

FROM THE MAGAZINE

The Militia You've Never Heard Of

Underutilized state guards can help with homeland defense.

Adam Freedman

In the summer of 2004, military officials established a joint task force, with headquarters at the Seventh Regiment Armory on Park Avenue in Manhattan and a daunting mission: to ensure public safety as President George W. Bush, much of his cabinet, members of Congress, governors, and other assorted politicians converged on Madison Square Garden for the Republican National Convention. With New York City already on heightened terror alert, security would have to be tighter than ever. But the National Guard units that usually reinforce the police at such events were in short supply, having been heavily deployed to Afghanistan and Iraq.

Task-force members considered bringing in army regulars, but they scrapped that idea when they learned that there were locally based troops with specialized training in emergency response, including chemical, biological, and nuclear decontamination. These additional personnel belonged not to the New York National Guard but to the New York Guard—a state military force entirely separate from both the National Guard and the federal armed forces. The New York Guard's 56th Brigade was duly mobilized and, by all accounts, performed admirably.

The New York Guard is an example of a state defense force: a military organization authorized by federal law but created, controlled, and funded by each state. State defense forces, or "SDFs," assist with defense and disaster-recovery missions, but, unlike the National Guard, they cannot be deployed outside their home states. SDF units typically fall under the control of the state adjutant general—the same official

who commands the National Guard when it is in state service. As the Heritage Foundation put it in 2012, SDFs are “today’s modern state militias.”

It would be difficult to find any organization with a greater potential to strengthen America’s homeland security. Yet nearly 15 years into the War on Terror, the Pentagon has failed to encourage the growth of such forces, which exist in fewer than half the states. In an April 2014 report, the inspector general of the Department of Defense (DoD) rebuked senior officials for their “lack of attention and guidance” toward SDFs. In fact, military leaders appear to have systematically excluded SDFs from the broader North American defense framework. As a result, America is missing out on an “untapped asset,” the inspector general observed, which could provide “significant cost-effective contributions to the defense of the homeland.”

Federal law allows, but does not require, states to maintain their own defense forces, separate from the National Guard. Today, SDFs exist in 22 states and Puerto Rico. “State defense force” is a generic term; the official name is up to each governor. Forces are variously known as State Military Reserves, State Guards, State Military Forces, and, in Connecticut, the Governor’s Foot and Horse Guard Units. They range in size from ten members to 2,000; the New York Guard currently has about 550 members. Nationwide, some 14,000 men and women serve in SDFs—a modest but meaningful force to augment the 450,000 troops of the Army and Air National Guard.

State defense forces tend to attract former members of the National Guard or active-duty branches looking to extend their military service in a somewhat less demanding role. Not surprisingly, SDF membership skews old: in most states, the median age hovers between 45 and 60. But young recruits show up, too—like Lauren Guzman, a sergeant in the Texas State Guard who also happened to be crowned Miss Texas USA in 2014. State guard ranks also include doctors, lawyers, and engineers, for whom SDFs represent an attractive blend of pro bono service and patriotism. Training, drilling, and other routine tasks are all done on a volunteer basis. Members even buy their own uniforms. SDF troops get paid only when called into active duty by the governor—generally in cases of emergency.

New recruits typically must undergo introductory training—usually for one week, rather than the army’s nine-week basic training—and commit to a certain number of

mandatory training days. New York mandates a weeklong training every summer, while in California, SDF members must attend one drill day per month. Training generally focuses on emergency-management skills—for example, establishing food distribution centers after a disaster. Equipment is minimal: SDFs may get surplus military equipment from the state, but more often, they use assets belonging to the National Guard or other state agencies. Notwithstanding their status as a militia with an inherent right to “bear arms,” most SDFs don’t authorize their members to carry weapons.

SDFs undertake a wide variety of missions. In the immediate aftermath of the September 11 terrorist attacks, the New York Guard’s 244th Medical Detachment treated 844 patients, mostly at or around Ground Zero, while the New Jersey Naval Militia ferried rescue workers and transported evidence. Not long afterward, lawyers in the New York Guard began drafting wills and related documents for National Guardsmen deploying to Afghanistan. State forces have helped protect vital infrastructure, including nuclear power plants and the Alaskan oil pipeline. During natural disasters, including Hurricane Katrina, Superstorm Sandy, and the November 2014 blizzard in western New York, SDF troops set up food distribution centers, provided medical care, and assisted with other relief efforts.

