

THE ROLE OF STATE DEFENSE FORCES IN HOMELAND SECURITY¹

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

Among the various states, state defense forces are known by other names, including National Guard reserve, state guard, home guard, and state military forces. The generic term “state defense forces” will be used in this article.

State Defense Forces in the Twentieth Century

State defense forces served the Nation well during four major wars of the Twentieth Century. Many governors established state defense forces when their National Guards were placed on federal active duty for World War I, World War II, and the Korean War.

They were also formed during the Cold War in anticipation of the mobilization of the National Guard for a major conventional war in Europe. During these wars, Governors' responsibilities for disaster response and civil security did not end, and threats such as sabotage, enemy raids, and domestic disorders were more important than in peacetime.²

For these wars, the Congress enacted laws enabling the governors to establish and maintain state defense forces. The Constitution does not provide for state defense forces. Article I, Section 10 of the Constitution says “No state shall, without the consent of the Congress, . . .keep troops, or ships of war in time of peace . . .” During the preparedness period just prior to World War I, Congress for the first time

¹ A version of this article was previously published in U.S. Joint Forces Command's *The Joint Center For Operational Analysis Lessons Learned Bulletin* (December 2004).

² T. N. Dupuy, Grace Hayes, Bradley Chase, and Thomas Tulenko, *US Homeland Defense Forces Study*, Historical Evaluation and Research Organization, 1981.

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consented to having state defense forces in the event the National Guard was federalized. Section 61 of the National Defense Act of 1916 says: "No state shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed in this Act." Section 79 of the Act, however, says that when the National Guard is federalized, "there shall be immediately organized" reserve battalions of infantry or cavalry to constitute the fourth battalion of each regiment ordered to active duty.³

When the National Guard was federalized in 1916 and 1917 for World War I, several governors were reluctant to allow them to go because of the need for state troops to maintain civil security.⁴ As the war got underway, the Congress enacted on 14 June 1917 the Home Defense Act in response to the evident need for military forces to serve as state troops. The act established rules for federal support of the Home Guards and legitimated what had already been done *de facto* by some states. The act authorized the Secretary of War, during the emergency, to "issue from time to time to the several States and Territories and the District of Columbia for the equipment of such home guards having the character of State police or constabulary as may be organized under the direction of the governors of the several states..." The law gave specific permission to provide "rifles and ammunition, cartridge belts, haversacks, canteens, in limited amounts as available supplies will permit."⁵ By December 1917, there were Home Guard units in 42 states, and these units had an aggregate strength of about 100,000 men. After the war, some of the Home Guards were transferred to the National Guard, but most of the units were dissolved. The Home Guards were gone, but the need for organized military units to provide home defense was remembered when the Nation started preparing for World War II.

In World War II, state defense forces were organized in 46 states and Puerto Rico, with an aggregate strength of about 170,000 members. The National Defense Act of 1916 was modified in 1940 to provide a legal basis for these state troops and authorized support for them by the Secretary of War. State defense forces were intended to be "solely state forces, whose employment and composition were determined by the governors. Federal involvement was still intended to be indirect and limited. ...Training objectives would be prescribed by state authorities..."⁶ These state defense forces were used for four principal missions during the war: peacetime duties of the National Guard, full-time guard duty in coastal areas during the year after the attack on Pearl Harbor, auxiliary combat troops in the event of hostile invasion (1942-1944), and after March 1944, internal security against espionage, sabotage, and domestic disorders. At the end of World War II, laws permitting formation of state defense forces were rescinded, and the program was terminated. The National Security Act of 1947 made no provision for state defense forces.⁷ After valuable worthwhile service in World War II, the state defense forces disappeared as the National Guard was reconstituted to serve as state troops.

When National Guard units from several states were called up for federal service in the Korean War, action was taken to form state defense forces in some of those states. In August 1950, the National Guard Association sponsored legislation to allow cadres of state military forces to be maintained at all

³ Home Defense Forces Study, pp. 6-8

⁴ In this discussion, the term "state" also includes territories and the District of Columbia.

⁵ Quoted in Home Defense Forces Study, p. 10.

⁶ Home Defense Forces Study, p37.

⁷ Ibid. p. 83

times in addition to the National Guard. Despite Army objections to a provision of the bill that made the National Guard Bureau responsible for planning and coordinating the formation of these units, the bill was passed on 27 September 1950. Several states organized state military forces to replace mobilized National Guard units. The Army was preoccupied with avoiding defeat in Korea while creating an effective combat force in Germany and did little to support the internal security battalions that some of the states were forming. The result was that some states had these forces, and others did not. The program was not a great success, despite the initial enthusiasm and the need. When federal authority for state defense forces expired in September 1952, existing forces were disbanded and the state defense force program was lost to memory for thirty years.

