) 338-3124
WA	Maj Gen	Timothy J.	Lowenberg	1 Militia Drive, Building 1	Camp Murray	WA	(253) 512-8201
WI	Brig Gen (WI)	Donald	Dunbar	PO Box 8111	Madison	WI	(608) 242-3003
WV	MG	Allen E.	Tackett	1703 Coonskin Drive	Charleston	WV	(304) 561-6316
WY	MG	Edward L.	Wright	5500 Bishop Boulevard	Cheyenne	WY	(307) 772-5234