SDFs, along with the National Guard, reflect the Constitution’s complicated solution to the problem of allocating military power in a federal republic. The Framers gave Congress power to raise a standing army—a power it lacked under the Articles of Confederation—but they also guaranteed to the states the right to maintain militias, as they had done since colonial times. Though militias were understood to be primarily state forces, Congress was given the power to “provide for the organizing, arming, and disciplining” of them. Moreover, the militia can be “called forth” into federal service, but for three purposes only: “to execute the laws of the Union, suppress Insurrections, and repel Invasions.”

The Militia Act of 1792 established a universal obligation for all able-bodied men aged 18 to 45 and suggested certain organizing principles for local forces, but it left implementation entirely to the states. Throughout the nineteenth century, militias were largely state-funded and frequently belittled by the regular army for their lack of professionalism. State militias eventually began calling themselves the “National Guard”—a moniker first adopted by New York’s militia in 1824. The National Guard

Association was formed in 1878 to lobby for recognition of the Guard as the nation's official "second line of defense." The Dick Act of 1903—named for Ohio congressman Charles W. Dick—provided for vastly increased federal funding for each state's "organized militia," which was officially designated as the "National Guard." For the first time, the federal government took an active role in organizing the militia, but the Guard remained available only for homeland missions.

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World War I fundamentally changed the National Guard—and created the need for SDFs. After war broke out in Europe, Congress amended the Dick Act to allow the president to draft guardsmen directly into the federal army. When the U.S. joined the war in the summer of 1917, President Woodrow Wilson immediately called the entire National Guard into federal service, using authority that Congress had granted him the previous year. In 1933, the National Guard gained permanent "dual status," meaning that all incoming guardsmen were (and still are) required to enlist simultaneously in their state guard and in the "National Guard of the United States," a reserve component of the U.S. Army.

With the entire National Guard mobilized for World War I, states were left with no internal security force except local police. Armories, bridges, reservoirs, and other infrastructure were left defenseless against the German saboteurs, who loomed large in the public imagination. Moreover, states no longer had additional manpower to assist in times of natural disaster. Some states created "Home Guards" to replace the departed National Guard units, a phenomenon that Congress quickly recognized in the Home Guard Act of 1917.

The Home Guards were disbanded after World War I but revived as "State Guards" in 1940, as the U.S. began preparing for another all-out war. Some 35 states would create such units. The California and Hawaii Guards remained on active coastal

defense throughout World War II. After the war, the State Guards were again disbanded, but demand for them soon resurfaced as the Korean War got under way. After some legislative twists and turns, Congress finally gave permanent approval to state defense forces in 1956.

For much of the Cold War, military officials ignored SDFs. In the 1980s, however, the Pentagon initiated a revival of state defense forces to assure domestic preparedness in the event of another mass mobilization of the National Guard. In 1987, the Department of Defense's National Guard Bureau issued regulation NGR 10-4 governing DoD interaction with state forces. The regulation called for the "highest degree of cooperation . . . between Federal and State officials concerned" and contemplated providing SDFs with surplus federal military equipment. The new model for state guards would be that of a "cadre force," that is, a force with only the top 10 to 15 percent of positions filled—the remaining ranks would be recruited as needed. On this footing, the new SDFs were small and have generally remained so, though their numbers surged after September 11.

While no major attacks on the homeland have occurred since then, the case for expanding SDFs remains compelling. The War on Terror has set a pattern of mass National Guard deployments on a scale not seen since the world wars—deployments that can have a crippling effect on state emergency preparedness. In 2004, for example, the *Washington Post* reported that 60 percent of Maine's Army National Guard was serving in Iraq and Afghanistan; in neighboring New Hampshire, the figure was 58 percent. "We're tapped," said that state's adjutant general. In Montana, half of the state's National Guard had been deployed along with ten of the 12 Blackhawk helicopters normally used to dump water on forest fires.