In 1980 at the height of the Cold War, the state defense force program was revived to provide state troops for internal security in the event that the National Guard was mobilized. The war plan called for mobilization of the entire National Guard to augment the active forces in a global conventional war. In this event, the homeland would be left without adequate forces to preserve civil security in the event of sabotage, raids by Soviet Special Forces, or a nuclear attack. Few federal military personnel could be spared for domestic operations, and the National Guard would not be available to the governors. The states were encouraged to establish strong state defense forces. DOD agreed to provide from excess stocks the rifles, vehicles, uniforms, and radios the state defense forces would need for training and operations. Oversight of the revived state defense force program was assigned the National Guard Bureau. This program was a vital element of plans to protect the population against a massive Soviet nuclear attack and reconstitute society under civil rule in the aftermath of that attack. At the end of the Cold War in 1989, the state defense force program, along with many other programs designed to defend the homeland, was once again discarded.

State Defense Forces in the Global War on Terror

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

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

Police have the primary responsibility for maintaining law and order. They do this well in a daily basis and are generally able to manage major disasters and small attacks without extra help. For catastrophic

emergencies, however, the police are too few in number to do it by themselves and too bound to their own jurisdictions to reinforce other jurisdictions. There are about one million sworn police officers in the United States. A sworn police officer is authorized to arrest suspects and use deadly force if necessary to enforce the law. About 170,000 of these are employed by the federal government and during a catastrophic attack will be almost completely engaged in protecting their installations or working in their assigned field offices. About 770,000 officers are employed by local governments and will have their hands full in their localities during a widespread emergency. Only about 60,000 state police officers are available to reinforce local departments within their states in the event of a catastrophic attack. Police resources look large in the aggregate, but when divided by the fifty states, there are on the average only about 15,000 local officers and 1,200 state officers per state. Police departments are much larger in major metropolitan areas and much smaller than the average in rural areas, but in catastrophic attacks that affect large areas in several states simultaneously, there will not be enough police officers to do what has to be done. Since lateral reinforcement is not feasible when all adjacent areas are involved, the only source of augmentation for local departments will be from the states, which have the fewest resources.

When local and state police are unable to manage an emergency, the governors—who are responsible for maintaining law and order in their states—call on the National Guard to augment the police forces. In present circumstances, however, the National Guard alone may not have sufficient additional capability to meet the needs of the governors during catastrophic terrorist attacks. Although there are no authoritative estimates of police and troops required to deal with catastrophic emergencies, the demand for armed troops is likely to be greater than that experienced before because of the use of weapons of mass destruction.⁸ Furthermore, as noted earlier, not all of the National Guard units in a state will be available to the governors because many National Guard units will be on federal active duty. The DOD policy is to allow half of each state's National Guard to remain available for the governors. Even at full strength of 458,000 (350,000 in the Army National Guard and 108,000 in the Air National Guard) the National Guard provides only about 9,000 military troops per state on the average. Anticipating that half of the National Guard is on active duty, the states would fall short about 225,000 personnel from their full capabilities. That shortfall could be made up by having in each state a state defense forces equal in strength to the unavailable National Guard troops, or 225,000 members in the aggregate nationally.

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

⁸ This assertion is made on the basis of research to date. Current estimates of "requirements" are based on prior experience and do not include troops to maintain law and order during and after the attacks. The author welcomes rebuttal to this assertion.

The Value of State Defense Forces

State defense forces are a low-cost, effective way to increase the Nation's capability to deal with catastrophic terrorist attacks. States are authorized by Title 32 USC Section 109 to form such military forces. In order to be legitimate military forces, they must be formed in accordance with the constitutions and laws of the respective states, serve under the governors, and be commanded by the adjutants general of the states. The state defense forces are composed entirely of volunteers who train without pay and often perform their emergency duties without pay. Administrative costs are borne entirely by the states. Even in the absence of a catastrophic attack, they provide governors additional troops to manage lesser emergencies. During and after the attacks of September 11, 2001, the New York State Guard was pressed into service to provide security and assist in dealing with the attack on New York City. State defense force units in other states were also called on to augment security at key installations. State defense forces in several southeastern states served during the hurricane season of 2004. They provide extra personnel that governors can use in time of need without calling for federal troops.

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

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

Facing the threat of terrorist attacks, it makes good sense to have strong and effective state defense forces. States with these forces should be encouraged to increase the strength and capabilities of their existing units to be about half of their National Guard strengths. States without these forces should be encouraged to form them. This program takes advantage of the propensity of Americans to volunteer and the availability of large numbers of retired and former service members who want to contribute to Homeland Security by putting their military training and experience to good use as members of the state defense forces. State defense forces can be a highly effective, yet low cost, addition to the Nation's defenses.

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