The Guard's absence has also left states and cities more vulnerable to terrorist attacks, such as last year's shooting in San Bernardino. Even before September 11, the U.S. Commission on National Security / 21st Century observed that terrorist strikes were most likely to occur when the U.S. was engaged in a conflict overseas—precisely the moment when National Guard units may find themselves far from home. The National Guard itself appears disinclined to emphasize its homeland-defense role. The National Guard Association has fought proposals to give the Guard principal responsibility for homeland security, on the grounds that the Guard's primary mission is to remain interoperable with the regular army and ready for immediate

deployment. The driving force behind that position appears to be the desire to maximize federal funding. As John Goheen, an association spokesman, explained: “If you’re not deployable, you’re not going to be funded.”

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Even with the withdrawal of most U.S. troops from Iraq and Afghanistan, the National Guard remains largely focused on its ability “to project land power anywhere our nation requires,” according to the Guard’s forward-looking 2017 Posture Statement. In the most recent fiscal year, Army Guard Special Forces soldiers deployed to 53 countries, while Guard airmen were deployed overseas more than 11,000 times. Continued instability in the Middle East and renewed terrorist threats could lead to additional National Guard mobilizations. Humanitarian crises, such as the 2015 earthquake in Nepal, will generate further international missions.

State defense forces are ideally suited to fill the gaps created by the National Guard’s frequent overseas commitments. Unlike the Guard, SDFs are exclusively focused on homeland security and can’t be sent off to war. Unlike federal forces, which can take days to arrive at the scene of a disaster, SDFs can mobilize quickly and possess valuable local knowledge. SDF leaders encourage members to get certified in emergency management and planning through courses offered by FEMA. The State Guard Association has packaged this training into a program that allows SDF personnel to earn a designation as a “Military Emergency Management Specialist.” The presence of citizen-soldiers with this level of competence can, according to an article in the U.S. Army War College journal *Parameters*, provide “a vital procedural bridge between the military forces, local first responders, and state and federal agencies responding to the crisis, as they can operate efficiently in both military and civilian environments.”

SDFs also show great potential in command, control, and communications—or “C3,” in military lingo. During an emergency, SDF personnel can easily integrate with a state’s military coordination site, known as a “joint operations center,” or the civilian version, known as an “emergency operations center.” The South Carolina State Guard has won praise for its mobile communications trailers, which can keep local, state, and federal agencies connected during emergencies. Similarly, the New York Guard maintains the state’s Military Emergency Radio Network. The ability to provide backup communication would prove invaluable in the event of a disaster on the scale of Hurricane Katrina, which wiped out some 2,000 cell towers.

Despite the strategic value of SDFs, the federal government’s approach to them has been indifferent at best and hostile at worst. In 2011, the National Guard Bureau issued a new version of regulation 10-4, which rescinded the earlier provisions calling for federal-state cooperation on SDFs. Whereas the 1987 language contemplated a federal role in overseeing and advising SDFs, the 2011 revision flatly declares that each state is “*solely responsible* for the establishment, organization, training, equipping, funding, management and employment of its SDF” (emphasis added). The new regulation warns National Guard units against providing any excess federal equipment to their sister SDFs and even forbids those units from spending any federal funds or using any federal equipment in “activities which have the primary purpose of training or otherwise supporting SDFs.” The State Guard Association lodged an official objection to these policy changes, aptly describing the new regulation as an attempt to “discourage the use of SDFs almost to the point of nullifying Constitutional and federal law provisions.”

The United States Northern Command (Northcom), the Pentagon’s unified structure for homeland defense, does not include SDFs in its plans, thus ignoring the existence of 14,000 loyal troops—many of them veterans—eager to contribute to national defense. The DoD has gone so far as to exclude SDFs from participating in Joint Force Headquarters, the state-based command centers used to coordinate both state and federal missions of the National Guard. Neither the National Guard nor any branch of the active-duty forces has conducted activities in support of SDFs for over a decade. The Pentagon’s inspector general points out that the National Guard Bureau’s “overly restrictive” policy toward SDFs leads to perverse consequences. The California SDF, for example, was not permitted to provide *volunteer* medical and dental services for its sister National Guard, lest federal funds be used to reimburse

expenses. As a result, the California National Guard was forced to contract with private providers, incurring far higher costs. SDF members are denied access to DoD information systems, though employees of civilian state agencies routinely enjoy the same access. SDF officers can't take courses of nonresident training at the U.S. Army Command and General Staff College—but officers of foreign armies can. Apparently unmoved by these anomalies, top Pentagon brass rejected the inspector general's proposals to allow SDFs greater interaction with federal forces.

Outside the DoD, however, advocates for SDFs have been working to build support for the modern state militias. One of the movement's leaders is Brigadier General Roland Candee, once the top lawyer in California's National Guard, who commanded that state's SDF (he is also a retired state court judge). Candee, who continues to work for the California Military Department, describes his goal modestly: to get the "DoD establishment to appreciate that SDFs can be a force multiplier." Among other things, that means that SDFs should be incorporated into Northcom's contingency plans.

Candee has prepared his own redraft of the National Guard Bureau's ill-considered regulation 10-4 as a tool to build political support for SDF-friendly policies. Candee's version contains common-sense provisions such as allowing SDF members to get reimbursed for their expenses when assisting in National Guard deployments and permitting SDF units to share facilities and training with the National Guard. In return for federal support, each SDF would be expected to train up to DoD standards and submit to inspection by Northcom at least every other year.

Another possible avenue for reform is congressional legislation. A 2009 House bill would have amended federal law to recognize SDFs as an "integral military component of the homeland security effort of the United States." It would also have allowed the DoD to coordinate missions with SDFs and to provide assistance, training, and surplus equipment to state forces. Though the bill has languished in Congress, it provides a template for legislators looking to boost homeland defense.

The states have to do their part, too. Existing SDFs should be expanded, and states that haven't established defense forces should do so. As in many states that already have SDFs, such forces should be organized as brigades of 3,000 to 5,000 personnel. At the heart of each SDF would be specialist units—engineering, medical, legal,

communications, and internal security—that leverage the expertise of the members.

Integrating SDFs into the nation’s defenses need not be an expensive proposition. Giving SDFs access to federally subsidized training or surplus equipment, for example, represents little incremental cost to the Treasury. Allowing SDFs to assist the National Guard in federal missions will save taxpayers money.

States will have to spend money to recruit, equip, and administer new or expanded SDFs, but that expenditure can come out of the funds currently devoted to the National Guard. In fiscal year 2016, the federal government will spend over \$25 billion on the Army and Air National Guard; surely, some of that money can be redirected to SDFs. The states themselves can reroute a portion of their National Guard spending toward SDFs, either as an alternative to federal funding or on a matching basis. According to most estimates, the states pick up about 5 percent of the Guard’s cost, which translates to roughly \$1.25 billion of state funding in fiscal year 2016. Federal law, however, does not dictate that states pay *any* particular percentage of Guard expenses. States could, therefore, decrease their National Guard budgets and increase their SDF budgets proportionately.

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National Guard leaders would, no doubt, resist any decrease in funding. Their objections would have little merit, though, since every dollar spent on SDFs helps to relieve the National Guard of part of its domestic mission, thus allowing it to focus on its role as a combat reserve. The current imbalance between the National Guard and SDFs is striking: New York spent almost \$30 million (not including federal funds) on the National Guard in 2013 but reportedly less than \$40,000 on the state guard. SDFs are cheap to maintain, and they contribute free manpower. A 2005 analysis documented only \$973,000 of state spending on such forces nationwide. A relatively modest shifting of resources would allow SDFs to expand recruitment, training, and

mobilization-support activities, providing far more bang for the buck than National Guard spending.

Beyond considerations of homeland security, another reason exists to expand SDFs: patriotism. The American militia tradition is based on the concept of the citizen-soldier, an individual who stands ready to defend his or her neighbors as a matter of civic duty. With the professionalization of the National Guard, however, that idea could be headed for extinction—and along with it, a vital connection between the armed forces and ordinary Americans. But this is not inevitable. According to General Stephen Bucaria, commander of the New York Guard, a “large pool” of citizens would like to serve their state in uniform but are deterred by the demands of today’s National Guard. For those individuals, SDFs offer a unique opportunity to participate in the nation’s common defense. For now, only the Pentagon stands in the way.

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Photo: During World War II, 35 states created guard units, enlisting Americans including former boxing champion Jack Dempsey (right). (BETTMANN/CORBIS)

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